



NATIONAL OPEN UNIVERSITY OF NIGERIA
FACULTY OF LAW
DEPARTMENT OF PUBLIC LAW
2021_1 EXAMINATION QUESTIONS
JUNE, 2021 EXAMINATION

COURSE CODE: PUL244
COURSE TITLE: CONSTITUTIONAL LAW II
CREDIT UNITS: 4
TIME ALLOWED: 3 HOURS

INSTRUCTION: ANSWER QUESTION 1 (ONE) AND ANY OTHER 3 (THREE) QUESTIONS. QUESTION 1 (ONE) ATTRACTS 25 MARKS WHILE OTHERS ARE 15 MARKS EACH.

1. (a) According to the provisions of section 59(3) of the 1999 Constitution of Nigeria, where the joint finance committee fails to resolve certain differences in the passage of a bill, the bill shall be presented to the National Assembly sitting at a joint meeting, and if the bill is passed at such joint meeting, it shall be presented to the President for assent. Your client, Mr. Ubong has asked you what kind of bill is being referred to here? Enlighten him supporting your answer with relevant authorities. **15 marks**
(b) Husseina your bossom friend is considering going into politics. She wants to become a legislator in either her state or the federal house. Kindly explain to her the nature of the legislative house in both the states and the federal citing relevant constitutional provisions. **10 marks. Total = (25 marks)**
2. Write briefly on the following:
(a) Legislative sovereignty
(b) Ministerial / Collective responsibility **(15 marks)**
3. According to the provisions of section 212 of the 1999 Constitution, a Governor may grant any person concerned with or convicted of any offence created by any Law of a State a pardon, either free or subject to lawful condition. Discuss. **(15 marks)**
4. The Constitution has guaranteed the existence of the judiciary in recognition of the fact that a free, impartial and independent Judiciary is a necessity to a virile judicial system especially in a developing country like Nigeria. Elucidate. **(15 marks)**
5. (a) Mr. John, a building contractor has a land dispute with Mr. Wale. Mr. Wale has threatened to bring his 'boys' to demolish Mr. John's house on the disputed land. As his lawyer, Mr. John has approached you to assist him in court. What order would you pray the court for to preserve the *res*? **(5 marks)**
(b) Also advise him on how to obtain an interlocutory injunction. **(10 marks)**
6. The prerogative orders have been adjudged to be adequate for the protection of an aggrieved person against executive lawlessness. See *Burma Vs. Usman Sarki* (1962) ALL N.L.R. 24. However, certain conditions have to be fulfilled to be able to invoke these remedies successfully. Discuss with reference to the order of mandamus. **(15 marks)**