



LAW 243

CONSTITUTIONAL LAW

Course Guide



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Introduction

Welcome to Constitutional Law

This Course Guide provides you with the various topics on the introductory course in constitutional Law. It is prepared for students in the second year study in Law in the National Open University of Nigeria (NOUN).

Constitutional Law is an area of Law discipline for the study of Constitutional authorities of the state and the organization of the state. Traditionally, constitutional law has often been studied by means of volume and very large textbooks; this guide provides the student with concise understanding of the basic principles and focuses on views that are germane in the study of constitutional Law.

To study this course, and the various units, you need to be ready to think critically and analytically. You need to develop a constructive mind to be able to weigh different arguments carefully, trying to determine which arguments you find most plausibly convincing and why. This is to enable you decipher properly which positions you would like to take without being a “copy-cat” student. If it is by understanding different positions that one can develop one’s ability to do the same.

In this introductory section, aims and objectives of the course will be explained. The module provides some useful advice on the reading system, the role in using the course guide, the structure of the module, and guidance and preparing for the assessment. It is important that one understands all these at the beginning, of ensure that one is able to get the most out to the course and so the best one can.

Course Aims

- a. To be able to demonstrate an understanding and knowledge of the Constitution of a modern state.
- b. To outline and critically analyze viewpoints in Constitution
- c. To apply the main theories, and concepts used in the study of Constitutional Law to the analysis of key institutions of the modern state.
- d. To critically evaluate different concepts, principles, theories, logic etc.

Course Objectives

- to introduce you to what Constitutional Law is all about;
- to put you through the various methods used to make constitution; and to make projections covering events and or phenomenon;
- to highlight the major areas within Constitutional Law as a field of study and show how these relate to other disciplines; and
- to show you that all activities of government affect our lives and that constitution is very important in every society.

Working through this Course

To complete this course, you are advised to check the study units, read the recommended books as well as other course materials provided by NOUN. Each unit contains Self-Assessment Exercises (SAE) and Tutor-Marked Assignments (TMAS) for assessment purposes. There will be a written examination at the end of the course. The course should take you about 14 weeks to complete. You will find all the components of the course listed below. You need to allocate time to each unit so as to finish the course successfully and on time.

Course Materials

For this course, you will require the following materials:

- The course guide;
- Study units which are fifteen (15) in all;
- Textbooks recommended at the end of the units;
- Assignment file where all the unit assignments are kept; and
- Presentation Schedule.

Study Units

There are fifteen study units in this course broken into 3 modules of 5 units each. They are as follows:

Module 1

Unit 1	Definition and Scope of Constitutional Law and Traditional Concepts
Unit 2	Sources of a Constitution
Unit 3	Federalism

Module 2

Unit 1	Separation of Powers
Unit 2	The Rule of Law
Unit 3	Classification of Constitutions
Unit 4	Systems of Government

Module 3

Unit 1	Constitutional Supremacy
Unit 2	Parliamentary Supremacy

Module 4

Unit 1	Constitutional Development of Nigeria: (Pre-colonial Nigeria to British Rule)
Unit 2	Constitutional Development of Nigeria; 1960-1979
Unit 3	Constitutional Development in Nigeria 1979 to Date

Each unit contains some exercises on the topic covered, and you will be required to attempt the exercises. These will enable you evaluate your progress as well as reinforce what you have learned so far. The exercises, together with the tutor-marked assignments will help you in achieving the stated learning objectives of the individual units, and the course.

Textbooks and References

You may wish to consult the references and other books suggested at the end of each unit, to enhance your understanding of the material. This will enhance your understanding of the course.

Mowoe, K.M. (2005). *Constitutional Law in Nigeria*.

Prof. Nwabueze, Ben (1982). *The Presidential Constitution of Nigeria*.

Prof. Sokefun, Justus A. *Issues in Constitutional Law and Practice in Nigeria: In Honour of Dr. Olu Onagoruwa*.

The 1999 Nigeria Constitution.

Presentation Schedule

Module 1	Title of work	Weeks Activity	Assessment (End of Unit)
Unit			
1	The Nature and Scope of Constitutional Law	Week 1	Assignment 1
2	The Sources of a Constitution	Week 2	
3	Classification of Constitution	Week 3	
4	System of Government	Week 4	
	The Nature and Purpose and Functions of Constitution in the Modern State	Week 5	
Module 2			
Unit			
1	The Concept of Separation of Powers	Week 6	Assignment 2
2	The Rule of Law	Week 7	
3	Federalism(Scope and Nature)	Week 8	
4	Essentials of Federalism	Week 9	
5	Constitution	Week 10	
Module 3			
Unit			
1	Constitutional Supremacy	Week 11	Assignment 3
2	Parliamentary Supremacy	Week 12	Assignment 4
3	The nature of Constitution	Week 13	
4	Parliamentary	Week 14	
5	Supremacy	Week 15	
	Revision	Week 16	
	Examinations	Week 17	
	Total	Week 17	
Module 4	Constitutional History of Nigeria from colonial period to 1960.		
	Constitutional History of Nigeria 1960 - 1995		
	Constitutional History of Nigeria 1999 to date.		

Assessment

Your assessment for this course is in two parts. First, is the Tutor-Marked Assignment, and second is a written examination. You will be required to apply the information and knowledge gained from this course in completing your assignments. You must submit your assignment to your tutor in line with submission deadlines as stated in the assignment file. The work that you submit in your tutor-marked assignment for assessment will count for 30% of your total score.

Tutor-Marked Assignment

In this course, you will be required to study fifteen (15) units, and complete Tutor-Marked Assignment, provided at the end of each unit. The assignments carry 10% marks each, the best four of your assignments will constitute 30% of your final mark. At the end of the course, you will be required to write a final examination, which counts for 70% of your final mark.

The assignments for each unit in this course are contained in your assignment file. You may wish to consult other related materials apart from your course materials to complete your assignments. When you complete each assignment, send it together with a Tutor-Marked Assignment (TMA) form to your tutor. Ensure that each assignment reaches your tutor on or before the deadline stipulated in the assignment file. If, for any reason you are unable to complete your assignment in time, contact your tutor before the due date to discuss the possibility of an extension. Note that extensions will not be granted after the due date for submission unless under exceptional circumstances.

Final Examination and Grading

The final examination for this course will be for a duration of two hours and count for 70% of your total mark. The examination will consist of questions, which reflect the information in your course material, exercises, and tutor marked assignments. All aspects of the course will be examined. Use the time between the completion of the last unit and examination date to revise the entire course. You may also find it useful to review your tutor-marked assignments before the examination.

Course Marking Scheme

ASSESSMENT	MARKS
Assignments	Four assignments, best three marks of the four count at 30% of course marks
Final Examination	70% of total course mark
Total	100% of course marks

Course Overview

Your assignment file consists of all the details of the assignments you are required to submit to your tutor for marking. The marks obtained for these assignments will count towards the final mark you obtain for this course, more information on the assignments can be found in the assignment file.

How to Get the Most from this Course

In distance learning, your course material replaces the lecturer. The course material has been designed in such a way that you can study on your own with little or no assistance at all. This allows you to work, and study at your pace, and at a time and place that best suits you. Think of reading your course material in the same way as listening to the lecturer. However, you are advised to study with your course mates. In the same way a lecturer might give you some reading to do, the study units give you information on what to read, and these form your test materials. You are provided exercises to do at appropriate points, just as a lecturer might give you an in-class exercise.

Each of the study units follows a common format. The first item is an introduction to the subject matter of the unit, and how a particular unit is integrated with the other units and the course as a whole. Next to this, is a set of learning objectives. These objectives let you know what you are required to know by the time you have completed the unit. These learning objectives are meant to guide your study. The moment a unit is finished, you must go back and check whether you have achieved the objectives. If you make this a habit, it will improve your chances of passing the course significantly.

The main body of the unit guides you through the required reading from other sources. This will usually be either from the reference books or from a reading section.

The following is a practical strategy for working through the course. If you

run into any difficulties, telephone your tutor. Remember that your tutor's job is to help you. When you need assistance, do not hesitate to call and ask your tutor for help or visit the study centre.

Read this Course Guide thoroughly, it is the first assignment.

1. Organize a Study Schedule. Design a 'Course Overview' to guide you through the course. Note the time you are expected to spend on each unit and how the assignment relate to the units. You need to gather all the information into one place, such as your diary or a wall calendar. Whatever method you choose to use, you should decide and write in your own dates and schedule of work for each unit.
2. Once you have created your own study schedule, do everything to be faithful to it. The major reason students fail is that they get behind with their course work. If you get into difficulties with your schedule, please, let your tutor know before it is too late for help.
3. Turn to Unit 1, and read the introduction and the objectives for the unit.
4. Assemble the study materials. You will need the reference books in the unit you are studying at any point in time.
5. Work through the unit. As you work through the unit, you will know what sources to consult for further information.
6. Before the relevant due dates (about 4 weeks before due dates), access the assignment file. Keep in mind that you will learn a lot by doing the assignment carefully. They have been designed to help you meet the objective of the course and, therefore, will help you pass the examination. Submit all assignments not later than the due date.
7. Review the objectives for each study unit to confirm that you have achieved them, if you feel unsure about any of the objectives, review the study materials or consult your tutor.
8. When you are confident that you have achieved a unit's objectives, you can start on the next unit. Proceed unit by unit through the course and try to pace your study so that you keep yourself on schedule.
9. When you have submitted an assignment to your tutor for marking, do not wait for its return before starting on the next unit. Keep to your schedule. When the Assignment is returned, pay particular attention to your tutor's comments, both on the tutor-marked assignment form and also the written comments on the ordinary assignments.
10. After completing the last unit, review the course and prepare yourself for the final examination. Check that you have achieved the unit objectives (listed at the beginning of each unit) and the course

objectives (listed in the Course Guide).

Facilitators/Tutors and Tutorials

There are 15 hours of tutorials provided to support this course. Tutorials are for problem solving, and they are optional. You need to get in touch with your tutor to arrange date and time for tutorials if needed. Your tutor will mark and comment on your assignments, keep a close watch on your progress and on any difficulties you might encounter and provide assistance to you during the course. You must submit your tutor-marked assignments to your tutor well before the due date (at least two working days are required). They will be marked by your tutor and returned to you as soon as possible.

Do not hesitate to contact your tutor by telephone, e-mail, or discussion board. The following might be circumstances in which you will find help necessary. Contact your tutor if

- You do not understand any part of the study units or the assigned readings.
- You have difficulties with the exercises.
- You have a question or problem with an assignment, with your tutor's comments on an assignment or with the grading of an assignment.

To gain the maximum benefits from course tutorials, prepare a question list before attending them. You will learn quite a lot from participating in the discussions.

Summary

The course guide has introduced you to what to expect in Constitutional Development. It examines the nature and scope of constitution, approaches to the study of constitutional development, concept of a modern state, sovereignty, power and authority, legitimacy and influence. The course also discusses the constitution and constitutionalism, the role of politics in social change, nature of African armies, public administration, and international relations. Upon completion you should be equipped with the foundation for analyzing and researching political issues.

We wish you success in the course and hope you will find it both engaging and practical.