

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
MAIN EXAMINATION PAPER, MAY, 2018.

TITLE: CONSTITUTIONAL LAW 11
COURSE CODE: DL028 (DIPLOMA)
TIME ALLOWED: THREE (3) HOURS.
INSTRUCTIONS: 1. THERE ARE FIVE QUESTIONS IN THIS
EXAMINATION PAPER AND FOUR
QUESTIONS MUST BE ANSWERED.
2. ALL QUESTIONS CARRY EQUAL MARKS
TOTAL MARKS: 100

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

QUESTION ONE

Constitutions of countries reflect the wishes and aspirations of people of that particular country. However, there are basic rules and principles which constitutions are expected to apply in a democratic state. Discuss these rules and principles.

[25 marks]

QUESTION TWO

Constitutionalism is the doctrine that governs the legitimacy of government action. Discuss the requirements of constitutionalism as laid down by this doctrine in the Westminster system of government.

[25 marks]

QUESTION THREE

Outline the reasons that precipitated the abrogation of the Independence constitution of Swaziland. State whether in your view the reasons were valid and in accordance with constitutional law principles.

[25 marks]

QUESTION FOUR

“The system of government for Swaziland is a democratic, participatory, tinkhundla based system which emphasizes devolution of state power from central government to tinkhundla areas and individual merit as a basis for election or appointment to public office.”

Would the tinkhundla system of government be significantly different if the constitution embraced political parties? Give reasons for your response.

[25 marks]

QUESTION FIVE

The Constitution of Swaziland Act no. 1 of 2005 is the Independence constitution re-incarnate. Do you agree with this statement? Critically evaluate the validity of this statement. You may support your answer with authorities.

[25 marks]