

# ZIMBABWE EZEKIEL MASHAUSHE ZUTU UNIVERSITY



---

FACULTY OF LAW

---

Department of Public law

Constitutional Law LLB203

## SUPPLEMENATRY EXAMINATION

January 2019

### Instructions

- (i) Answer any four questions from the six questions. Each question carries 25 marks.
- (ii) Students may bring into the exam un-annotated and clean copies of the Interpretation Act. Copies with notes inside shall not be allowed and may be confiscated. No student is allowed to share his/her copy with another.
- (iii) Number your answers accordingly.

### Question 1

Discuss the concept of judicial independence in relation to the appointment and tenure and removal of judges under the Constitution of Zimbabwe (25 marks)

### Question 2

Discuss the doctrine of separation of powers with reference to the provisions of the Constitution of Zimbabwe on the Legislature and the Executive. Your answer must illustrate the inter-relationships and independence of each organ from the other, making specific reference to the Constitution. (25 marks)

### Question 3

- (a) Outline and critically discuss the most important constitutional issues that arise from the case of *Madzimbamuto v Lardner Burke* [1968] 3 All ER 561 (20 marks)
- (b) Identify and illustrate the political connotations of the judgment (5 marks)

### Question 4

Amendments to both the Lancaster House and the 2013 Constitution illustrate the desire by the Executive to dominate other organs of state and government. Discuss this assertion, making reference to applicable constitutional amendments (25 marks)

### Question 5

Discuss the problems facing prosecutorial independence in Zimbabwe, making reference to the relationship between the Prosecutor-General and the Executive, and also the independence of public prosecutors from the Executive (25 marks)

### Question 6

Write brief notes on the following, making reference to the Constitution of Zimbabwe, where necessary:

- (a) Rule of law
- (b) Constitutional supremacy
- (c) Independent commissions
- (d) Gender equality
- (e) Limitation clause
- (f) Locus standi (25 marks)