



**UNIVERSITY OF ESWATINI**  
**FIRST SEMESTER RE-SIT EXAMINATION PAPER**  
**FACULTY OF SOCIAL SCIENCES**  
**DEPARTMENT OF LAW**  
**COURSE CODE: LAW103**  
**TITLE OF PAPER: CONSTITUTIONAL LAW I**  
**TIME ALLOWED: 3 HOURS**

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**Instructions**

1. This paper consists of five (5) questions.
2. Answer any four (4) questions.

**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 cards 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.**

**QUESTION 1**

With reference to relevant provisions of the Swaziland Constitution, 2005 and case law, analyse the doctrine of **constitutional supremacy**. [25 marks]

**QUESTION 2**

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 greater focus on the rule of law.

[25 marks]

**QUESTION 3**

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

[25 Marks]

**QUESTION 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 local cases where appropriate.

[25 Marks]

**QUESTION 5**

Write an essay in which you critically analyse the constitutional frameworks of the Kingdom of Eswatini from 1968 to 2005.

[25 Marks]

**END OF PAPER**