



*“Investing in Africa’s future”*

**COLLEGE OF BUSINESS, PEACE, LEADERSHIP & GOVERNANCE**

**NMPM322: CONSTITUTIONAL LAW**

**END OF SECOND SEMESTER FINAL EXAMINATIONS**

**APRIL/MAY 2023**

**LECTURER: C. MUNGUMA**

**DURATION: 3 HOURS**

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**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 National Assembly and Senate recently passed the Judicial Laws Amendment Act without the requisite quorum as provided by the constitution of Zimbabwe, s137 thereof. When the bill was referred to the president he accepted it. The president has proceeded to sign the Bill into law. James a member of the opposition party and a Councilor for ward 19 in Mutare is aggrieved and believes that the Law in question is invalid. He has now taken his case to the High Court seeking the invalidation of the Judicial Laws Amendment. Discuss his chances of success in the legal suit he has launched. [20 marks]

b) What does the rule of law demand of members of the executive? [5marks]

## **Section B**

Answer any three questions from this section.

### **Question 2**

Explain the following constitutional principles:

- i) Rule of law
- ii) Judicial independence
- iii) Pluralism
- iv) Parliamentary sovereignty
- v) Direct democracy [25marks]

### **Question 3**

- a) In the context of judges what does the words security of tenure mean? [10marks]
- b) Judges have review power of the conduct or acts or the other arms of government (i.e. the executive and parliament). Discuss if this is justified by the constitution of Zimbabwe [15 marks].

### **Question 4**

Some commentators have asserted that the executive branch of government has too much power in Zimbabwe as compared to parliament. Analyze this sentiment. [25marks]

### **Question 5**

Parliament plays an oversight role in the implementation and application of policy in Zimbabwe. Explain how this oversight function is exercised and the weakness that are apparent in the model used in Zimbabwe. [25marks]

**Question 6**

With reference to any one Chapter 12 institution (Commission) of your choice in in Zimbabwe discuss whether the constitutional framework guarantees members of the Commission freedom:

- a) from political interference and
- b) financial autonomy in their operations.

[25marks]

**END OF PAPER**