

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
MAIN EXAMINATION PAPER, MAY, 2018.

TITLE: CONSTITUTIONAL LAW 11

COURSE CODE: LAW 104 (LLB 1 N/P) IDE

TIME ALLOWED: THREE (3) HOURS.

INSTRUCTIONS: 1. THERE ARE FIVE QUESTIONS IN THIS
EXAMINATION PAPER AND FOUR
QUESTIONS MUST BE ANSWERED.

2. ALL QUESTIONS CARRY 25 MARKS
EACH.

TOTAL MARKS: 100

THIS PAPER SHOULD NOT BE OPENED UNTILL PERMISSION HAS
BEEN GIVEN BY THE INVIGILATOR.

QUESTION ONE

Outline the reasons that precipitated the abrogation of the Independence constitution of Swaziland. State whether in your view the reasons were valid and in accordance with constitutional principles.

[25 marks]

QUESTION TWO

The Human Rights Commission of Swaziland was established and enabled to execute its mandate in accordance with *the Constitution Act No. 1 of 2005*. Discuss how the Human Rights Commission is constituted, its functions and whether or not it has to date been able to execute its mandate. Illustrate your answer with examples.

[25 marks]

QUESTION THREE

Swaziland's Electoral Laws are an epitome of a democratic legal framework and accord with the country's international obligations. Do you agree? Critically evaluate the validity of the statement. Support your answer with authorities.

[25 marks]

QUESTION FOUR

Describe the role of the judiciary in modern constitutional governance and show in what ways the independence of the judiciary can be safeguarded.

[25 marks]

QUESTION FIVE

In the case of *Sithole & Others v. The Prime Minister & Others* *High Court Case No. 50/2008*, identify the constitutional law issues that were subject for determination by the Constitutional Court. In your own observation, did the outcome of the case exhaustively address the human rights challenges of married women in Swaziland? Support your answer with authorities.

[25 marks]