



SCHOOL OF LAW

NLLB104: CONSTITUTIONAL LAW

END OF SECOND SEMESTER EXAMINATIONS

APRIL 2025

LECTURER: DR LK MASEKESA

DURATION: 3 HRS

GENERAL INSTRUCTIONS TO CANDIDATES

1. Write legibly.
2. Answer **ALL** questions.
3. Refer to **RELEVANT** authorities to support your answers.
4. You may start with any question.

QUESTION 1

Is a supreme constitution and an inflexible constitution the same? Give reasons for your answer. **[10 Marks]**

QUESTION 2

(a) Identify any five (5) key differences that distinguish first-generation rights from second-generation rights. **[10 Marks]**

(b) Discuss whether, and to what extent, a juristic person can rely on the protection of the Declaration of Rights. For instance, can Talk-A-Lot, an independent newspaper, invoke the right to life and the right to freedom of expression? **[10 Marks]**

QUESTION 3

Discuss the concept of judicial independence, explaining its importance in a democratic society. **[25 Marks]**

QUESTION 4

(a) Lulu, a Form 3 student, asks you what happens after a Bill has been passed by both Houses of Parliament in accordance with the Fifth Schedule of the Constitution. In your response, explain the subsequent steps that take place in the legislative process. **[15 Marks]**

(b) Briefly discuss the role of the Judicial Service Commission (JSC) within the framework of the separation of powers doctrine. In your discussion, determine whether it falls within the legislative, executive, or judicial branches of government. Provide a reasoned explanation for your classification, citing relevant constitutional provisions or legal principles to support your answer. **[10 Marks]**

QUESTION 5

Discuss any five (5) approaches that may guide the interpretation of the Constitution. **[20 Marks]**

End of examination paper

