

UNIVERSITY OF SWAZILAND  
FACULTY OF SOCIAL SCIENCE  
DEPARTMENT OF LAW

~~FINAL EXAMINATION PAPER, DECEMBER 2017~~

- TITLE OF PAPER : THE GENERAL PRINCIPLES OF SWAZI  
LAW AND CUSTOM
- COURSE CODE : LAW105
- TIME ALLOWED : THREE (3) HOURS
- INSTRUCTIONS :
1. ANSWER ANY FOUR (4) QUESTIONS.
  2. MARKS ARE INDICATED AT THE  
END OF EACH QUESTION.
  3. CANDIDATES ARE THEREFORE  
ADVISED TO ALLOCATE THEIR  
TIME ACCORDINGLY.

DO NOT OPEN THIS PAPER UNTIL PERMISSION HAS BEEN GIVEN BY THE  
INVIGILATOR.

### **QUESTION ONE**

One of the advantages of Swazi Law and Custom is that it is a living system of law which can easily adapt to changing conditions and situations.

Discuss, illustrating your answer with examples. (25 marks)

### **QUESTION TWO**

By its very nature customary law can never co-exist with the rule of law and modern tenets of human rights.

Discuss (25 marks)

### **QUESTION THREE**

Mfisha, the Chief of Mashobeni sent his mgijimi to announce to all residents of his jurisdictional area that:

1. He has tekaed a fourth wife.
2. He wants to build a new house to accommodate the said wife.
3. All residents are required/ordered to donate E100.00 per household towards the construction of the said house.
4. All adults residents both male and female will be expected to avail themselves to assist in building such structure at the umphakatsi every Saturday until the completion of the house.

Msibi has repeatedly refused to heed the royal summons whereupon the chief has fined him 5 herd of cattle.

He has come to you for advise. (25 marks)

### **QUESTION FOUR**

On the way to the dipping tank Mamba's bull without provocation gored Hlophe's pregnant cow so badly that Hlophe had to put it to sleep destroy it. Hlophe as a result suffered damages amounting to E10 000.00.

He wishes to sue Mamba, the big question however is in which court would he be better served – the Roman Dutch Law courts or the customary law courts. (25 marks)

### QUESTION FIVE

Dludlu who married his wife Thandi through Swazi Law and Custom has forbidden Thandi:

1. From wearing pants.
2. From wearing make up of any sort.
3. From wearing a wig.
4. From wearing clothes which expose her knees.
5. From attending any function which takes place at night including church activities.
6. From visiting her parental home unless there is a death in the family. When Thandi questions Dludlu about all this he told her that he is enforcing good customary law practices in their marriage.

Thandi is not convinced.

Advise her.

(25 marks)