



NATIONAL OPEN UNIVERSITY OF NIGERIA
14/16 AHMADU BELLO WAY, VICTORIA ISLAND, LAGOS
SCHOOL OF LAW
MARCH/APRIL 2014 EXAMINATION

COURSE CODE: LAW243

COURSE TITL: CONSTITUTIONAL LAW 1

TIME ALLOWED: 3 Hrs

INSTRUCTION: ANSWER QUESTION ONE AND ANY THREE QUESTIONS, ALL QUESTIONS CARRY EQUAL MARKS

1. Franco is a country that secured its independence from the colonial masters in 1950. After independence, Franco began the painful process of governance and of determining the system of government that truly reflects the nature and needs of the country. Franco has a vast land mass with more than four hundred ethnic nationalities. The complex mix of the country extends to religion as the country has two thousand gods and three major religions. The population of the country is about a billion and the number is still growing. The country is in the processes of constitution making and has come to you for advice on the type of constitution to be adopted and also wants to know the reasons for offering such advice. Discuss. 17.5 Marks
2. According to Lawrence Tribe, "the constitution is a historically discontinuous composition, it is the product, overtime, of a series of not altogether coherent common promises; it mirrors vision or philosophy but reflect instead, a set of sometimes reinforcing and sometimes conflicting ideas and notions". Discuss. 17.5 Marks
3. Nigeria's constitutional development from 1960 to 1999 reflects a considerable attempt at autoctonous constitutional making process. 17.5 Marks
4. Patisco Republic practices presidential system of government with a bicameral legislature at the federal level and a unicameral legislature at the state level. Patisco Republic has an executive president who is the head of the executive and who also exercises the powers of the executive. Equally important is that there is a

judiciary that has the sole responsibility for interpretation of laws. By constitutional provision members of the legislature are neither members of the executive nor members of the judiciary. Senator Long Throat is a Senator of Patisco Republic. He was elected to represent a zone in his state and has commenced action in court against the Attorney General of the Federation and the Electoral Commission contending that being a Senator of the Federal Republic he ought to be a member of the Federal Executive Council which the president heads and presides. Advise the Attorney General. 17.5 Marks

5. Bracton equally affirms that "the king himself ought not to be subject to man but subject to God, and the law because the law makes the king. Critically examine this statement. 17.5 Marks
6. The principle of constitutional supremacy and parliamentary supremacy cannot co-exist being mutually inconsistent. Discuss. 17.5 Marks