

**UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE**

DEPARTMENT OF LAW

SUPPLEMENTARY EXAMINATION PAPER, JULY 2016

- TITLE OF PAPER** : **THE PRINCIPLES SWAZI LAW AND
CUSTOM II**
- COURSE CODE** : **LAW106**
- TIME ALLOWED** : **THREE (3) HOURS**
- INSTRUCTIONS** : **1. ANSWER ANY FOUR (4) QUESTIONS.**
**2. MARKS ARE INDICATED AT THE
END OF EACH QUESTION.**
**3. CANDIDATES ARE THEREFORE
ADVISED TO ALLOCATE THEIR
TIME ACCORDINGLY.**

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INVIGILATOR.**

QUESTION 1

Malambule the Chief of eLwandle has passed an order to the eLwandle community that funerals can only take place on Sundays; that no cooking is to be done during such funerals; that no musical instruments such as accompany church praise teams are allowed during such funerals, further, that in his area no woman is allowed to wear pants even while inside the confines of their yards and houses.

Khoza a resident of the area is of the view that the chief is abusing his authority and is considering challenging the chief in a court of law. Reason being that he has lost his son who was working in South Africa the family is desirous of burying the son on Saturday so that those coming from outside Swaziland will have plenty of time to get back home, further, he wishes to provide meals during his son's funeral for the mourners, further, he does not see why women cannot wear track pants at least under their clothes since the area is quite chilly.

Advise Khoza

[25 marks]

QUESTION 2

Mfeneziamthoba, a well known traditional healer has quarrelled with Skhosana his neighbour over Mfeneziamthoba's cows which have destroyed Skhosana's maize crop. Skhosana has made several visits to Mfeneziamthoba's compound seeking compensation for his crops. Instead he is met with resistance and hostility from his neighbour. Last Friday he decided to go there for the last time before taking the matter to the Chief's kraal. Mfeneziamthoba got violent shouting to Skhosana that he is harassing him that if he pursues this matter "*ubobona lilanga lingashoni nawe.*"

Indeed the next afternoon on Skhosana's return home he suffered a stroke but mercifully did not die, whereupon his son took a bush knife attacked and killed Mfeneziamthoba.

Discuss all the issues brought out by this problem.

[25 marks]

QUESTION 3

Mazibuko married LaMatse under Swazi Law and Custom. He is working in the mines in South Africa upon his return his best friend told him that his wife is having sexual intercourse with their neighbour Maphanga. Mazibuko sets out to catch them in the act and he gives his wife and Maphanga sufficient time to have intercourse in circumstances where he could have easily stopped them.

He then approaches the court with this evidence seeking damages for adultery within a customary marriage.

Discuss.

[25 marks]

QUESTION 4

Customary law is generally not a penal system. It is a system based on principles of restorative and healing justice.

Discuss.

[25 marks]

QUESTION 5

Discuss the customary practice of lobola amongst the Swazi.

[25 marks]