

**UNIVERSITY OF SWAZILAND**  
**FACULTY OF SOCIAL SCIENCE**  
**DEPARTMENT OF LAW**  
**SUPPLEMENTARY EXAMINATION, JULY 2006**

**TITLE OF PAPER :                    CONSTITUTIONAL LAW**

**COURSE CODE     :                L 103**

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

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

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**THE INVIGILATOR.**

### **QUESTION 1**

The United Kingdom is best known for Parliamentary Sovereignty while the United States of America is generally known for upholding the supremacy of the constitution. Which of these two doctrines do you think would be suitable for Swaziland and why? In support of your answer make reference to decided cases.

[25 MARKS]

### **QUESTION 2**

Mr. Blazing Furnance is a member of a banned Political Party and an unwavering critic of the tinkhundla System of government. On the 9<sup>th</sup> February, 2006 Mr. Blazing Furnance's "banned Political Party organised a "prayer service" at Mzimbene where little was said about prayer and biblical teaching but a lot of criticism was levelled at the Tinkhundla system of government in particular the new constitution of Swaziland. Mr. Blazing Furnance encouraged the congregants to revolt against the system if Swaziland was ever going to be democratic. All the while police who were in mufti were recording what Mr. Blazing Furnance was saying. Immediately after the service was over, the police arrested Mr. Blazing Furnance. Although he had been in custody for eight weeks, he had not been charged. When his lawyer Mr. Mahlikilili went to see him at the police station, he was refused permission to talk to him. The police argued that he was not under arrest but detention for purposes of investigation.

In a country without a written constitution guaranteeing basic civil liberties how can Mr. Mahlikilili secure the freedom of his client. Make reference to decided cases.

[25 MARKS]

### **QUESTION 3**

Compare and contrast the constitutional concept of sovereignty of parliament with the principle of supremacy of the constitution. Illustrate your answer with decided cases.

[25 MARKS]

### **QUESTION 4**

In what way does the new constitution of Swaziland ensure the independence of the judiciary if at all? Discuss the statement citing relevant sections of the constitution.

[25 MARKS]

### **QUESTION 5**

The new constitution of Swaziland is a farce in so far as issues of constitutionalism, democracy and human rights concerned. Do you agree? Discuss this statement making reference to relevant authorities.

[25 MARKS]