



**NATIONAL OPEN UNIVERSITY OF NIGERIA  
PLOT 91, CADASTRAL ZONE, NNAMDI AZIKWE EXPRESS  
WAY, JABI - ABUJA  
FACULTY OF LAW  
DEPARTMENT OF PUBLIC LAW (JIL)**

**OCTOBER/NOVEMBER EXAMINATION 2016**

**COURSE CODE: PUL 244 (LAW 244)**  
**COURSE TITLE: CONSTITUTIONAL LAW II**  
**CREDIT UNIT: 4**  
**TIME ALLOWED: 2 ½ HOURS**  
**INSTRUCTIONS: ANSWER FOUR QUESTIONS ONLY.**  
**QUESTION ONE IS COMPULSORY**

**QUESTION**

- 1a. A military government is an aberration and accordingly has peculiar characteristics. Discuss this statement bearing in mind law making under the military government in Nigeria and the nature of executive and judicial arms under the military government in Nigeria. 12.5 marks
- 1b. The right to personal liberty is a fundamental right and some other rights are dependent on that right. However, the state has a paramount interest in the security of all citizens. Discuss. 12.5 marks
2. President Mohammadu Junaid was elected President of the Federal Republic of Katakata during the 2014 general elections. He was sworn in on the 29<sup>th</sup> day of May, 2014 as the President of Katakata. After about six months in office, he has not constituted his government by appointing his Ministers. Indeed, during a foreign trip he expressed preference for Permanent Secretaries and other civil servants over Ministers and opined that Ministers only make noise. Nevertheless, he continues to exercise the executive powers of the Federation under the 1899 Constitution. The 1899 Constitution of Katakata is the same with the Constitution of Nigeria 1999 Constitution. As a constitutional law student, discuss the nature and extent of the executive powers of the President under the 1999 Constitution and discuss the constitutionality of the President exercising the

executive powers of the Federation for such a period without Ministers appointed by him. 15 marks.

3. The remedies of prohibition, certiorari, habeas corpus, mandamus and injunction are powerful remedies in the hands of a citizen. Discuss. 15 marks
4. Right to life is a mirage. This is based on the fact that a citizen's right to life can be denied on a constitutionally recognised multitude of exceptions. Discuss. 15 marks
5. The right to fair hearing is a fundamental right. It is so basic and far reaching that it vitiates any proceedings, without more, where it is established that the right is denied. Discuss. 15 Marks.
6. Judicial powers are important as they relate to the adjudicatory functions of the courts and are essential to the proper workings of a democratic system such as presently in operation in Nigeria. Discuss. 15 marks