



**NATIONAL OPEN UNIVERSITY OF NIGERIA  
FACULTY OF LAW  
DEPARTMENT OF PUBLIC LAW  
2023\_1 POP EXAMINATION<sub>21</sub>**

**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) Mr. Zuwanga, the President of Nigeria intends to go to war with Cheq Republic. He has issued a statement to that effect stating that Cheq Republic has trespassed into Nigeria's territory despite several warnings. The special adviser to Mr. Zuwanga told him that he needs the approval of the National Assembly to do so. Kindly advise him. **10 marks**

(b) The executive Governor of Z state made up of 14 local government areas wishes to create two additional local governments. Kindly advise him on what to do citing relevant authorities. **15 marks**

2. The judicial powers in Nigeria are vested in both the courts established for the Federation and the States. Discuss. **15 marks**

3. The procedural requirements before one can take an action to the court is not a bar to the jurisdiction of any court. Succinctly differentiate between an ouster clause and the doctrine of ripeness, citing relevant authorities. **15 marks**

4. An arrest to compel a person against his will in order to help in a police enquiry when there is no reasonable suspicion that he has committed a criminal offence is unlawful – **Queen v. Lemsatf** (1977) 2 AER. 835. Elucidate. **15 marks**

5. Identify and briefly explain five (5) powers of the legislative arm of government as contained in the 1999 Constitution of Nigeria. **15 marks**

6. Distinguish the following judicial remedies:

(a) Mandamus

(b) Habeas Corpus

(c) Prohibition **15 marks**