



ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW

DEPARTMENT OF PUBLIC LAW

EXAMINATION PAPER

COURSE CODE : LLB 203
COURSE TITLE : CONSTITUTIONAL LAW
DURATION : 3 Hours
DATE : 28 May 2019

INSTRUCTIONS TO CANDIDATES:

1. Answer four questions only.
2. Question ONE is compulsory. Answer three questions from section B.
3. Each question carries 25 Marks.
4. Start each question on a new page of your answer sheet.
5. Students may carry un-annotated copies of the 2013 Constitution into the exam.

SECTION A Question 1 is compulsory

Question 1

Following a massive drought and other economic problems affecting the whole country, the Bindura Municipality is suffering from a severe water crisis. Water is provided only for three hours on Mondays and Thursdays to every household or service providers and other critical institutions that use water daily. On 23 April 2019, a human rights organisation, Movement for Socio-Economic Rights Implementation (**MSERI**) filed an application in the Bindura High Court to compel the Municipality of Bindura to undertake certain actions that would ensure realisation of the right to water and the right to health. The application before the court requested the court to order Bindura Municipality:

- (i) To ensure uninterrupted provision of clean potable water to all registered and unregistered homes and residences under Bindura Municipality.
 - (ii) To conduct weekly tests of the water through a water cleanliness specialist from South Africa, recommended by an independent water treatment and quality panel
 - (iii) To ensure that all hospitals, schools, colleges, shopping malls, business centres and recreational centres are provided with safe water without and interruption.
 - (iv) To ensure that the Municipality shoulders all private costs incurred by persons for drilling of boreholes and purchasing of water in situations where the Municipality has failed to provide such water.
- (a) You have been hired as an advocate to write heads of argument for MSERI, and your main argument hinges on the state obligations in implementing socio-economic rights. Draft 2page long arguments in support of the application by the MSERI. **(15 marks)**
- (b) You have been hired by the Bindura Municipality to argue against the MSERI application. Write a one and half page arguments defending against the application. **(10 marks)**

Section B Answer three questions

Question 2

Describe and discuss the ways in which judicial independence has been provided for and safeguarded in the 2013 Constitution of Zimbabwe. Evaluate whether these protections of the judiciary are adequate to protect the judiciary from interferences by other organs **(25 marks)**

Question 3

Critically analyse two important and inter-related rights in the Constitution, illustrating how such rights are related. Your answer must describe the nature of the rights, its importance and its internal and external legislative limitations. **(25)**

Question 4

The subject of gender equality has proved to be source of controversy in Zimbabwe's constitutional and social history. Discuss the means and mechanisms established in the Constitution of Zimbabwe to address the problems related to this issue. Your answer must describe the historical and current problems that the constitution seeks to address. **(25 marks).**

Question 5

Critically analyse the relationship between the traditional leadership system and the modern state system in the Constitution of Zimbabwe. **(25 marks)**

Question 6.

Discuss the relationship and linkages between three independent commissions and the Executive in Zimbabwe's constitutional system. Your answer must highlight the specific historical context that justified the creation of the chosen independent commissions. **(25 marks).**