

UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE
DEPARTMENT OF LAW
FINAL EXAMINATION PAPER, DECEMBER 2016

TITLE OF PAPER: CONSTITUTIONAL LAW

COURSE CODE: LAW 103

TIME ALLOWED: THREE (3) HOURS

INSTRUCTIONS: 1. ANSWER FOUR (4) QUESTIONS
2. ALL QUESTIONS CARRY EQUAL MARKS

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GRANTED BY THE INVIGILATOR.**

QUESTION ONE

“The case of *Mary-Joyce Doo Aphane v The Registrar of Deeds & Others* High Court case Number 381/2009 raises interesting questions of judicial review.” Do you agree? Critically evaluate this statement. Refer to authorities to support your answer.

(25 Marks)

QUESTION TWO

In Swaziland the concept of the independence of the Judiciary has a chequered if murky past. The relations of the Legislature and the Executive with the Judiciary has, for a long time been lukewarm at best and tortuous at worst. Critically evaluate the validity of this quote making reference to authorities.

(25 Marks)

QUESTION THREE

In Swaziland, “the trinity in the form of the Legislature, Executive and the Judiciary is an accomplished phenomenon even though harmonious existence between the three organs at present is all but in theory as the differences are a reality” Does this statement reflect a true constitutional position in Swaziland? Critically evaluate this statement citing authorities where applicable.

(25 Marks)

QUESTION FOUR

The United Kingdom is best known for Parliamentary Sovereignty whilst the United States of America is generally known for upholding the supremacy of

the constitution. Which of the two doctrines would be suitable for Swaziland and why? Support your answer with authorities.

(25 Marks)

QUESTION FIVE

Discuss the different ways human rights can be protected in countries that have a supremacy clause and in countries that have an unwritten constitution. Which method of human rights protection is most preferable and why?