

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
MAIN EXAMINATION PAPER, DECEMBER 2015.

TITLE: CONSTITUTIONAL LAW 1
COURSE CODE: DL027
TIME ALLOWED: THREE (3) HOURS.
INSTRUCTIONS: 1. THERE ARE FIVE QUESTIONS IN THIS
EXAMINATION PAPER AND FOUR
QUESTIONS MUST BE ANSWERED.
2. QUESTION ONE IS COMPULSORY AND
ALL QUESTIONS CARRY 25 MARKS
EACH.
TOTAL MARKS: 100

THIS PAPER SHOULD NOT BE OPENED UNTIL PERMISSION HAS
BEEN GIVEN BY THE INVIGILATOR.

QUESTION ONE (COMPULSORY)

The Republic of Utopia recently attained independence on the 25th of September, 2015 after a long period of colonial rule by the British. The country is divided into seven provinces and each province has a provincial government which is accountable to the central government at its headquarters, Utopia, the capital city of the country.

The people of the Republic of Utopia are not happy with the constitution that was imposed on them by the British government at independence. They wish to make their own autochthonous constitution, which will detail how they want to govern themselves. A Constitution Review Commission (CRC) has been given the task to review the independence constitution. You are the Attorney General of Utopia and you are given the task to advise the CRC on, amongst other things, the different classifications of constitutions. Give your detailed advice.

[20 marks]

Which classes of constitutions apply in the current context of Swaziland?

[5 marks]

[TOTAL: 25 MARKS]

QUESTION TWO

Constitutionalism requires that legitimate government should adhere to certain requirements in exercising its functions. What are these requirements?

[25 marks)]

QUESTION THREE

What does the doctrine of 'Parliamentary Sovereignty' as outlined by A.V. Dicey entail? To what extent is the doctrine applied in Swaziland?

[25 marks]

QUESTION FOUR

Discuss the methods by which fundamental rights are protected in Swaziland.

[20 marks]

What is democracy?

[5 marks]

[TOTAL: 25 MARKS]

QUESTION FIVE

5.1 What is "Responsible government?"

[5 marks]

Outline the main features of a responsible government.

[10 marks]

[TOTAL: 25 MARKS]