



GREAT ZIMBABWE UNIVERSITY
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HERBERT CHITEPO LAW SCHOOL
BACHELOR OF LAWS HONOURS DEGREE
LEVEL 2 SEMESTER 1
EXAMINATION QUESTION PAPER

MODULE CODE **LLB 212**
MODULE NARRATION **CONSTITUTIONAL LAW**
DATE **2024**
DURATION **3 HOURS**

INSTRUCTIONS TO CANDIDATES:

1. You are advised to read all instructions and questions carefully before attempting to answer any.
2. Answer **THREE** questions in all.
3. Answer **Question ONE**, which is compulsory, in section **A** and any **TWO** questions in section **B**.
4. You are advised to cite relevant authorities to support your answers.
5. Candidates are allowed to bring clean unannotated copies of the Constitution for use during examination
6. This paper is Three (3) pages long, including the cover page.

SECTION A [30 Marks] This section is compulsory

QUESTION 1.

The Kingdom of Zimunda recently attained independence on the 6th of September 2023 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, Lombard, the capital city of the country.

The people of Zimunda 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 Zimunda), want to govern themselves. A Constitution Review Commission (CRC) has been set up and given the task to review the independence Constitution.

- a) You are the Attorney General of Zimunda 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 Zimunda. **[15 MARKS]**
- b) Give the CRC 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(es) that you recommend for Zimunda. **[15 MARKS]**

Total: [30 MARKS]

SECTION B. [40 Marks] Answer any two Questions from this Section.

QUESTION 2.

In the *Cape Bar Council v JSC* 2012 (4) BCLR 406 (WCC), the court held that the „JSC serves a unique and crucial function in the South African judicial system“. In the light of this quote write an essay in which you critically discuss the purpose, composition and workings of the Judicial Services Commission in our Zimbabwean Constitution. **[20 MARKS]**

QUESTION 3.

- (a) Why should courts and unelected judges who staff them have the power to strike down the decisions of a democratic legislature and representative government? **[10 MARKS]**
- (b) Discuss the principle of the rule of law and explain the procedural and substantive components thereof. In your answer, identify current threats to the rule of law in Zimbabwe. **[10 MARKS]**

QUESTION 4

The doctrine of separation of powers is not a fixed or rigid constitutional doctrine. It is given expression in many different forms, and made subject to checks and balances of many kinds while democracy is a static concept that is not changeable. Critically analyse this statement.

[20MARKS]

TOTAL 70 MARKS
END OF QUESTION PAPER