ST. AUGUSTINE UNIVERSITY OF TANZANIA
SCHOOL OF LAW

CONSTITUTIONAL LAW I
SLW 201

TUTORIAL QUESTIONS 2016/2017

Prepared by;
KATABARO, Jackson
Assistant Lecturer, SAUT-School of Law
jkatabaro@gmail.com

RULES OF ASSIGNMENT AND PRESENTATION, 2016

1. Every candidate shall have his or her own copy of the tutorial questions during the scheduled presentation hours
2. Each question carries ***15 MARKS***; Additional marks will be awarded on the use of case law and relevant law provisions and vibrant examples
3. Candidates shall research, sit, sign and appear for presentation on their respective assigned groups in accordance with the scheduled time.
4. The Group chair man shall report the absentees and the reasons thereto prior to the assigned presentation time. He/She have the right not to include non participants in the submitted paper.
5. The Course Coordinator reserves the right to assign questions to respective groups and to choose a candidate(s) to present the assigned question(s).
6. The class members have the rights to ask question (s) to the presenters in very end of the presentation
7. Plagiarism is extremely discouraged; any group found guilty of this offence shall be severely penalized. Candidates shall use foot notes style for referencing
8. The submitted paper shall be in the following format; Times new Roman, font 12, Space: 1.5 justified; page numbers (Bottom of page) ***MAXIMUM 6 PAGES*** excluding bibliography but including the top cover page.
9. In case of any difficulties, candidates may consult the course coordinator prior to the presentation date and in accordance with the consultation hours.
10. Failure to adhere to rule number 3&4 amount to a rebuttable presumption that the candidate (s) did not participate in a group discussion and hence subject to zero mark unless sufficient reasons are communicated thereto.
11. Late submission shall be subject to 5 marks deduction in ever exceeding day from the assigned date of submission.
12. Candidates shall submit their paper work not later than January 4th, 2016

TUTORIAL QUESTIONS

1. Sovereignty of the People is a song, a prominent song for rulers in Democratic African States; The ruled are invited to dance with limited steps, opportunely the rulers always dance the song with free and unlimited steps;

a) With vivid examples explain how the ruled dance this song in Tanzania, the viable guaranteed steps, limitations and pursuit to free dance.

b) Whether the ruled in the Republic of Kenya and Uganda dance the same way as it is in the United Republic of Kenya.

2. Separation of Powers is the open ended doctrine in Constitutional law framework, the basis of constitutionalism, rule of law and good governance. To that effect, and with vivid African examples explore;

a) How functionalism model of separation of powers harmonize executive and legislature

b) The negative impacts of connecting Article 4 of the Constitution of the United Republic of Tanzania with formalism model of separation of powers.

c) Viability of disconnecting Separation of powers and Parliamentary State Governance system

d) How functionalism model of separation of powers is the source of perpetual rival between parliamentary sovereignty and constitutional supremacy.

3. Describe the Constitution Government and Governance Structure in the United Republic of Tanzania. Be Guided by the Court of Appeal in S.M.Z vs. MACHANO KHAMIS ALI & 18 OTHERS[1] and write a legal opinion on the following issues;

a) Whether Tanzania adheres to Parliamentary or Presidential System of State Governance

b) Whether the Contemporary Tanzania State Structure is based on Union or Federal governance system

4. **"C**onstitutional Law classification framework is so dynamic; there is written un-codified constitution and unwritten uncodified constitution but also there is written codified constitution. Further, there written rigid constitution and unwritten flexible constitution."

a) Short-circuit the dynamic and harmonize the quoted statement hereinabove

b) Interlink the constitution classification hereinabove and the Forms of State Governance/ Structural governance in Africa.

[1] Criminal Application No 8 of 2000

PRESENTATION TIME LINE

Group No	Question No	Date of Submission Time		Date of Presentation	
1	4(a)	JANUARY 4TH 2016			
2					
3					
4	4(b)				
5					
6	2(d)				
7					
8	3(a)			January 5th 2016	
9					
10					
11	3(b)			January 5th 2016	
12					
13					
14					
15	1(a)				
16					
17					
18					
19	1(b)				
20					
21	2(a)				
22					
23	2(b)			January 5th 2016	
24					
25					
26	2(c)			January 5th 2016	
27					
28					