

**UNIVERSITY OF SWAZILAND**  
**INSTITUTE OF DISTANCE EDUCATION**  
**DEPARTMENT OF LAW**  
**SUPPLEMENTARY EXAMINATION PAPER, JULY 2016**

**TITLE OF PAPER : CONSTITUTIONAL LAW 1**

**COURSE NUMBER : 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 IS NOT TO BE OPENED UNTIL PERMISSION HAS BEEN GRANTED BY THE INVIGILATOR.**

### **QUESTION ONE [COMPULSORY QUESTION].**

The people of Mavukutfu Tinkhundla are aggrieved that their elected member of Parliament (MP) is never seen around the constituency anymore since his election to parliament. He is now a Cabinet Minister in the Ministry of Home Affairs. They are complaining that he had promised to erect proper infra-structure around the constituency should the people elect him to Parliament. Now that he is in Parliament, they hardly see him around save for his daily appearances on television, where he is seen opening water projects, new roads and many other development projects in other constituencies.

In a meeting held at the Tinkhundla centre, the people have sent a delegation of three people to go and find out from the MP if he is still their Member of Parliament or he is now representing the other constituencies that he is now seen on television rendering the services he had promised to them.

As a resident of the constituency and having studied Constitutional law, the three delegates approach you for advice concerning the functions of their MP in government.

Advise them on the doctrine of separation of powers and its key features. Further, brief them on the extent to which the doctrine applies in Swaziland.

[25 marks]

### **QUESTION TWO**

Outline the various classes of constitutions. What classification(s) apply in context of Swaziland? Give reasons for your answer.

[25 MARKS]

### **QUESTION THREE**

What is responsible a government? Outline the key features/elements of the doctrine of responsible government.

[25 marks]

### **QUESTION FOUR**

(a) What does the concept of fundamental rights entail?

[10 marks]

(b) How does a State guarantee human rights?

[15 marks]

**[TOTAL 25 MARKS]**

### **QUESTION FIVE**

(a) What are constitutional conventions?

[5 marks]

(b) How can conventions be distinguished from law?

[10 marks]

(c) Discuss three examples of constitutional conventions that you know.

[10 marks]

**[TOTAL 25 MARKS]**