

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

TITLE: CONSTITUTIONAL LAW 1

COURSE CODE: **DL027 –DIPLOMA PROGRAMME**

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 1

The Kingdom of Mozania has recently gained independence from the United Kingdom in 2013. At independence, the country adopted a written constitution. This constitution was abrogated in 2015 following a military coup d'état. In 2017, there was a popular uprising in Mozania and the government was overthrown. The people of Mozania have decided to have a new constitution in the country which will reflect its history, aspirations, and ideals as a nation. To this end, a Constitutional Review Commission (CRC) has been appointed.

The CRC engages you as a Constitutional Law Expert, to advise on the nature of written constitutions that would be most suitable for a country that wishes to uphold democratic ideals. Give your detailed advice to the CRC.

[25 Marks]

QUESTION 2

(a) What is democracy?

[5 Marks]

(b) Outline the key features or characteristics of a democracy.

[15 Marks]

(c) Discuss the major role and responsibilities of a citizen in a democracy

[5 Marks]

TOTAL MARKS

[25 Marks]

QUESTION 3

Outline the various methods through which democratic states guarantees and protects human rights.

[25 marks]

QUESTION 4

What does the doctrine of The Rule of Law as outlined by A.V Dicey entail? To what extent is this doctrine applicable in the Kingdom of ESwatini.

[25 marks]

QUESTION 5

(a) Explain what a 'Responsible government is'. [10 marks]

(b) Outline the key features of a Responsible government.

[15 marks]

TOTAL MARKS

[25 MARKS]