
UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE
DEPARTMENT OF LAW
RE-SEAT EXAMINATION JULY 2017

TITLE OF PAPER: CONSTITUTIONAL LAW

COURSE CODE: LAW 104

TIME ALLOWED: THREE (3) HOURS

INSTRUCTIONS: 1. ANSWER FOUR (4) QUESTION
2. ALL QUESTIONS CARRY EQUAL MARKS

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GRANTED BY THE INVIGILATOR.**

QUESTION ONE

In many ways but one, the case of *Thomas Bhekindlela Ngwenya v The Deputy Prime Minister and Another* changed Swaziland constitutional framework forever. Do you agree? Critically evaluate the validity of this statement. Support your answer with authorities.

[25 MARKS]

QUESTION TWO

The *tinkhundla* system of government is the epitome of the concept of separation of powers. Discuss how, if at all, the Constitution No.1/2005 reflects and applies the concept of separation of powers.

[25 MARKS]

QUESTION THREE

The Constitution of Swaziland, 2005 is the King's Proclamation reincarnate. Do you agree? Critically evaluate the validity of this statement. Support your answer with authorities.

[25 MARKS]

QUESTION FOUR

The Judicial Service Commission (JSC) is currently conducting impeachment proceedings of Judge Mpendulo Simelane. Discuss how impeachment proceedings of a judge ought to be carried out in line with constitutional provisions. How can the procedure of impeachment proceedings be enhanced?

[25 MARKS]

QUESTION FIVE

The doctrine of supremacy of the Constitution is anathema to the *tinkhundla* system of government and must be debunked as it is a foreign concept that seeks to usurp the powers of the revered Swazi monarchy. Critically assess the validity of this statement. Support your answer with authority where appropriate.

[25 MARKS]