

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW

SUPPLEMENTARY EXAMINATION PAPER, MAY, 2019.

TITLE: CONSTITUTIONAL LAW 11

COURSE CODE: **DL027-DIPLOMA PROGRAMME**

TIME ALLOWED: TWO (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
QUESTION CARRY 25 MARKS EACH.

TOTAL MARKS: 100

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

QUESTION 1

The People of Sandleni Inkhundla 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 under the Ministry of Home Affairs. The people are complaining that he had promised to erect proper infra-structure around the constituency should they elect him to Parliament. Now that he is in Parliament, they hardly see him around, save for his daily appearances in the media, where he is usually seen opening water projects, new roads and many other development projects in other constituencies.

In a meeting held at the Inkhundla Centre, the people have resolved to send a delegation of Five 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 seen in the media rendering the services he had promised to them.

As a resident of the Inkhundla, and having studied Constitutional law at the University of Swaziland, the five delegates decide to approach you first to seek enlightenment on the functions of members of Parliament in Swaziland.

Advise them on the constitutional role of the three arms of government. Can the people of Sandleni Inkhundla recall their Member of Parliament? Support your answer.

[25 Marks]

QUESTION 2

(a) What does the concept of 'Fundamental Rights entails?

[5Marks]

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

[20Marks]

TOTAL

[25 Marks]

QUESTION 3

(a) Define the term 'Sources of Law'.

[5 Marks]

(b) Identify the sources of Constitutional Law in general.

[10 Marks]

(c) Outline the sources of constitutional Law in the Kingdom of ESwatini.

[10 Marks]

TOTAL

[25 Marks]

QUESTION 4

The government of the Kingdom of ESwatini executes its functions through major wings or organs. Discuss how these organs carry out the government functions.

[25 Marks]

QUESTION 5

(a) Define the term Parliamentary Sovereignty.

[5 Marks]

(b) Explain why the courts apply the law as declared in statutes.

[5 Marks]

(c) Outline the meaning of the Rule of Law according to Dicey.

[15 Marks]

TOTAL

[25 Marks]