



ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW

EXAMINATION PAPER

COURSE CODE : LLB102
COURSE TITLE : INTRODUCTION TO LAW
DURATION : 3 Hours
LEVEL : 1.1
DATE : 29 May 2019

INSTRUCTIONS TO CANDIDATES:

1. You are requested, in your own interests, to write legibly.
2. You are directed to use avoid using short hand and poor grammar.
3. This paper consists of FOUR (4) pages. Please ensure that you have all the pages.
4. Please note that you must answer questions from both Section A and B.
5. During the course of your answers, you must refer to any relevant case law, legal principles and legislation that may be applicable.
6. Please note that each answer must be answered on a new.
7. You are allowed to bring into the exam unannotated legislation. Students are not allowed to lend to or borrow from, each other any exam material during the duration of the exam
8. All cellular phones and electronic devices must be switched off during the duration of the exam. Failure to comply will lead to automatic disqualification.

SECTION A

ANSWER ANY FOUR QUESTIONS FROM SECTION A.

QUESTION 1

(a) “*Law is law regardless of its moral content*”

Do you agree? Justify your answer

(8marks)

(b) Discuss how customary law relates to morality giving examples (7 marks)

QUESTION 2

(a) Describe the hierarchy of the courts in Zimbabwe and the relationship (10 marks)

(b) Illustrate the role played by customary courts in the judicial system (5 marks)

QUESTION 3

Section 192 of the Constitution of Zimbabwe provides as follows:

“The law to be administered by the courts in Zimbabwe is the law that was in force on the effective date, as subsequently modified”

(a) Explain the meaning and implications of this provision. (8marks)

(b) Identify the relationship between the 2013 Constitution and the 1979 Lancaster House Constitution (7 marks)

QUESTION 4

(a) Describe the three arms of the state and their functions under the Constitution of Zimbabwe (8 marks)

(b) Illustrate the role played by each of the three arms in the law making process. (7 marks)

QUESTION 5

Discuss any 5 differences between criminal law and civil law in Zimbabwe. (8 marks)

(a) What is legal capacity and how does it relate to citizens in Zimbabwe. (4 marks)

(b) Explain Aquilius’ principle of *Actio Legis Aquiliae*

(3 marks)

QUESTION 6

(i) Explain the difference between each of the following:

(a) A ‘fused legal profession and a ‘divided’ legal profession

(3 marks)

(b) Adversarial and inquisitorial procedure

(3 marks)

(c) Cross examination and re-examination

(3 marks)

(d) Legal aid and legal representation

(3 marks)

(e) Domestic law and international law, giving examples

(3 marks)

SECTION B: ANSWER ANY TWO QUESTIONS

QUESTION 11

Critically discuss need and importance if any of the system of legal aid in Zimbabwe

(20 marks)

QUESTION 12

Discuss in detail the law making process in Zimbabwe

(20 marks)

QUESTION 13

Briefly discuss in chronological order the sentencing and monetary jurisdiction of the Magistrates' Courts in Zimbabwe.

(20 marks)

QUESTION 14

State the ratio decidendi in each of the following cases:

(a) Katekwe v Muchabaiwa 1984(2) ZLR 112

(b) Chihowa v Mangwende 1987 (1) ZLR 228

(c) Vareta v Vareta SC 26/1990

(d) Magaya v Magaya 1999 (1) ZLR 100 (S)

What do the above cases show about the development of customary law in Zimbabwe.

(20 marks)