

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DIPLOMA IN LAW

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MAIN EXAMINATION PAPER - DECEMBER 2013

TITLE OF PAPER	:	CONSTITUTIONAL LAW I
COURSE CODE	:	IDE-DL027
TIME	:	THREE (3) HOURS
INSTRUCTIONS	:	1. <u>ANSWER QUESTION 1</u>
		<u>AND</u>
		2. ANY OTHER THREE QUESTIONS
TOTAL MARKS	:	100

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QUESTION 1

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- A. Briefly discuss the constitutional law changes/developments in Swaziland from the 1960s to date.

[25 Marks]

OR

- B. State power needs to be controlled because it is easy for those in power positions to abuse it. Hence the saying that "*power corrupts and absolute power corrupts absolutely*" (Rousseau Jean-Jacques, Principles of Political Right, 1972). Briefly discuss the principles of absolutism. Does this exist in Swaziland?

[25 Marks]

QUESTION 2

With reference to relevant cases and the Constitution of the Kingdom of Swaziland July 2005, briefly discuss the following rights and corresponding limitations.

- a. The right to life. [15 Marks]
b. The right to a fair hearing. [10 Marks]

Total Marks [25 Marks]

QUESTION 3

Briefly discuss any Two of the following with reference to the basic principles and relevant case law.

- a. Unitary or federal constitutions [12 ½ Marks]
b. Rigid and flexible constitutions [12 ½ Marks]
c. Republican and monarchical constitutions [12 ½ Marks]

Total Marks [25 Marks]

QUESTION 4

- A. "Two points which are apt to obscure the concept of constitutionalism require to be cleared at the outset, and these concern its relationship, first with the constitution, and secondly, with democracy. No word is more susceptible of a variety

of tendentious interpretations than democracy, but perhaps the definition with the greatest universality of acceptance is that it is, in the words made classic by Abraham Lincoln, a government of the people by the people for the people". (Nwabueze 198:1).

From the above statements briefly discuss:

- a. Democracy and the fundamental elements of democracy. [15 Marks]
- b. The responsibility of citizens in a democratic society. [10 Marks]

Total Marks [25 Marks]

OR

B. Critically discuss the protection of freedom of assembly and association in Swaziland from the 1960s to date.

[25 Marks]

QUESTION 5

The Declaration of the Delhi (1959) described the Rule of Law as a dynamic concept.

Briefly discuss the following:

- a. The core elements of the rule of law. [10 Marks]
- b. State whether the rule of law exists in Swaziland. [15 Marks]

Total Marks [25 Marks]