



**NATIONAL OPEN UNIVERSITY OF NIGERIA
14-16 AHMADU BELLO WAY, VICTORIA ISLAND LAGOS
SEPTEMBER/OCTOBER 2015 EXAMINATION**

SCHOOL OF LAW

COURSE CODE: LAW 244

COURSE TITL: CONSTITUTIONAL LAW 11

TIME ALLOWED: 2 ½ Hrs

**INSTRUCTION: ANSWER ANY FOUR QUESTIONS, ALL QUESTIONS CARRY
EQUAL MARKS**

1. President MohammaduJunaid was elected President of the Federal Republic of Katakata during the 2014 general elections. He was sworn in on the 29th day of May, 2014 as the President of Katakata. After about four 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.
2. The remedies of prohibition, certiorari, habeas corpus, mandamus and injunction are powerful remedies in the hands of a citizen. Discuss.
3. Bikoko Republic was a peaceful nation until a wave of religious extremism swept across the Jibiti Region of the country. In order to contain the religious extremism and insurgency that was taking root in the Jibiti region, the armed forces of the Bikoko Republic dispatched a highly trained special forces to the Jibiti region to contain what officials described as acts of terrorism. On the 1st of October, 2014, a team of commandoes from the Special Forces was sent on a surveillance mission. While the commandoes were on their mission, they noticed a suspicious car and they stopped the

car and began to question the occupants. Towards the end of the questioning, one of the occupants became irritated by the long and fruitless search and made abusive remarks about the commandoes. The driver of the car subsequently drove off and ignored a further order from the commandoes to stop. One of the commandoes was enraged by the impudence of the abusive occupant and driver and opened fire on the car, killing all but one of the occupants of the car. The dependents of the deceased persons have instituted a civil action concerning the killing of the deceased persons. **Discuss the legal issues raised in the case. 14 marks.**

4. Biko Peter owns two plots of land at Green Estate in the capital city of the country. BikoPeter acquired this property at a very low price when the capital city was not yet developed. Senator Big Eye is a distinguished senator of the Republic and is desirous of owning a piece of land in the capital city which will befit his status as a distinguished senator. Senator Big Eye contracted a major civil and building company to begin construction of a multi-million dollar mansion on the land belonging to Biko Peter. Biko Peter was informed of this development whereupon he went to the land and asked the contractor's employees to stop work on the building. Senator Big Eye was enraged and commenced a suit in the High court against Biko Peter. Biko Peter was not served with the court papers filed in court against him. He was not informed that there was a suit pending against him. Despite this situation, the learned trial judge commenced trial in the suit where witnesses for Senator Big Eye gave evidence and since Biko Peter was not in court and not aware of the case. Senator Big Eye closed his case. Biko Peter's friend was in court when the case was closed and informed Biko Peter and Biko Peter made haste to attend the next adjourned date but the judge refused to listen to him because the judge did not like the fact that BikoPeter manifested his religious beliefs by what he was wearing. The court gave judgement in favour of Senator Barabara. **Advise Biko Peter. 14 Marks**
5. The Constitution of Nigeria 1999 vests the judicial powers on the courts and equally defines the jurisdiction and structure of our courts. Discuss.
6. The Military was not constituted for the purposes of governance. Accordingly, a military government cannot be equated with a democratic government. Discuss.