



FACULTY	HEALTH SCIENCES AND VETERINARY MEDICINE
SCHOOL	ALLIED HEALTH SCIENCES
DEPARTMENT	PSYCHOLOGY & SOCIAL WORK
COURSE	SOCIAL WELFARE LAW A
COURSE CODE	A3652SL
DATE	OCTOBER/NOVEMBER 2024
DURATION	3 HOURS
MARKS	100

SECOND OPPORTUNITY EXAMINATION PAPER

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External Moderator: Dr. C. Gunhidzirai

INSTRUCTIONS

1. Answer **ALL** questions.
2. Work in an orderly way and present your work as neatly as possible.
3. While most of the marks will be awarded for content, candidates must bear in mind the importance of presentation, i.e. insight and critical thinking.
4. Number your questions correctly and clearly.
5. This paper consists of 5 pages, including the cover page.

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QUESTION 1

- 1.1 Indicate whether circumstances will lead to a void or voidable marriage. **Only write VOID or VOIDABLE next to the corresponding number:**
- 1.1.1 Both parties are from the same sex. (1)
- 1.1.2 One of the parties was mentally ill at the time of contracting the marriage. (1)
- 1.1.3 No witnesses were present at the marriage. (1)
- 1.1.4 The parties forgot to submit their identity documents or the prescribed affidavit to the marriage officer. (1)
- 1.1.5 When the marriage was contracted the bride was pregnant on account of sexual intercourse with someone other than her husband. (1)
- 1.1.6 A material misrepresentation led to the marriage. (1)
- 1.1.7 Impotency or sterility of a spouse when the marriage was contracted. (1)
- 1.1.8 Fraudulent concealment of sterility or impotence. (1)
- 1.1.9 The marriage was solemnised by a person who was not a competent marriage officer. (1)
- 1.1.10 Minors under 18 years of age without the written consent of the Commissioner of Child Welfare. (1)

(10)

1.2 Read the case study below and answer the questions that follow:

"During her marriage, Jane who is married in-community of property, was constantly subject to beatings by her husband. When her third child was one year old, Jane conceived again and during the usual routine of beatings, she had a miscarriage. Instead of taking her to the hospital, her husband disappeared for about four weeks. When he returned home, he found Jane sick and unable to work on the farm. He dragged her out of bed and more beatings followed. Jane decided to go back to her mother (a widow), who agreed to take her back. Her husband refused her to take anything from their home which she did not. One year ago, Jane's mother died and now her brothers have threatened to take her back to her violent husband. They argue that she has no right to inherit property in her father's household, even though her mother had given her a piece of land on which she currently grows crops to feed her children." (Adapted from Voice of the Survivors - Arguments for a new approach against Gender Based Violence, Friedrich-Ebert-Stiftung, 2015).

- 1.2.1 Define the types of abuse Jane was subjected. (4)
- 1.2.2 Explain what Jane could have done to protect herself against her abusive husband. (3)
- 1.2.3 Explain to Jane what it means to be married-in-community of property. (5)
- 1.2.4 Discuss with Jane the **FOUR (4)** common law grounds for divorce as applied in Namibia. (12)
- 1.2.5 Describe the parental duty to maintain children. (8)
- 1.2.6 Name the Namibian statute that regulate the duty described in 1.2.5 (2)
- 1.2.7 Comment on Jane's brothers' argument that she has no right to inherit property in her father's household. (6)

[50]

2.2.7 G and C?

2.2.8 F and A?

2.2.9 C and J?

2.2.10 C and H?

(10)

2.3 X's parents died when she was 16 years old. In their will, they appointed Y, a friend since childhood to take guardianship of her. After X turns 17, she realises that she has fallen in love with her guardian and vice versa and wants to get married. Comment on the validity of that marriage. (2)

TOTAL: 100