



“Investing in Africa’s future”

SCHOOL OF LAW

NLLB101: INTRODUCTION TO LAW

END OF FIRST SEMESTER FINAL EXAMINATIONS

NOV/DEC 2024

LECTURER: C. MUNGUMA

DURATION: 3 HRS

INSTRUCTIONS

QUESTION 1 is **COMPULSORY** for all candidates.

In addition to question 1, answer any **THREE** other questions from the paper.

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

SECTION A

THIS SECTION IS COMPULSORY

Question 1

The Mission of Christians is an international church with branches in Zimbabwe. During the colonial era, the church approached Chief Z and requested for land to build a church, hospital and secondary school. Authority was duly granted by the Chief. In terms of that agreement the church received 850 hectares of land in headman Dombo's territory under Chief Z. Subsequent to that and still during colonial rule, the church processed title deeds for its land in 1960. The title deeds for the land are still in existence to date. Over the years the Church built a primary and a secondary school on the land. These schools are well known in Zimbabwe for producing very good results in public examinations. In addition, the church has constructed a church and hospital on the land. It also has a school garden of 4 hectares at the mission site. Outside the area under effective use of the church there is also in excess of 400 hectares vacant land where no mission activity is being done.

Over the years the population of headman Dombo has been growing. As a result of land pressure, some unscrupulous village heads have for a fee resettled some villagers in land falling under the church. Over 150ha of land was thus occupied by the villagers. Initially the church did not mind this, only asking the settlers to attend the mission church as well as avoid 'pagan practices' while on the land. In the last 2 years, a massive invasion of the church land ensued, with some village heads allegedly behind the allocation of land. To make matters worse, some of the new settlers practiced non-Christian beliefs and would bring traditional healers to their family compounds, beat drums overnight and influence family members not to attend the Mission church or 'white men' church. These 'pagan practices' as well as the fact that nearly all the 400ha vacant land was gone led the church to approach the Chief for a resolution of the dispute. The church asked for the eviction of 110 families illegally settled on its land. The settlers denied being in the church land arguing that they had traditionally occupied the same pieces of land before colonization.

The Chief heard the dispute at his Community Court and carried out an inspection of the church boundaries and the alleged encroachments. As a result, the Chief Z decided that over 100 families were in the church's land while 10 families were not. In addition, the chief moved one boundary peg/beacon in land by 3kilometres on the basis that this would balance the interests of the Church and the community by allowing members of the local community to have somewhere to stay. The government surveying office or the local rural district council offices were not involved in the beacon movement. This movement of the boundary peg led to the 10 families mentioned above to fall outside the church's land, otherwise they would have fallen within the land. The Chief also unilaterally decided that of those 100 families found to be within the church's land they had to pay rentals of \$30 per month to the church if they wanted to continue to stay and use the land for farming. The Chief also ordered that the affected 100 families had to exclusively attend the Mission Church and avoid following African Traditional religion or practices as a condition of their stay on the land. Failure to comply with the set conditions, would allow the church to evict the families without further formality. Many

affected families are aggrieved by the Chief's decision while the Church is equally aggrieved that the Court granted an order it never sought from the Chief.

In light of the above facts answer the following questions:

- a) Assuming the Church or some affected families want to appeal against the decision of the Chief which court will they approach? Explain fully. **[5marks]**
- b) In your view, did the Chief's court as a community court have jurisdiction to entertain the above dispute? Discuss your position. **[10marks]**
- d) Assuming the court had jurisdiction in the matter, was the court (Chief) right in doing the following:
 - i) Ordering 100 families to stay on the land when the Church had prayed for an order evicting all illegal settlers? **[10marks]**
 - ii) Ordering the 100 families to exclusively attend the Mission church to the exclusion of other churches or religions? **[10marks]**
 - iii) Moving the boundary peg without the involvement of relevant government offices. **[5marks]**

SECTION B

ANSWER ANY THREE QUESTIONS FROM THIS SECTION

Question 2

Explain with the aid of examples the importance of the following sources of law in Zimbabwe:

- a) Statute law
- b) The constitution **[20marks]**

Question 3

- a) One key feature of the law unlike other rules is its ability to be enforced. Explain how **civil** law and **criminal** law are enforced in Zimbabwe. **[6marks]**
- b) Identify the respective levels and jurisdiction of magistrates in criminal cases. **[8marks]**
- c) Explain any three (3) ways by which a judgment of a civil court may be enforced in Zimbabwe **[6marks]**

Question 4

Explain the legal steps one can take to recover a debt in the magistrate civil court. You have to highlight the procedures that the plaintiff has to take until a judgment is obtained in court. **[20marks]**

Question 5

- a) What is civil imprisonment? **[5marks]**
- b) Many lay people believe that when a person is granted bail by a court that is the end of the criminal case and that accused persons arrested by the police must be placed in

custody indefinitely until their cases are finalised. Write a position paper defining and explaining the purpose and function of bail to the elders of your village/town.

[15marks]

Question 6

- a) What is the determining factor in deciding whether to use an action procedure or an application when commencing civil legal proceedings? **[6marks]**
- b) Jane has a tenant S, who has stayed in her house for 6 years. S has been a good tenant in terms of paying rentals. Of late S has been erratic in her payment of rentals, skipping weeks and sometimes months without paying. Jane is fed up and one morning brings T, a well-known bouncer to the house to evict S. T immediately removes S's property from the house and heaps it by the gate. He also warns S that if she tries to go back to the house she will be assaulted and her furniture destroyed. For good measure, T and Jane change the gate's locks as well as the house keys.
- I)** In your view did Jane and T act lawfully in handling the defaulting tenant S? Give reasons for your answer.

[8marks]

- II)** What steps should they have followed?

[6marks]

End of Paper