

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

**SUPPLEMENTARY EXAMINATION PAPER, MAY, 2010**

**TITLE OF PAPER: CONSTITUTIONAL LAW**

**COURSE CODE: L 103**

**TIME ALLOWED: THREE HOURS**

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

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GRANTED BY THE INVIGILATOR.**

### QUESTION 1

What a constitution says is one thing, and what actually happens in practice may be quite another. One must be ready to admit that although almost all countries in the world have a constitution, in many of them the constitution is treated with neglect or contempt. Do you agree? Critically evaluate the validity of this statement and give reasons for your answer.

(25 Marks)

### QUESTION 2

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

(25 Marks)

### QUESTION 3

The Kingdom of Swaziland jealously guards and adheres to the doctrine of separation of powers to the consternation of Critics of the *Tinkhundla* system of government who argue that the doctrine of separation of powers is anathema to the *Tinkhundla* system of government. Do you agree? Give reasons for your answer citing relevant authorities.

(25 Marks)

### QUESTION 4

The doctrine of Parliamentary sovereignty presupposes the notions of Parliamentary omni competence and that of Parliamentary monopoly of power. At the official opening of the Second Session of the Ninth Parliament, the President of the Senate sought to give the impression that Parliament in Swaziland is omni competent. Do you agree? Give reasons for your answer, citing relevant authorities.

(25 Marks)

**QUESTION 5**

The notion of the Constitution as a higher, or fundamental law, is a prevalent and preferable doctrine in modern constitutionalism. Which other doctrine of constitutionalism is less prevalent and less preferable? Give reasons for your answer, citing relevant authorities.

(25 Marks)