



“Investing in Africa’s future”
COLLEGE OF BUSINESS, PEACE, LEADERSHIP, AND GOVERNANCE

NMPM 113: CONSTITUTIONAL LAW

END OF SECOND SEMESTER FINAL EXAMINATIONS

APRIL/MAY 2023

LECTURER: C. MUNGUMA

DURATION: 3 HOURS

INSTRUCTIONS

QUESTION 1 from **Section A** is **COMPULSORY** for all candidates

Answer any other **THREE** questions from **Section B**.

Marks allocated to each question are indicated in brackets at the end of the question.

Section A

This section is compulsory for all candidates.

Question 1

The Ruling Party in the state of Solferino (an imaginary African country) uses public resources and infrastructure such as schools, hospitals, colleges, and the like for its purposes during and towards election times. The president of the party uses army helicopters and vehicles for her political campaigns to garner public support.

Lately, the Legends Party which is the ruling party has been using school children. The party is also hosting its star rallies at rural schools and clinics on occasion. When such events take place, no lessons are held on the day of the rally and the preceding day since preparations will be going on at the venues. School furniture and other assets such as buses and Lorries are used during such rallies for free. School heads have no say on whether such meetings can be held at a chosen school or not. In fact, teachers are forced to contribute USD2 per member for each rally held in the district for refreshments of the party leaders on such occasions. During the rally school teachers would have the responsibility of ensuring that school kids behave well.

A day or two after such meetings school children will be so tired because of the performances they undertake leading to many of them missing school for 2 or so days. Those that bravely went to school after rallies mostly spent the day carrying general cleaning of the school campuses and returning furniture to classrooms.

School children from as young as five (5) in kindergarten all the way to secondary and college students are used in the following ways during the rallies:

- a) To provide entertainment to the people through reciting poems and singing songs that glorify the president and her husband and the Legends Party generally.
- b) Engaging in what has been termed provocative dances (where the pupils engage in erotic dances on stage).
- c) Running around the venues of the rallies (the so-called toy toying) shouting words of support for the president and the first gentleman.
- d) Chanting party slogans.
- e) Adorning the Legends Party regalia.
- f) Students and pupils sit on the ground when leaders address members.

Mr James a headmaster of a school where a rally was recently held has approached you seeking advice on the following:

1. Using the Zimbabwean constitution as a guideline what constitutional rights of the pupils were interfered with by the conduct of the Legends Party in the above scenario. Advise him fully [17marks]
2. Using the Zimbabwean constitution as a guideline what rights if any of school teachers were violated [8marks]

Section B

Answer any three questions from this section.

Question 2

- a) “The concept of separation of powers exists only on paper and is not observed in reality in Zimbabwe”. Discuss with reference to the constitution and practices in Zimbabwe [20marks]
- b) What are the differences between the Westminster parliamentary system and that of the United States of America [5marks]

Question 3

In Zimbabwe, Ministers are appointed by the President from sitting members of parliament. This arrangement has some weaknesses and flaws. You are required to discuss the challenges that this position poses (for ministers and members of parliament) in their performance of their functions as lawmakers and members of the executive. [25marks]

Question 4

- a) In line with the requirements of judicial independence as enshrined in section 164 of the constitution of Zimbabwe. Explain the importance of public interviews in the recruitment of judges in Zimbabwe. [20marks]
- b) What is counter- majoritarianism? [5marks]

Question 5

- a) How accountable are members of parliament to the electorate in the Zimbabwean constitutional framework? [15marks]
- b) Explain how parliament carries its oversight function in Zimbabwe [10marks]

Question 6

- a) The appointment process of Commissioners in Commissions supporting democracy (chapter 12 institutions) is largely the same in Zimbabwe. What are the weaknesses of that appointment process? [20marks]
- b) Briefly and in point form indicate some of the socio-economic rights that were opened for Africans at independence in Zimbabwe. [5marks]

END OF EXAMINATION

