



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

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 impact of the 1973 Decree on the constitutional law of Eswatini.

[25 Marks]

END OF PAPER