

**NATIONAL UNIVERSITY OF LESOTHO**

**FACULTY OF LAW**

**LL.B FINAL EXAMINATIONS**

**L1304 – 3 CUSTOMARY LAW**

**MAY: 2023**

**MARKS: 100**

**3 HOURS**

**INSTRUCTIONS:**

- Answer -several FOUR (4) questions
  - Read questions very carefully.
  - All questions carry equal marks
  - Use relevant authorities to support your answers
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### **QUESTION 1.**

Mr Lipounama has migrated to the Botho Kingdom, which practices deep Basotho Customary law. Mr Lipounama wants to learn this interesting custom and he also wants his lovely daughter to be married in accordance with this Basotho custom. He has no clue as how and where he can find customary law.

He has come to you for advice about the sources where and how he can find customary law and learn for himself and his family.

**[25 MARKS]**

### **QUESTION 2**

Discuss the factors embodied in the official customary law system which are considered to be sometimes a distortion of real customary law as practiced by the people. With authorities Discuss the advantages and disadvantages of the Official and how such advantages have helped to access to justice.

**[25 MARKS ]**

### **QUESTION 3**

Mr Lempetje customary law is a dynamic system which takes care of the present needs and future generations. His community has been affected by the Patlotsa Project construction works. He now wants your advice as to how he can use customary law principles to fight for community rights for his village and how the use of the Living Customary law may help him and his community.

**[25 MARKS]**

#### **QUESTION 4**

a) Using authorities, discuss the concept of official customary law.

(10 Marks)

b) Discuss which cases to demonstrate where the official customary law is used to resolve or to pervert customary Law principles in resolving dispute.

(15 Marks-)

**[25 MARKS]**

#### **QUESTION 5**

Miss Patlotsa is the only daughter of the King Patlotsa who has recently passed away. Miss Patlotsa wants to succeed to his late Father's kingdom and rule over the nation. She has been informed that she cannot inherit as a girl child in the Patlotsa Kingdom.

She has come to you for advice about how she can ascertain the existence of such a custom.

**[25 MARKS]**

#### **Question 6**

Customary law has been said to be a living and dynamic legal system as opposed to the stereotype system of law.

a) Discuss salient aspects of the concept of the living customary law.

(10 Marks)

~~b)~~ Discuss how you would make a distinctions between Official and Living customary law

(15 Marks)

| **[25MARKS**