

**UNIVERSITY OF SWAZILAND  
FACULTY OF SOCIAL SCIENCE  
DEPARTMENT OF LAW**

**FINAL EXAMINATION PAPER, MAY 2007**

**TITLE OF PAPER : THE GENERAL PRINCIPLES OF SWAZI LAW &  
CUSTOM**

**COURSE CODE : L104**

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

**INSTRUCTIONS: (1) ANSWER QUESTION 1 WHICH IS COMPULSORY  
AND ANY OTHER THREE (3) QUESTIONS**

**(2) MARKS FOR QUESTIONS OR PARTS OF A  
QUESTIONS ARE SHOWN IN BRACKETS.**

**THIS PAPER MAY NOT BE OPENED UNTIL PERMISSION HAS BEEN  
GRANTED BY THE INVIGILATOR.**

### **QUESTION 1**

Distinguish between customary law and Swazi Law and Custom and then identify the prominent features of Swazi Law and Custom.

**[25 marks]**

### **QUESTION 2**

- a) Distinguish between the Swazi Customary practices of "levirate" (*Kungenwa*) and "surrogate" (*inhlanti*). What is the justification for each of these?

{15 marks}

- b) Describe the purpose or significance of *lobola* (bride price or dowry) among the Swazi Nation.

{10 marks}

**[25 marks]**

### **QUESTION 3**

Jeremy is a law student from the US presently in the country on an exchange program. He is very much keen to learn about most Swazi cultural practices. He is interested in the institution of a customary marriage. He has heard about *kujuma*, the payment of *lobola*, *umtsimba*, (traditional wedding) *kutekwa*, *kuhlambisa* (the handing of gifts ceremony), e.t.c. He is now completely confused about what it really takes to solemnize a customary rites marriage. Advise Jeremy accordingly.

**[25 marks]**

#### **QUESTION 4**

Write short notes on the following words as understood under Swazi Law and Custom.

- a) Bayeni {5 marks}
- b) Indlunkhulu {5 marks}
- c) Insulamnyembeti {5 marks}
- d) Lugege {5 marks}
- e) Inhlanti {5 marks}

**[25 marks]**

#### **QUESTION 5**

- a) What are the grounds for divorce under the Common Law?

{15 marks}

- b) Is there divorce under customary law marriages?

{10 marks}

**[25 marks]**