



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

**COURSE CODE: LAW244**

**COURSE TITLE: CONSTITUTIONAL LAW 11**

**TIME ALLOWED: 3 Hrs**

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

1. Dr. Maitata is a medical doctor employed by Beta Specialist hospital which specializes in offering advanced medical solution to its patients. On the 23<sup>rd</sup> of January, 2014 Dr. Maitata was on duty during which he was expected to offer his professional skills for the benefit of patients. However, in the course of Dr. Maitata's duty it was alleged that he conducted and exercised his professional duty in such a manner that contravenes his ethics as a medical doctor. The matter was subsequently referred to the Medical and Dental Council Disciplinary committee for purposes of making a decision in respect of the alleged conduct. The committee invited Dr. Maitata to defend himself during the sitting of the council. During the deliberations of the committee to determine the liability or otherwise of Dr. Maitata, the Registrar of the council who was the complainant in the matter was present when the decision was taking. The committee found Dr. Maitata liable. DrMaitata has proceeded to court contending that the presence of the Registrar during the deliberations has adversely affected his interest. Discuss. 17.5 Marks
2. The prerogative remedies are strong instruments in the hands of the citizen to ensure that abuse of power by public authorities do not go unchecked. Discuss. 17.5 Marks.
3. The judiciary is said to be the last hope of the common man. This aspiration cannot be fulfilled without the enormous powers granted to the judiciary by the constitution and which power is exercisable by the courts. Discuss. 17.5 Marks.

4. Federalism as a system of government is best suited for countries that are diverse in terms of geographical spread in terms of racial, religious and ethnic pluralism. Discuss. 17.5 Marks.
5. Ricocho Republic practices federal system of government. The country has a central government and forty five regions which constitutes the federal nation. Ricocho Republic has a National Assembly at the central level and a regional assembly at the regional levels. The constitution of Ricocho Republic enjoins the national parliament to exercise its parliamentary powers among other matters, with respect to matters related to defence, companies, minerals etc and precludes regional parliaments from encroaching in those areas. The central parliament exercised its powers in respect to defence. A public interest lawyer has challenged the exercise of that power by the central legislature. Also, a regional assembly in Kombo region has exercised its parliamentary powers with respect to minerals contending that it has such powers under the constitution. Discuss the legal issues raised. 17.5 Marks
6. As a result of the prevalence of corruption in the Republic of Niamara, all forms of corruption are punishable with death penalty. Dr. Bush is a renowned politician in the country and also noted for his philanthropy. Dr. Bush has signified his interest in becoming the Governor of one of the states that make up the Republic. Two weeks after he made his intention known he was arrested by the Commission for the Prevention of Serious Crimes for receiving huge sums of money as bribe and for corruption. He was prosecuted and found guilty of the offences. He appealed against the judgment of the court and while his appeal was pending, he was executed purportedly in pursuance of the order of the court. His dependents have brought an action in court contending that his execution was wrongful and unconstitutional. Discuss. 17.5 Marks