

NATIONAL OPEN UNIVERSITY OF NIGERIA
14/16 AHMADU BELLO WAY, VICTORIA ISLAND, LAGOS
FACULTY OF LAW
DEPARTMENT OF PUBLIC LAW
2017_2 EXAMINATION QUESTIONS
JANUARY 2018

COURSE CODE: PUL243

COURSE TITLE: CONSTITUTIONAL LAW 1

TIME ALLOWED: 2 ½ HOURS

INSTRUCTION: ANSWER QUESTION 1 (ONE) AND ANY OTHER 3 (THREE) QUESTIONS. (QUESTION 1 (ONE) ATTRACTS 25 MARKS)

1. According to Montesquieu:

“Political liberty is to be found only when there is abuse of power. Experience shows that every man invested with power will abuse it by carrying it as far as it can go. To prevent this abuse, it is necessary from the nature of things that one power should be a check on another.....”

In the light of the above statement, discuss the doctrine of separation of powers vis-à-vis the present democratic regime headed by President Muhammadu Buhari. What is your opinion as to whether the doctrine of separation of powers is practically observed considering the actions of the EFCC and the DSS that descended on serving Judicial officers but failed to do so to the Legislature?

2. a. The word Constitution has been defined in different ways that is often a reflection of a particular Constitution. It is a document considered to be a grundnorm, to others it is sacrosanct. Give three definitions of Constitution.

b. Discuss the following types of Constitution and provide examples of countries that operate them.

i. Written and unwritten Constitution

ii. Flexible and Rigid Constitution

iii. Monarchical and Republican Constitution

iv. Parliamentary and Presidential Constitution

v. Federal and Unitary Constitution.

3. The Rule of Law is a constitutional concept known all over the world most especially countries that practice democracy today and this has generated a lot of controversy. The controversy stems from theoretical and practical aspects. The theoretical aspect is linked with fallbacks or watertight explanations offered by A. V. Dicey.

Discuss the concept of the Rule of Law under the Nigerian Constitution. Support your answers with decided cases.

4. What is a unitary system of government? Discuss the merits and demerits of a unitary system of government. In your opinion, is unitary system of government suitable for Nigeria?
5. Nigeria is a country situated on a Landmass of about 925, 000 hectares of land in the Western part of Africa with a population of about 150 million people and about 250 ethnic groups. What system of government does Nigeria operate to take care of these vast interests?
6. Briefly explain the following constitutional development in Nigeria under the headings below:
 - i. The Clifford constitution, 1922
 - ii. The Richards constitution, 1946
 - iii. The Macpherson constitution, 1951
 - iv. The Lyttleton constitution, 1954