

**UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE
DEPARTMENT OF LAW
FINAL EXAMINATION, MAY 2016**

TITLE OF PAPER: CONSTITUTIONAL LAW II

COURSE CODE: LAW104

TIME ALLOWED: THREE HOURS

**INSTRUCTIONS: 1. ANSWER ANY FOUR QUESTIONS
 2. ALL QUESTIONS CARRY EQUAL MARKS**

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INVIGILATOR.**

QUESTION ONE

The Constitution Act 50 of 1968 and the Constitution Act 1 of 2005 are in many respects similar in their provision for basic principles of constitutional law. Analyse the similarities and dissimilarities of both Constitutions pay attention also to the sections where the two Constitutions converge.

[25 Marks]

QUESTION TWO

The Commission on Human Rights and Public Administration is a constitutional body that is set up and enabled to function in the manner that the Paris Principles require it to. Critically evaluate the validity of this statement. Cite authority in support of your answer.

[25 Marks]

QUESTION THREE

The electoral process and the electoral laws in Swaziland have undergone a metamorphosis in line with the dictates of the Parliamentary model of constitutionalism. Do you agree? Critically evaluate the validity of this statement. Refer to authority in support of your answer.

[25 Marks]

QUESTION FOUR

The Constitution Act 1 of 2005 provides for an independent judiciary and judicial review. The kingdom of Swaziland is the epitome of an independent judiciary that is respected by the Legislature and the Executive organs of State. Do you agree? Critically evaluate the validity of this statement. Cite authority in support of your answer.

[25 Marks]

QUESTION FIVE

In the year 2014, Swaziland made international headlines in the manner the High court handled the case of *Thulani Maseko & Others v Rex*. The High court sentenced the accused to two years imprisonment without the option of a fine for contempt of court. The manner the trial was conducted, the sentence handed down and the reasons for

the sentence were in line with the provisions of the Bill of Rights chapter of the Constitution Act 1 of 2005. Do you agree? Critically assess the validity of this conclusion, citing authority in support of your answer.

[25 Marks]