

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: PUL443

COURSE TITLE: ADMINISTRATIVE 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. Even when it is conceded that various organs may possess powers and not exercise the functions of the others, this is difficult to maintain in administration. The administration must necessarily perform all the functions and exercise all the powers else the running of government will grind to a halt. Discuss.
2. Professor A. V. Dicey reduced the rule of law into three major concepts. Nevertheless, Professor Wade has espoused the doctrine and takes the view every act of governmental power i.e every power which affects the legal right, duties or liabilities of any person must be shown to have a strictly legal pedigree. Discuss.
3. The definition of Administrative Law carries with it two basic problems. First is the problem of extracting the subject from the clutches of Constitutional Law from which it takes its origin. The second problem is that of securing a general acceptable working definition of the subject. Discuss.
4. Constitutional Supremacy is the rulership or sovereignty of the Constitution. Inherent supremacy stems from the generic character of the constitution. The Constitution is the authoritative statement of the law on a subject. Where a legislative authority claims to legislate in addition to what the constitution had enacted, it must show that, and how it has derived its legislative authority to do so from the constitution. Discuss.
5. Salmond is the view that legislation is either supreme or subordinate. The former proceeds from sovereign power, the latter flow from any authority other than the sovereign power, and is, therefore, dependent for its existence and continuance on superior or supreme authority. No wonder Mucherjea J. rightly pointed out that “Delegated legislation is an expression which covers a multitude of confusion. It is an excuse for the legislators, a shield for the administrators and a provocation to the constitutional jurists...” Discuss.
6. Parliamentary supremacy means that the parliament is supreme. It does not share equal or coordinate status with the other arms of government. Discuss.