

UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE
DEPARTMENT OF LAW
FINAL EXAMINATION, MAY 2018

TITLE OF PAPER : PRINCIPLES OF SWAZI LAW AND CUSTOM II

COURSE CODE : LAW 106

TIME ALLOWED : THREE (3) HOURS

- INSTRUCTIONS :**
- 1. ANSWER ANY FOUR (4) QUESTIONS.**
 - 2. MARKS ARE INDICATED AT THE END OF EACH QUESTION OR PART OF A QUESTION.**
 - 2. CANDIDATES ARE THEREFORE ADVISED TO ALLOCATE THEIR TIME ACCORDINGLY.**

THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION HAS BEEN GRANTED BY THE INVIGILATOR TO DO SO.

QUESTION 1

Zwane had wedded three wives through Swazi Law and Custom in the sixties. Life in the Zwane compound was never happy for the wives and their children, since Zwane subjected them to financial, emotional, and psychological abuse. At times the wives were even subjected to acts of physical violence by Zwane. By and by each of the woman took their children and returned to their father's compounds. By 1980, none of them remained with Zwane. In 1981 Zwane married LaSibandze by civil rites.

Zwane passed away in 2017 having left a vast estate worth 20 million Emalangeni.

LaSibandze is claiming the whole estate for her and her children to the exclusion of the three wives and their children on the ground that their marriages to Zwane came to an end when they left him for their parental homesteads. Is she right?

Discuss.

(25 marks)

QUESTION 2

Dlamini and Nobantu married by Civil Rites in 1980. Due to problems that befell the marriage, the couple separated and lived apart. Dlamini started dating Sjabu and subsequently invited her to his parental home where he requested his relatives to smear Sjabu with red ochre. Subsequently, he paid lobola and purported to register this marriage as a customary marriage.

Discuss the status of these two marriages, illustrating your answer with decided cases.

(25 marks)

QUESTION 3

The Law of Succession under Customary Law is inherently prejudicial to women.

Discuss.

(25 marks)

QUESTION 4

African customary law principles of punishment are based on restorative justice, reconciliation and Ubuntu.

Discuss.

(25 marks)

QUESTION 5

Discuss the case of S.V. Alam 2006 (2) SACR 613 (ck). With reference to witchcraft under customary law.

(25 marks)