

**JOSEPH AYO BABALOLA UNIVERSITY
IKEJI-ARAKEJI, OSUN STATE
COLLEGE OF LAW**

SECOND SEMESTER EXAMINATION, 2020/2021 ACADEMIC SESSION

COURSE: CONSTITUTIONAL LAW II

COURSE CODE: PUL 221

TIME: THREE HOURS

INSTRUCTION: ANSWER TWO QUESTIONS FROM EACH SECTION.

SECTION A

1. Sule was arrested on 2nd January 2020 for the offence of committing bigamy with Sarah. He was beaten and had his hair shaved with broken bottles by Dada, the Police Officer in charge, and thereafter kept in police custody the same day. He was arraigned on 17th August 2020 before an Osun High Court in handcuffs and his plea was taken. His request for bail was turned down on the ground that bigamy in the Southern part of Nigeria is a very serious offence. Sule's plea for three weeks adjournment to enable him prepare his case was refused by the trial judge, as the judge only adjourned the case to the 19th of August 2020. On the said date, Sule not represented by counsel informed the court that he needed the services of an interpreter as he cannot understand English language being an Hausa man. The trial judge informed Sule that these issues he raised were not the business of the court. Sule pleaded *alibi* and applied for an adjournment to enable him call Kazeem as a witness. The trial judge refused to grant the application and reminded Sule that it was Sule's father that snatched his wife some years back while he was in Kano. Sule was also not allowed to cross examine Bunmi, a prosecution witness, as the trial judge said he could not do so since he is not a lawyer. At the close of the case for both parties, and address by the prosecution on the same date, judgment was delivered on 24th March 2021 and Sule was convicted and sentenced to death by hanging.

He filed a notice of appeal against the judgment to the Court of Appeal and while the appeal was pending, he was executed on the orders of the Attorney General of Osun State. Garuba, the deceased son has engaged you to file an appeal against the entire proceedings and the execution. What argument(s) would you raise?
2. "Heartwarming as the Fundamental Objectives and Directive Principles of State Policy are, they are but a mirage. The Constitution takes away with the left hand what it has given with the right hand. This, it has done through the instrumentality of Section 6 (6) (c) of the 1999 Constitution... It is difficult to understand why any Government worth its salt will be afraid of being held liable for what it should ordinarily provide for the people.... The Fundamental Objectives and Directive Principles of State Policy must therefore be made justiciable if they are to be worth the paper on which they are written." Chief Mike A.A. Ozehome.
Comment on the view that the non-justiciability of the Fundamental Objectives and Directive Principles has reduced it to empty platitudes and hollow admonitions in the

absence of direct judicial justiciability. How can we promote the justiciability of the objectives and directives for the benefit of Nigerian citizens?

3. Critically discuss the freedom of expression and the press as contained under the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and the limitation(s) or otherwise of this right.

SECTION B

4. (a) Explain the structure of the Nigerian legislature at the federal and state levels.

(b) The relationship between the legislature and the executive in the current democratic dispensation in Nigeria is characterized by mutual suspicion, resentment and political rivalry. With this in mind, critically examine the provisions of the 1999 Constitution of the Federal Republic of Nigeria (as amended) with regards to the legislative powers of impeachment.

5. (a) The Attorney- General of the Federation has been conferred with vast powers under the extant constitution in Nigeria. With the aid of relevant sections of the Constitution, discuss in detail the powers conferred on the AGF.

(b) The main idea of the provisions of Section 5 of the 1999 Constitution is to confirm that that the executive powers of the federation and the state are in single individuals, although exercisable on their behalf by their delegates. With the aid of relevant provisions of the Constitution, discuss the enormous powers of these individuals.

6. (a) Define the term "Judicial powers".

(b) Write short but comprehensive notes on any three (3) of the following:

- i. Superior courts of record
- ii. Ouster clauses
- iii. The exclusive jurisdiction of the Federal High Court under the CFRN 1999(as amended)
- iv. Independence of the Judiciary
- v. Jurisdiction of a court.

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SECOND SEMESTER EXAMINATIONS, 2022/2023 ACADEMIC SESSION
COURSE TITLE: CONSTITUTIONAL LAW II COURSE CODE: PUL221
TIME ALLOWED: 3 HOURS
INSTRUCTION: ANSWER TWO QUESTIONS FROM EACH SECTION

SECTION A

1. Both Abel and John were coming from a party at about 3.30am on 24th July 2022. At Ikeji-Arakeji Junction, Ikeji-Arakeji, they were stopped by a team of "Operation Fire-for-Fire" Policemen. They explained to the Policemen that they were coming from the birthday party of one of their friends who is a student of Ayo Babalola University. The Policemen gave each of them 12 strokes of cane and took them to Ikeji-Arakeji Police Station where they were kept for six days. They were refused bail, denied access to food, or medical attention or water and were never informed of any offence they committed. On the seventh day, they were taken to the Ikeji-Arakeji Chief Magistrate Court where a charge of 'wandering' was read to them. They pleaded not guilty to the charge. Both are allowed to appear in person at their respective hearings, but are refused legal representation on the ground that the hearings must be dealt with swiftly. Abel was permitted to call one witness in his defence, but John was refused on the ground that he was not a student as Abel. Abel was allowed to remain present during his hearing while a prosecution witness gives evidence against him, but was refused permission to cross-examine him. The Court gave Abel and John a summary of the allegations made against them by the prosecution, but refused to allow them to see the full statement. Both were surprised by the content of the allegations, which appeared to be more extensive than those that appeared in the statement of charges given to them prior to the hearing. Despite this, the Court refused to give them time to consider them. At the close of the case for both parties, and address by the prosecution on the 31st July 2022, judgment was delivered on the 3rd July 2023 and both Abel and John were convicted and sentenced to death by hanging.

You have been consulted to file a notice of appeal against the judgment on behalf of Abel and John against the entire proceedings as it concerns the violations of their fundamental human rights. What argument(s) would you raise?

2. The non-justiciability of the provisions on Fundamental Objectives and Directive Principles of State Policy has rendered them redundant. Discuss.

3. The human rights community in Nigeria is excited by the Fundamental Rights Enforcement Procedure Rules, 2009 (FREPR Rules) made by the Chief Justice of Nigeria pursuant to section 46(3) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). The FREPR Rules 2009 attempt to deal with some of the shortcomings in the FREPR Rules of 1979. Discuss.

SECTION B

4. "Impeachment is an essential security for the behavior of the executive, if he be not impeachable whilst in office, he will spare no efforts or means whatever to get himself re-elected." Per William Richardson Davie. Discuss with the aid of relevant authorities in relation to the 1999 Constitution of the Federal Republic of Nigeria impeachment provisions.
5. "A state without the means of some change is without the means of its conservation"-Edmund Burke. In the light of this statement, critically appraise the amendment provisions of the CFRN 1999.
6. The obvious meaning of the language of the provisions of section 5 of the 1999 Constitution is to confirm that the executive powers of the Federation and the state are in single individuals, although exercisable on their behalf by their delegates. Discuss with a view of highlighting the enormous powers of these individuals.

