



NATIONAL OPEN UNIVERSITY OF NIGERIA
FACULTY OF LAW
DEPARTMENT OF PUBLIC LAW
2020_2 EXAMINATION

COURSE CODE: PUL 444

COURSE TITLE: ADMINISTRATIVE LAW 11

TIME ALLOWED: 3 HOURS

INSTRUCTION: ANSWER QUESTION 1 (ONE) AND ANY OTHER 3 (THREE) QUESTIONS. (QUESTION 1 (ONE) ATTRACTS 25 MARKS)

1. **Section 142** of the Constitution of Taha Republic empowers the Attorney General of that country to commence criminal proceedings against any person who on the recommendation of the Inspector General of Police is guilty of a crime. The inspector General of Police has concluded investigation into the allegation that Edie is involved in banditry and has forwarded the file to the Attorney General for the prosecution of Edie. After more than two years of receiving the file the Attorney General has not commenced prosecution of Edie. Jim, an activist wrote a letter to the Attorney General requesting the Attorney General to prosecute Edie and when the Attorney General refused to do so, he commenced action in the court to compel the Attorney General to prosecute Edie for the alleged offence. Discuss. 25 Marks.
2. Enforcement of administrative remedies is not available to every litigant. It is available only to those who have sufficient interest in the subject of the litigation otherwise the court will hold that the litigant does not have standing to maintain the case. Discuss. 15 Marks
3. The concept of *ultra vires* is not only a protection against decisions made outside powers assigned by law but also includes unreasonableness and improper delegation of power. Discuss. 15 Marks
4. The idea that one should not be a judge in his own cause is a time honoured principle and is significant in the quest for just administration of justice. Discuss. 15 Marks.
5. The two concepts of certiorari and prohibition are crucial in public law. While one is corrective the other is preventive. Discuss. 15 Marks
6. The Local Government Administration is said to be the third tier of government in Nigeria and its legal structure is provided in the constitution. Discuss. 15 Marks