



SCHOOL OF LAW
NLLLB101 INTRODUCTION TO LAW
END OF SECOND SEMESTER EXAMINATIONS

NOV/DEC 2023

LECTURER: C. MUNGUMA

DURATION: 3HRS

GENERAL INSTRUCTIONS TO CANDIDATES

1. Do NOT write your name on the answer sheet
2. QUESTION 1 from Part A is COMPULSORY for all candidates.
3. Answer any THREE questions from Part B.
4. Marks allocated to each question are indicated in brackets at the end of the question.

Part A (Compulsory to all candidates)

Sandy is a resident of Mutare. On the 1st of September 2022 Sandy was arrested in Masvingo for theft that occurred in the same province. The allegations against him were that Sandy stole the sum of \$15 000 from the National Parks office. Sandy is denying the allegations, his defence being that he was not in Masvingo at the time of the alleged theft. Rather he was at home in Mutare where he was celebrating the 5th birthday of his son. He claims he has a couple of witnesses that can vouch for his story including several five year olds who saw him at the party. Despite his claim, the police are proceeding with Sandy's prosecution and have served Sandy with summons to appear in court for theft.

- a) Which court has jurisdiction to try Sandy of the crime of theft in the above case? Justify your answer. [12marks]
- b) Tatenda a boy aged 25years of age and Joana a girl aged 24years of age married customarily in terms of the new Marriage Act. The marriage was solemnized by a chief in terms of the law. Five years after their marriage the parties have irreconcilable differences that centre on allegations of infidelity, abuse and cruelty. These allegations are made by both parties against each other. Explain the court that has jurisdiction to dissolve Tatenda and Joana's marriage. [8marks]
- c) "Lawyers are required by ethical rules of the profession to keep confidentiality". Explain what this mean? [5marks]

Part B

Answer any three questions of your choice in this section.

Question 2

Discuss the relationship between:

- (a) Law and morality
- (b) Law and justice
- (c) Law and politics [15marks]
- d) What is a legal right? Give 3 examples of legal rights. [5marks]
- e) What is the distinction between public and private law? [5marks]

Question 3

Since the colonial era Zimbabwe has applied general law and African customary law for the resolution of civil disputes between African citizens. In your view is this dual legal system a good development or a bad one? Support your answer fully. [25marks]

Question 4

- a) Discuss the weaknesses that are found in the legal aid system of Zimbabwe [18marks]
- b) Suggest three practical solutions to some of the weaknesses that you have identified above [7marks]

Question 5

- a) In a **civil trial** explain what is involved at the following stages of a trial:
- (i) Examination-in-chief
 - (ii) Cross examination
 - (iii) Re-examination [15marks]
- b) In a criminal trial, if a case is withdrawn after plea what verdict will a court return?
[8marks]
- c) In a civil action what pleading is filed by the plaintiff to commence an action?
[2marks]

Question 6

- a) Discuss four (4) sentences that a court can impose on a convicted person in Zimbabwe.
[20marks]
- b) Explain the role of the Magistrate Court in civil cases [5marks]

End of Paper