



NATIONAL OPEN UNIVERSITY OF NIGERIA
FACULTY OF LAW
DEPARTMENT OF PUBLIC LAW
2020_2 EXAMINATION QUESTIONS
2021_1 Examination

COURSE CODE: PUL444
COURSE TITLE: ADMINISTRATIVE LAW 11
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. Kenneth is a university lecturer and a social commentator. He made an online publication wherein he accused his state governor of encouraging the oppression of minority ethnic groups in his state. The state governor has ordered for the arrest of Kenneth and the police has arrested and detained Kenneth. Kenneth has been detained for thirty days without bail and despite efforts at releasing him the police continue to keep him in detention. Members of Kenneth's family have commenced action asking court to order the police to either bring the detainee in court to show cause why he is being detained or to release him from detention. The police is opposing the suit on the basis that the court does not have the power to make such an order. Discuss. 25 Marks
2. All duties of a public nature can be enforced by the court compelling the public officer involved to carry out the duty. To be successful the litigant would have requested the public official to carry out his duty and the public official would have declined. Discuss. 15 Marks.
3. The issue that a person desirous of enforcing an administrative duty must show standing is part of Nigerian law. It seeks to prevent the opening of flood gates of suits by those who do not have any relationship with the matter they are complaining about. Discuss. 15 marks.
4. The courts of superior record in Nigeria have the power to issue Writs of Certiorari and prohibition which are important in the just administration of justice in Nigeria. Discuss.
5. The power of the court to compel public authorities to operate within the limits of their powers is essential in a democratic system of government. In exercise of such power the court can declare ultra vires any decision made by a public authority which decision is not recognized by law. Discuss. 15 marks.

6. The Nigerian federal system of government recognizes the local government as part of the three tiers of government which is meant to address the specific needs of the people in the local communities. Discuss. 15 marks