

**UNIVERSITY OF SWAZILAND**  
**FACULTY OF SOCIAL SCIENCE**  
**DEPARTMENT OF LAW**  
**FINAL EXAMINATION, MAY 2013**

**TITLE OF PAPER** : **THE PRINCIPLES OF SWAZI LAW AND  
CUSTOM**

**COURSE CODE** : **L 104**

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

**INSTRUCTIONS** : **ANSWER ANY FOUR (4) QUESTIONS**

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INVIGILATOR.**

### **QUESTION 1**

Twala married Mbali by civil rites in December 2012. The family council was not happy that the couple did not go through the Swazi customary law marriage. They told Twala that to them Mbali is not a “complete” wife until all the customary marriage rites have been fulfilled, further, that without undergoing these Mbali was not recognised by the ancestors. Twala and Mbali who are born again Christians do not desire to go through the customary law marriage.

They have approached you for advice.

[25 MARKS]

### **QUESTION 2**

Shabangu married Sihle through Swazi customary law. They have eight children. At first they had a happy marriage, with time, however, the marriage relationship deteriorated. Sihle has been subjected to verbal, mental, economic and physical torture by Shabangu.

Sihle is desirous of divorcing Shabangu. Advise her.

[25 MARKS]

### **QUESTION 3**

Ginindza has traditionally wedded a 14 years old girl, while the girl has consented to this, her parents are vehemently opposed to it.

Advise the parents making reference to relevant legislation and decided cases.

[25 MARKS]

### **QUESTION 4**

Swazi customary law rules on succession seemingly cause serious injustice to the wife/wives and children of the deceased.

Discuss.

[25 MARKS]

### **QUESTION 5**

The dual nature of our legal system is ideal since it gives a broader and effective protection of our rights.

Discuss.

[25 MARKS]