



NATIONAL OPEN UNIVERSITY OF NIGERIA
UNIVERSITY VILLAGE, PLOT 91, NNAMDI AZIKWE EXPRESSWAY,
JABI, ABUJA
FACULTY OF LAW
JULY 2017_1 SEMESTER EXAMINATION

COURSE CODE: LAW 243
COURSE TITLE: CONSTITUTIONAL LAW 1
COURSE UNIT: 4 UNITS
TIME ALLOWED: 2 ½ HOURS
INSTRUCTION: ANSWER QUESTION 1 (ONE) AND ANY OTHER 3 (THREE) QUESTIONS. (QUESTION 1 (ONE) ATTRACTS 25 MARKS)

1. “Freedom of men under government is to have a standing rule to live by, common to every one of that society, and made by legislative power created in it and not to be subject to the inconstant, unknown arbitrary will of another man”. Locke: Second Treatise. Discuss this dictum in line with the Constitution of the Federal Republic of Nigeria, (as amended). (25 marks)
2. You have been appointed the Attorney General of the new Republic of Quetta. By reference, the Legislature has expressed its will to adopt the Constitution of the Federal Republic of Nigeria, 1999 (as amended). In view of the fact that you studied law in Nigeria, the body has sought your indulgence to address her on the concept of separation of powers as it operates in Nigeria. With the aid of decided cases, provide a write-up for presentation to the Republic of Quetta. (15 marks).
3. “A thorough investigation into the origins of modern constitutions will reveal that, practically, without exception, they were adopted because the people wanted a document to guide their governance. The circumstances of constitutional development vary from one jurisdiction to the other”- Constitutional Law 1 Course Material. To what extent is this quotation true of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). (15marks).
4. Omajuwa, a respected land prospector has been in the real estate business for upwards of 35 years. His head office is in Warri, Delta State of Nigeria. Recently, his property along Efurum Road was acquired without compensation by the Dealta State Government by the operation of the Lands Acquisition Law of Delta State, 2014. Omajuwa’s solicitor has claimed that by the operation of the Constitution of the Fedearl Republic of Nigeria, 1999 (as amended), even if the property would be acquired, such act has to be within the operation of the Land Use Act and the Constitution of the Federal Republic of Nigeria, 1999 (as amended). He has also canvassed that no law is supreme to the constitution of the Federal Republic of Nigeria, 1999. Having lost the matter at the High Court, Omajuwa has proceeded to

the Court of Appeal. Provide a brief in support of Omajuwa's case for submission to the Court of Appeal. (15 marks)

5. As a representative of the Council of Constitutional Lawyers, provided an essay to the National Assembly of the Republic of Banga on the identification sources to draw from in writing a constitution for the Country. (15 marks)
6. Write short notes on:
 - a. Constitutional Supremacy
 - b. Parliamentary Supremacy
 - c. Written and Unwritten Constitutions (15 marks)