

UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE
DEPARTMENT OF LAW
FINAL EXAMINATION, MAY 2017

TITLE OF PAPER: CONSTITUTIONAL LAW

COURSE CODE: LAW 104

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

Swaziland's electoral laws are the epitome of a democratic legal framework and accord with the country's international obligations. Do you agree? Critically evaluate the validity of this statement. Support your answer with authority.

[25 MARKS]

QUESTION TWO

The Constitution of Swaziland No. 1/2005 is allochtonous and a far cry from the autochtonous King's Proclamation to the Nation, 1973. Do you agree? Critically evaluate the validity of this statement. Support your answer with authority.

[25 MARKS]

QUESTION THREE

Compare and contrast the majority judgment and the dissenting judgment of the Supreme Court in the case of *Jan Sithole and Others v The Government of Swaziland* Supreme Court Case No. 50/2008. Which judgment accords with principles of constitutional interpretation and why?

[25 MARKS]

QUESTION FOUR

Outline the reasons that precipitated the abrogation of the Independence Constitution of Swaziland. State whether in your view, the reasons were valid and in accordance with constitutional principles.

[25 MARKS]

QUESTION FIVE

The Human Rights Commission of Swaziland was established and enabled to execute its mandate in accordance with the Constitution Act 1/2005. Discuss how the Human Rights

Commission is constituted, its functions and whether or not it has, to date been able to execute its mandate. Illustrate your answer with examples.

[25 MARKS]