



ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW

EXAMINATION PAPER

COURSE CODE : LLB 114
COURSE TITLE : Customary Law
DURATION : 3 Hours
LEVEL : 1.1
DATE :

INSTRUCTIONS TO CANDIDATES:

1. Answer **four questions**, choose two questions from **each** section.
2. Each question carries **25 Marks**.
3. Start each question on a new page of your answer sheet.

Section A

ANSWER TWO QUESTIONS FROM THIS SECTION

QUESTION 1

'The delict of seduction is now archaic and has outlived its usefulness' Discuss. [25 marks]

QUESTION 2

With the aid of decided cases discuss the assertion that the Legal Age of Majority Act has the effect of liberating women from their minority status. [25 marks]

QUESTION 3

The larger number of women in Zimbabwe are in unregistered customary law unions and this presents a lot of challenges when such unions are dissolved. With the aid of case law discuss how the courts have dealt with such cases when sharing property acquired by the parties during the subsistence of the union. [25 marks]

QUESTION 4

- a. The appointment process of chiefs and other traditional leaders in Zimbabwe favors certain groups of people to the exclusion of others thereby violating the equality clause in the constitution. Discuss. (15)
- b. Explain the enforcement of the chief's judgments? (10)

[25 marks]

SECTION B

ANSWER TWO QUESTIONS FROM THIS SECTION

QUESTION 5

You are approached by the Women's Law Development Society to write a position paper on how the law on the rights of children governed by customary law can be improved in light of the best interest of the minor child principle. In your paper discuss guardianship, access, custody and maintenance of children. [25 marks]

QUESTION 6

Make an audit of the Marriage Bill and show its advantages over the existing marriage laws

QUESTION 7

Noma Soko is eighteen years old and is doing form four at Nyaya secondary school. During one of the long lock down periods in 2020, Noma was made pregnant by a local married teacher, Nyasoro, with her consent. Her father was so furious that he took her daughter to Nyasoro's residence and forced him to marry his daughter. Noma is not willing to be a second wife and therefore she ran away to an unknown place. Nyasoro went to report the matter to Noma's father who then accused him of ganging up with his wife to kill her daughter. Soko immediately approached Chief Dombo and reported that his daughter was killed by Nyasoro and his wife. Chief Dombo found Nyasoro and his wife guilty of murder and made him to pay two cows to Soko as compensation and then banished them from his chiefdom. Two months after Nyasoro and his wife were banished Noma showed up heavily pregnant.

Advise all parties on their rights and duties.

[25 marks]

END OF EXAMINATION