

JOSEPH AYO BABALOLA UNIVERSITY
IKEJI- ARAKEJI
COLLEGE OF LAW.

FIRST SEMESTER EXAMINATIONS, 2022/2023 SESSION.

COURSE TITLE: CONSTITUTIONAL LAW I

COURSE CODE: PUL 211

TIME ALLOWED: 3HRS

INSTRUCTION: ANSWER TWO (2) QUESTIONS FROM EACH SECTION.

1. "The problem which all federalized nations have to solve is how to secure an efficient central government and preserve national unity, while allowing free scope for the diversities, and free play to the authorities, of the members of the federation. It is ... to keep the centrifugal and centripetal forces in equilibrium, so that neither the planet States shall fly off into space, nor the sun of the Central government draw them into its consuming fires." James Bryce, 1955.

The problem inherent in the effective operation of a federal constitution as highlighted above is peculiar to Nigeria as Nigerians continue to struggle for a stable democracy under a federal Constitution. As part of the ways towards actualizing a truly federalist Constitution acceptable to all Nigerians, critically examine the features of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) which negate the principles of federalism.

2. A notable feature of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) is the distribution of the exercise of government functions among the principal and separate departments of the Legislature, the Executive and the Judiciary. As a general rule therefore, except otherwise expressly provided or incidental to the powers conferred, the legislature cannot exercise either executive or judicial power; the executive cannot exercise either the legislative or judicial power; and the judiciary cannot exercise either executive or legislative power. Realising the fact that the functions of the organs of government cannot be put in watertight compartments, and that the business of Government cannot be rigidly discharged, there exists instances where one arm of government performs the functions

which should be performed by the other, or where one arm check the other with a view to balancing of powers.

In view of the above, examine the specific areas of intergovernmental relationship of these arms of government under the 1999 Constitution of Nigeria (as amended).

3. Write short notes on the following constitutional concepts:

- i. Constitutional Supremacy
- ii. Parliamentary Sovereignty
- iii. Doctrine of Covering the Field

SECTION B

4. Military rule is considered an aberration in Nigeria's political administration. Discuss.
5. Constitutional engineering in the colonial period witnessed at the early stages, personally imposed constitutions which were named after various governors responsible for them. Later some constitutions which allowed participation by Nigerians in varying degrees. Discuss.
6. Write short but comprehensive notes on the various arms of government under the military rule in Nigeria.

JOSEPH AYO BABALOLA UNIVERSITY, IKEJI-ARAKEJI

COLLEGE OF LAW

FIRST SEMESTER EXAMINATIONS, 2023/2024 ACADEMIC SESSION

COURSE CODE: PUL 211

COURSE TITLE: CONSTITUTIONAL LAW I

TIME: 3 HOURS

INSTRUCTION: ANSWER TWO QUESTIONS FROM EACH SECTION

SECTION A

1. The concept of the Rule of Law is a fundamental component of the Nigerian Constitution but its effectiveness is hampered by several factors. Discuss.
2. The dogma that prescribes a strict separation of powers between the executive, legislature and judiciary no longer exists. Montesquieu's theory about the separation of power has been described as not only been "antiquated and unrealistic," and even a "rusty way of thinking". Condemnation such as this would appear to be unavoidable, since in a modern democratic system, watertight separation of the three arms of government can no longer be maintained.

Critically examine how the Constitution of the Federal Republic of Nigeria, 1999 (as amended) has redefined, re-determined and reshaped the concept of separation of power, based on the above observation.

3. The Constitution of the Federal Republic of Nigeria, 1999 (as amended), "supposedly a federal constitution, is in reality a unitary document that structures the country into obsequious administrative units that are referred to as states. Besides the name of the document, its core is defined in strict unitary terms." Igbo Natufe.

To what extent is it true that constitutionally, structurally and, in terms of actual operation, the relationship between the Federal government and the State governments in Nigeria, is the anti-thesis of federalism?

SECTION B

4. "WE THE PEOPLE of the Federal Republic of Nigeria:

Having firmly and solemnly resolved: ... to provide for a Constitution ... do hereby
MAKE AND GIVE TO OURSELVES the following Constitution." (Preamble to the
Constitution of the Federal Republic of Nigeria, 1999 (as amended)).

In view of the above, would you really agree that the Nigerian Constitutions before
Independence, and even post-Independence till date are autochthonous?

5. Discuss Nigeria's Constitutional development from 1914 to 1960.

6. It is true that the various military governments that have seized political power in Nigeria
have always been leaving the judiciary intact. Does this mean that the judiciary is
completely independent? Support your claims with relevant statutory and judicial
authorities.