

CPD1501

(472341) October/November 2016

CITIZENSHIP, PUBLIC PARTICIPATION AND DEMOCRACY

Duration 2 Hours

100 Marks

EXAMINERS .

FIRST

SECOND

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PROF A SPIES

Closed book examination

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This examination question paper consists of FOUR (4) pages.

PLEASE PAY CAREFUL ATTENTION TO THE FOLLOWING INSTRUCTIONS:

- 1. ANSWER ALL FOUR QUESTIONS DO NOT SEPARATE THE SUBSECTIONS OF A QUESTION**
- 2. QUESTION 1 MUST BE ANSWERED ON A SEPARATE MARK-READING SHEET.**
- 3. ANSWER EACH QUESTION ACCORDING TO THE MARKS ALLOCATED TO IT.**
- 4. REFER TO RELEVANT CASE LAW WHERE APPLICABLE.**

TURN OVER

QUESTION 1**PLEASE SELECT THE CORRECT ANSWER.**

- 1 Constitutionalism means (2)
- 1) having a constitution
 - 2) having a written and supreme constitution
 - 3) having either procedural or substantive limitations on the power of government
 - 4) that the government is not limited in terms of the provisions of the constitution
- 2 Separation of powers requires (2)
- 1) division of state authority between the legislative, executive and judicial authorities (branches)
 - 2) interaction between national, provincial and local spheres of government
 - 3) authoritarian rule and protection of human rights
 - 4) that the legislative, executive and local governments have their own powers and functions
- 3 The concept of democracy recognises (2)
- 1) that there are three types of democracy, namely representative democracy, participatory democracy and popular democracy
 - 2) that government does not consider the will of the people
 - 3) that the right to vote via the process of elections is the most fundamental aspect of representative democracy
 - 4) that the government is not accountable to the electorate
- 4 South Africa has the following form of government (2)
- 1) It features both the presidential and the parliamentary systems of government
 - 2) The head of state and the head of government are two different persons
 - 3) The head of government is elected directly by the people
 - 4) Parliament is supreme
- 5 Judicial review (2)
- 1) is undemocratic because judges have the power to strike down the decisions of a democratic legislature and a democratic and representative government
 - 2) is in line with the principles of constitutionalism and democracy
 - 3) means that the court is not empowered to declare unconstitutional any legislation that is not consistent with the constitution
 - 4) infringes the principle of separation of powers

TURN OVER

- 6 The refugee status of a person may be withdrawn if it is (2)
- 1) reasonable and justifiable to do so in terms of section 36 of the Constitution of 1996
 - 2) reasonable and justifiable to do so in terms of section 39 of the Constitution of 1996
 - 3) reasonable to do so in terms of section 36 of the Constitution of 1996
 - 4) justifiable to do so in terms of section 39 of the Constitution of 1996
- 7 When applying for a certificate of naturalisation, the Citizenship Act 1995 requires that a minor is assisted by (2)
- 1) a responsible parent or guardian
 - 2) a friend
 - 3) a court
 - 4) his or her school
- 8 In terms of the case of *Minister of Home Affairs v Watchenuka and Others* (010/2003) [2003] ZASCA 142, [2004] 1 All SA 21 (SCA) (28 November 48, 2003), the Supreme Court of Appeal reiterated non citizens' right to human dignity (2)
- 1) True, because the court reiterated the right to human dignity of non-citizens in terms of section 10 of the Constitution
 - 2) False, because the court held that human dignity has nationality and non-citizens are not entitled to it
 - 3) True, because the court reiterated the right to human dignity of non-citizens in terms of section 16 of the Constitution
 - 4) False, because the court held that the right to human dignity of non-citizens is not subject to the limitation of rights in terms of section 36
- 9 One of the requirements for a foreigner to be issued with a permanent residence permit is that he or she must have been (2)
- 1) a child of a South African citizen
 - 2) a child, above the age of 21, of a citizen or permanent resident
 - 3) the spouse of a citizen or permanent resident for one year and the Director-General must be satisfied that a good faith spousal relationship exists
 - 4) the holder of a work permit, including one issued under a corporate permit for two years and have received an offer of permanent employment
- 10 In terms of the Refugees Act, one of the grounds on which an asylum seeker permit may be withdrawn is if the (2)
- (1) applicant gets married to a South African citizen
 - (2) application for asylum has been found to be fraudulent
 - (3) applicant divorces a South African citizen
 - (4) applicant impregnates a South African citizen

[20]

TURN OVER

QUESTION 2

- 2.1 Discuss the legislative history of South African citizenship law (15)
- 2.2 Mr and Mrs Malapo are unemployed Zimbabwean citizens who have acquired permanent residence status in South Africa. They fled Zimbabwe in the 1980s as a result of the outbreak of civil war and sought refuge in South Africa. They integrated into the local community in Mpumalanga province. In January 2012, through the assistance of the social workers, they applied for an old-age grant. In February 2012, their applications for old-age grants were refused because they are not South African citizens. With reference to case law, discuss whether the refusal of their application for old-age grants is constitutional (15)
- [30]**

QUESTION 3

- 3.1 Discuss the different forms of democracy and the various features that are common in most democratic constitutional states (10)
- 3.2 Briefly discuss the principle of separation of powers with regard to the division of state authority between the branches of government. In your answer, you should also discuss the distribution of state authority among the branches of government (Legislative, Executive and Judicial authority) (15)
- [25]**

QUESTION 4

- 4.1 Discuss the process by which a policy becomes law. In your answer, you should discuss the four (4) stages in detail (10)
- 4.2 Explain, in your own words, what you think public participation in a democracy means. In your answer, you should mention representative and participatory democracy (15)
- [25]**

Total: {100}

PART 1 (GENERAL/ALGEMEEN) DEEL 1

STUDY UNIT # g PSY100 X
STUDIE EENHEID by PSY100-X

INITIALS AND SURNAME
VOORLETTERS EN VAN

DATE OF EXAMINATION
DATUM VAN EKSAMEN

PAPER NUMBER
VRAESTELNOMMER

EXAMINATION CENTRE (E.G. PRETORIA)
EKSAMENSENTRUM (BY PRETORIA)

STUDENT NUMBER
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For use by examination invigilator
Vir gebruik deur eksamenopsiener

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- IMPORTANT**
- 1 USE ONLY AN HB PENCIL TO COMPLETE THIS SHEET
 - 2 MARK LIKE THIS
 - 3 CHECK THAT YOUR INITIALS AND SURNAME HAS BEEN FILLED IN CORRECTLY
 - 4 ENTER YOUR STUDENT NUMBER FROM LEFT TO RIGHT
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 - 6 CHECK THAT THE UNIQUE NUMBER HAS BEEN FILLED IN CORRECTLY
 - 7 CHECK THAT ONLY ONE ANSWER PER QUESTION HAS BEEN MARKED
 8. DO NOT FOLD

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PART 2 (ANSWERS/ANTWOORDE) DEEL 2

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Specimen only