

UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE
DEPARTMENT OF LAW
SUPPLEMENTARY EXAMINATION, JULY 2007

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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QUESTION 1

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 2

Protection of freedom of assembly and association in the constitution of Swaziland is not only illusory but also a downright farce. Discuss the validity and/invalidity of this statement. Support your answer with reference to pertinent authority and provisions of the constitution.

[25 MARKS]

QUESTION 3

The United Kingdom is best known for Parliamentary Sovereignty whilst the United States on the other hand is generally known for upholding the supremacy of the constitution. Which of these two doctrines would be suitable for Swaziland and why? In support of your answer, make reference to decided cases.

[25 MARKS]

QUESTION 4

The Constitution Act, 2005 enshrines the right of people to associate which by extension allows for freedom to join political parties. Critically assess this statement and support your answer with relevant authorities.

[25 MARKS]

QUESTION 5

Explain the statement that the independence of the judiciary must imply certain privileges that need not include total immunity.

[25 MARKS]