

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
SUPPLEMENTARY EXAMINATION PAPER, JULY 2018.

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

The Republic of Tanibar 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, Taniberia, the capital city of the country.

The people of the Republic of Tanibar 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 Tanibar 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 2

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

[25 marks]

QUESTION 3

What does the doctrine of 'The Rule of Law as outlined by Montesqui entail? To what extent is this doctrine applied in Swaziland.

[25 marks]

QUESTION 4

(a) Define the doctrine of constitutionalism.

[10 marks]

(b) Outline in detail how the government of Swaziland carries out its various functions.

[15 marks]

TOTAL MARKS

[25 MARKS]

QUESTION 5

(a) Define the concept of Fundamental Rights.

[5Marks]

(b) Outline the key methods by which Fundamental Rights are protected in a democratic state.

[20Marks]

TOTAL MARKS

[25 MARKS]