



UNIVERSITY OF ESWATINI

SEMESTER 1 MAIN EXAMINATION PAPER, DECEMBER 2018

FACULTY OF SOCIAL SCIENCES

DEPARTMENT OF LAW

Course Code: LAW103

CONSTITUTIONAL LAW I (LLB N/P)

Time allowed: 3 Hours

Instructions:

1. Answer **ALL** Questions.
2. Each Question Carries 20 Marks.
3. Begin each question on a new page.
4. Make sure that you write legibly, that your expression is clear and that you refer to authority.

Special Requirements: NONE

Additional Material(s): NONE

Candidates may complete the front cover of their answer book when instructed by the Chief Invigilator and sign their examination attendance card but must NOT write anything else until the start of the examination period is announced.

No electronic devices capable of storing and retrieving text, including electronic dictionaries and any form of foreign material may be used while in the examination room.

DO NOT turn examination paper over until instructed to do so.

1. With specific reference to the following cases:

Attorney General v Mary Joyce Doo Aphane 2010 ZSCS 32,
Hleta v Swaziland Revenue Authority & Two Others 2016 SZHC 22,

and other relevant provisions of the Swaziland Constitution Act No. 5 of 2005, analyse the doctrine of constitutional supremacy.

2. The Swaziland Constitution Act No. 5 of 2005 may be described as an inflexible constitution. Do you agree? Discuss.'
3. With close reference to the case of *Law Society of Swaziland v Simelane NO and Others* 2014 SZHC 79, analyse the principles of constitutionalism with focus on the rule of law.
4. The doctrine of separation of powers "is not a fixed or rigid constitutional doctrine... it is given expression in many different forms and made subject to checks and balances of many kinds" (*In re: Certification of the Constitution of the Republic of South Africa*), while democracy is a static concept that is not changeable.

Critically evaluate the validity of this statement making reference to authorities where appropriate.

5. The post-colonial history of the Kingdom of Swaziland tells a fascinating yet undesirable tale of how Swazi traditional law has always been juxtaposed against modern law and constitutional principles. Discuss.

END OF PAPER