

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]