

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW

SUPPLEMENTARY EXAMINATION PAPER, JULY, 2018.

TITLE: CONSTITUTIONAL LAW 1
COURSE CODE: LAW 103
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 EQUAL MARKS.
TOTAL MARKS: 100

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

QUESTION ONE

The Republic of Utopia recently attained independence on the 25th of August, 2016 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, Utopianah, the capital city of the country.

The people of the Republic of Utopia are not happy with the Westminster Export Model 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 (as the indigenous people of Utopia), want to govern themselves. A Constitution Review Commission (CRC) has been set up and 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 to enable them to come up with a home-grown type of a constitution for the people of Utopia.

Give the CRC a detailed advice on, amongst other things, the various classifications of constitutions of the world. Specify also, the advantages and disadvantages (if any) of each class, and the class(s) that you recommend for Utopia.

[25 marks]

QUESTION TWO

Constitutions of countries should 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

or provisions. You may cite authorities.

[25 marks]

QUESTION THREE

Outline the methods by which Fundamental Human Rights can be incorporated into a country's legal system.

[25 marks]

QUESTION FOUR

What does the doctrine of "Parliamentary Sovereignty" as outlined by Professor A.V Dicey entail? To what extent is this doctrine an important element in constitutional law of a state.

[25 marks]

QUESTION FIVE

Define the following concepts:

- | | |
|--|-----------|
| (a) The federal system of government | (5 marks) |
| (b) Democracy | (5 marks) |
| (c) Fundamental Rights. | (5 marks) |
| (d) The Presidential system of Government. | (5 marks) |
| (e) Judicial review | (5 marks) |

TOTAL MARKS

[25 MARKS]