

## CONSTITUTIONAL LAW CASES

### TOPIC ONE:

#### Ex Parte Chairperson of the Constitutional Assembly: In re Certification of the Constitution of the Republic of South Africa 1996 (First Certification judgment) 1996

**Facts:** The case was brought before the Constitutional Court of South Africa in 1996. This case was a critical moment in the post-apartheid era of South Africa, as it concerned the certification of a new constitution to replace the apartheid-era constitution. The Constitutional Assembly, which was tasked with drafting the new constitution, had completed its work, and the certification process was underway.

**Issue:** The main issue that the Constitutional Court had to decide was whether the proposed constitution complied with the requirements of the Interim Constitution of South Africa, which set out specific procedures and principles for the adoption of the new constitution. The court was also tasked with considering the nature and scope of the powers of the Constitutional Assembly and whether these powers were properly exercised in drafting the constitution. The Constitutional Court was faced with a complex legal question that required a nuanced approach. On the one hand, the new constitution represented a significant step forward for South Africa, as it was designed to bring about a democratic, non-racist, and non-sexist society. On the other hand, the certification process was not without its flaws, and there were legitimate concerns about the potential impact of the new constitution on the rights of minority groups.

**Conclusion:** The Constitutional Court ruled that the new constitution complied with the requirements of the Interim Constitution and was, therefore, valid. The court also held that the Constitutional Assembly had acted lawfully and within its powers in drafting the constitution. The court's decision was a significant moment in the history of South Africa, as it paved the way for the new constitution to be adopted and the country to move forward as a democratic, non-racist, and non-sexist society. This case was a landmark moment in the post-apartheid era of South Africa. The Constitutional Court's ruling paved the way for the adoption of a new constitution that was designed to bring about a democratic, non-racist, and non-sexist society, and it affirmed the legal and constitutional processes by which this was achieved.

### TOPIC TWO:

#### Mazibuko v Sisulu 2013 (6) SA 249 (CC).

On 27 August 2013 the Constitutional Court handed down a judgment in this matter, granting leave to appeal and direct access. The appeal was refused with costs. However, the direct access application was successful on the merits.

On 8 November 2012, Ms Lindiwe Mazibuko (the applicant) gave notice in the National Assembly (Assembly) of a motion of no confidence in the President in terms of section 102(2) of the Constitution. The Speaker (first respondent) referred the notice to the Chief Whips' Forum and the Programme Committee for the purpose of determining whether and

# Basic Cases In Constitutional Law

**Xiang Xie**



## **Basic Cases In Constitutional Law:**

## Reviewing **Basic Cases In Constitutional Law**: Unlocking the Spellbinding Force of Linguistics

In a fast-paced world fueled by information and interconnectivity, the spellbinding force of linguistics has acquired newfound prominence. Its capacity to evoke emotions, stimulate contemplation, and stimulate metamorphosis is truly astonishing. Within the pages of "**Basic Cases In Constitutional Law**," an enthralling opus penned by a highly acclaimed wordsmith, readers set about an immersive expedition to unravel the intricate significance of language and its indelible imprint on our lives. Throughout this assessment, we shall delve in to the book is central motifs, appraise its distinctive narrative style, and gauge its overarching influence on the minds of its readers.

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