

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

SUPPLEMENTARY EXAMINATION PAPER, JULY 2013

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

Instead of enshrining the fundamental rights of the people, the Constitution of Swaziland reinforces the status quo and is a far cry from a democratic constitution. Do you agree? Discuss fully citing relevant authorities.

(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)