

OLABISI ONABANJO UNIVERSITY, AGO IWOYE

DEPARTMENT OF PUBLIC LAW

FACULTY OF LAW

2018/2019 HARMATTAN SEMESTER

SESSION:

COURSE TITLE:

CONSTITUTIONAL LAW I

COURSE CODE:

PUL 201

INSTRUCTION:

ATTEMPT ANY FOUR (4) QUESTIONS

1. In contrast with its defunct 1963 counterpart, the Constitution of the Federal Republic of Nigeria, 1999 (as amended) has diffused governmental powers among various organs of government to obviate any interference *inter se*.
Do you agree with the foregoing statement? If the answer is either 'yes' or 'no', please justify your assertion with relevant constitutional provisions, if any, especially with reference to the establishment, composition, functioning of, and mutual checks and balances among, these organs of government.
2. Colonel Busari Bright became the Head of State of Bagazan Nation in a successful military coup. As the head of the Supreme Military Council, he suspended the Peoples Constitution of Bagaza 2009 by Proclamation No.1 of 2018 which ousted the powers of the courts to determine issues or questions arising from the provisions of the said Proclamation No.1, but permitted certain provisions of the Peoples Constitution of Bagaza 2009 to remain in force. Barrister Bibilgeen is unhappy about the state of affairs in his country. He has proceeded to the High Court of Labare State to pray the Court for a declaration that the Military Government of Colonel Busari Bright is unconstitutional, ultra vires, null and void.
As Chief Legal Officer in the Labare State Ministry of Justice, you are assigned the matter to defend the new military Government. Write a considered legal opinion on the legitimacy of the new Military Government in Bagaza, the significance of the Proclamation No.1 2018 in relation to the Peoples Constitution of Bagaza 2009. Use Nigerian statutes and judicial authorities in your legal opinion.
3. "From independence in 1960 till date, Nigerian Revenue Allocation System was neither efficient nor equitable ...". Olutayo C. Adeshina, 'Revenue Allocation and Contradictions in Nigerian Federalism', p. 232.
Discuss.

4. Cyprian Okonkwo, a 50-year old primary school teacher, had for several years nursed the dream of seeing one of his sons become a High Court judge in his lifetime. He is however bordered by recent happenings in the country concerning the arrests of some judicial office holders. He has therefore approached you to enlighten him on the constitutional provisions for protection of High Court judges.
Give him your candid view on those provisions.
5. No doubt, successive military administrations in Nigeria had impacted on the basic theoretical understanding of the concepts of the rule of law, separation of powers and supremacy of the constitution.
Discuss this statement relying on statutory and judicial authorities.
6. Write short notes on any four of the following:
- (a) The constitutional implications of the military's abrogation of the judgment in *Lakanmi & Anor. v AG Western State* (1971);
 - (b) The executive under the 1954 Constitution of Nigeria;
 - (c) Establishment, composition and jurisdiction of the following colonial courts namely, the Police Magistrate, the Consular Court and the West African Court of Appeal;
 - (d) The functions of the Governor, District Commissioner and Native Courts under the British Indirect Rule System;
 - (e) Main features of the political system under the 1963 Constitution of Nigeria; and
 - (f) The ratio of the Privy Council decision in *Alhaji D. S. Adegbenro v Chief S. L. Akintola* (1963).