

ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW

INTRODUCTION TO LAW (LLB102)

EXAMINATION

11 JUNE 2018

3 HOURS

Instructions

- (i) Answer two questions from section A. Each question carries 25 marks.
- (ii) Answer two questions from section B. Each question carries 25 marks.
- (iii) Students may bring into the exam un-annotated and clean texts of applicable legislation and the 2013 Zimbabwean Constitution. Copies with notes inside shall not be allowed and may be confiscated. No student can share his/her copy with another.
- (iv) Number your answers accordingly

NB: DO NOT TURN OVER THE QUESTION PAPER OR COMMENCE WRITING UNTIL INSTRUCTED TO DO SO.

Section A

Question 1

With the aid of relevant law-making processes and caselaw, discuss the assertion that Zimbabwe's legal system is founded on aspects of both positivism and natural law.

(25 marks)

Question 2

Discuss the relationship between the Executive and the Legislature in Zimbabwe's constitutional system. Your answer must focus on the law-making function, and the relationships arising from composition of each organ. **(25 marks)**

Section B

Answer One question only

Question 4

Jabulani is a farmer who practices horticulture on a 15-hectare farm granted to him by the government after the land reform programme in 2009. Since 2009, he has expanded his agricultural activities and utilizes almost every inch of his farm for production. In March 2017, Jabulani was approached by a certain political party seeking donations for its political activities in the area. As a man without interest in politics, and who did not want to be on the spotlight, Jabulani agreed to donate US\$10 000-00 to the party. In October 2017, Jabulani was accused by the district land officers of sponsoring political activities. In November 2017, he received a letter from the district cancelling his lease of land. The cancellation was without notice; it did not follow laid down procedures nor did it give Jabulani time to address the district or make arguments against the withdrawal of the lease. His land was going to be given to another person without any farming experience or background or resources. Jabulani is aggrieved and approaches you for advice.

- (a) Discuss and justify the procedural option between Appeal and Review that Jabulani must take and the requirements for such an option. **(10 marks)**

(b) Suppose Jabulani wishes to take his matter to the customary courts, and thereafter, to the Supreme Court. Discuss the jurisdictional issues that arise from such a route.

(7 marks)

(c) Discuss three forms of relief that could be granted by a competent court in the case of Jabulani, explaining the meaning of each relief. **(8 marks)**

Question 5

a. Briefly describe and distinguish the terms and concepts given below:

(i) Legal Positivism and Natural Law theory

(ii) Federal State and Unitary State

(iii) Common Law and Customary Law

(iv) Monarchy and Democracy

(16 marks)

b. Identify and discuss the role of the Judiciary in the law-making process **(9 marks)**

THE END