

UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE
DEPARTMENT OF LAW

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SUPPLEMENTARY EXAMINATION PAPER, JULY 2014

TITLE OF PAPER: CONSTITUTIONAL LAW

COURSE CODE: L103

TIME ALLOWED: THREE (3) HOURS

INSTRUCTIONS:

- 1. ANSWER ANY FOUR (4) QUESTIONS**
- 2. ALL QUESTIONS CARRY EQUAL MARKS.**

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BY THE INVIGILATOR.**

QUESTION 1.

The *Tinkhundla* system of government is an antithesis of the concept of constitutionalism. Do you agree? Critically evaluate the validity of this statement, citing authorities where appropriate.

(25 MARKS)

QUESTION 2.

Discuss the meaning of the doctrine of separation of powers and its limits. To what extent does the doctrine of separation of powers apply in the Kingdom of Swaziland. Support your answer with authorities.

(25 MARKS)

QUESTION 3.

At independence, Swaziland was bequeathed with a Westminster export model constitution which was abrogated in 1973 only to be "reborn" in 2005 in the form of the Constitution Act, 2005. Critically evaluate the validity of this statement making reference to authorities.

(25 MARKS)

QUESTION 4.

Constitutionalism is synonymous with the concept of the Rule of law save for the fact that the latter is an older concept than the former. Discuss the similarities and dissimilarities of both concepts making specific reference to the points where the two concepts converge.

(25 MARKS)

QUESTION 5.

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

(25 MARKS)