

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
SUPPLEMENTARY EXAMINATION PAPER, JULY, 2018.

TITLE: CONSTITUTIONAL LAW 11
COURSE CODE: DL028
TIME ALLOWED: THREE (3) HOURS.
INSTRUCTIONS: 1. THERE ARE FIVE QUESTIONS IN THIS
EXAMINATION PAPER AND FOUR
QUESTIONS MUST BE ANSWERED.
2. ALL QUESTION CARRY EQUAL MARKS.
TOTAL MARKS: 100

QUESTION ONE

A contention to the effect that the Tinkhundla system of government seeks to blend the tenants of democracy and the cultural practices and traditions of the Swazi people. At its modest, the arguments advocates for a home-grown system of government. Do you agree or disagree with this contention? Motivate your stand. In doing so take into consideration the historical developments the country has gone through in its constitutional evolution.

[25 marks]

QUESTION TWO

What is your understanding of the principle of judicial independence? Can it be said that the Kingdom of Swaziland upholds this principle? State in detail, the reasons for your answer.

[25 marks]

QUESTION THREE

What are the functions of the Human Rights Commission that is established by Section 164 of the Constitution, Act no. 1 of 2005? In your view, does the commission carry out its functions as mandated? Give reasons for your answer. You may also cite examples.

[25 marks]

QUESTION FOUR

In your view, what do human rights or fundamental rights seek to achieve? Discuss whether the current law in Swaziland affords protection of individual's fundamental rights.

[25 marks]

QUESTION FIVE

It has been said that "wherever law ends, tyranny begins". Critically discuss this statement in relation to Professor Dicey's three main principles of his doctrine of the Rule of Law. Indicate whether you agree or disagree with the statement. Give reasons for your answer.

[25 marks]