



NATIONAL OPEN UNIVERSITY OF NIGERIA
PLOT 91, CADASTRAL ZONE, NNAMDI AZIKWE EXPRESS
WAY, JABI - ABUJA
FACULTY OF LAW
DEPARTMENT OF PUBLIC LAW (PUL)
OCTOBER/NOVEMBER EXAMINATION 2016

COURSE CODE: PUL 243 (LAW 243)
COURSE TITLE: CONSTITUTIONAL LAW
CREDIT UNIT: 4
TIME ALLOWED: 2 ½ HOURS
INSTRUCTIONS: ANSWER FOUR QUESTIONS ONLY.
QUESTION ONE IS COMPULSORY

QUESTION

- 1.a) Isinka has a good university education and is leading a separatist movement in his country, Ninga Republic. The reasons for their separatist activity are that their ethnic nationality is totally marginalized and excluded from the affairs of their Country. Isinka has been arrested by the secret police of his country and have been charged with treason. The High Court had granted bail to Isinka but the President of Ninga Republic, President Brohaha has ordered that Isinka should not be released from prison detention. The President argued that Isinka committed acts of treason against his country and therefore is guilty. Dakuki is a retired colonel and was former security adviser to the former president of the country and is facing trial for corruption. He has been granted bail by the court but President Brohaha has also ordered that he should not be released from detention because he committed an offence when he was in the army about twenty five years ago. Against this backdrop, ShakaMomodu, a Nigerian journalist writing in the Thisday Newspaper of Saturday, 20th February, 2016 at page 9 said "...These intellectuals are helping to foist a new order in utter disrespect for the rule of law. Ironically, we grew up knowing some of them for no other career other than their dogged fight for the institutionalization of the rule of law. Now, we hear them loudly query the entire essence of their lives struggle. They now qualify the rule of law and want it moderated including the suspension of the constitution to give one man unchecked powers to be the accuser and the judge. They

forget that the backbone of society and democracy is that no matter how we despise a suspect, that individual is entitled to the full protection of due process and should not be subjected to a lynch mob or vigilante justice. Punish those found to have fallen foul of the law, but please follow the law of the land and its due process.” Discuss. 12.5 Marks

- 1.b) According to Lawrence Tribe, “the constitution is a historically discontinuous composition, it is the product, overtime, of a series of not altogether coherent common promises; it mirrors vision or philosophy but reflect instead, a set of sometimes reinforcing and sometimes conflicting ideas and notions”. Discuss. 12.5 Marks
2. When the legislature and the executive powers are united in the same person or body....there can be no liberty.again, there is no liberty if the judicial powers is not separated from the legislature and the executive... there would be an end of everything if the same person or body were to exercise all the three powers” Baron de Montesquie, *Del’spirit des lois*. Discuss with particular reference to Nigeria. 15 Marks
3. The principle of constitutional supremacy and parliamentary supremacy cannot co-exist being mutually inconsistent. Discuss. 15 marks
4. Discuss the high points of Nigeria’s constitutional development from 1960 to 1999. 15 Marks
5. Write short notes on the following:
 - (i) Written and unwritten constitution
 - (ii) Presidential and parliamentary system of government
 - (iii) Rigid and flexible constitutions15 Marks
6. “Federalism is an arrangement whereby powers of government within a country are shared between national, country-wide government and a number of regionalized (territorially localized) governments in such a way that each exists as a government separately and independently from the others operating directly on persons and property within its territorial area, with a will of its own and its own apparatus for the conduct of its affairs and with some authority in some matters exclusive of all others. Federalism is thus essentially an arrangement between governments, a constitutional device by which powers within a country are shared among ties of government, rather than among geographical entities comprising different peoples.” – Professor Ben Nwabueze. Discuss. 15 marks