

Course Code: L103 (S) 2005

UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE
DEPARTMENT OF LAW

SUPPLEMENTARY EXAMINATION PAPER, JULY 2005

TITLE OF PAPER : **CONSTITUTIONAL LAW**

COURSE CODE : **L103**

TIME ALLOWED : **THREE (3) HOURS**

INSTRUCTIONS : (1) **ANSWER ANY FOUR (4) QUESTIONS.**
(2) **ALL QUESTIONS CARRY EQUAL MARKS.**

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INVIGILATOR**

QUESTION 1

In what way does the Draft National Constitution, 2003 ensure the independence of the judiciary in Swaziland? Discuss this statement with reference to pertinent sections from the Draft Constitution.

[25 MARKS]

QUESTION 2

Parliamentary Supremacy means that the courts of the land cannot assail an Act of Parliament. Discuss this concept and show whether Parliamentary Supremacy can operate under a written constitution.

[25 MARKS]

QUESTION 3

You have been approached by the Constitutional Review Commission to make a submission in respect of the distribution of the powers of government in the new constitution of Swaziland. In your submission state your reasons for preferring either a separation of powers or a fusion of powers.

[25 MARKS]

QUESTION 4

Describe the role of the judiciary in modern constitutional governance and show in what ways its independence may be safeguarded.

[25 MARKS]

QUESTION 5

The Tinkhundla system of government in the Kingdom of Swaziland has come under some criticisms of late. Critically evaluate the operation of this system and suggest reforms.

[25 MARKS]