

National Institute for Legislative Studies/University of Benin

COURSE CODE: MLD 813

COURSE TITLE: Advanced Constitutional Law

INSTRUCTIONS: Answer ANY FOUR Questions

TIME ALLOWED: 3 Hours

1. "The phrase "reasonably justifiable in a democratic society in the interest of public peace, public security....." is the anchor upon which major exceptions (representing society's rights)to the fundamental rights guaranteed under sections 37,38,39 and 40 of the 1999 Constitution were predicated" Do you agree with this statement? Justify your answer with the aid of judicial authorities.
2. "Constitutionalism as a legal framework of government and governance must be not only on the basis of its provisions but also as an instrument for the protection of the interest of the majority and the minority otherwise it will fail to achieve the desired objective." Discuss this statement on the anchor of the Nigeria's 1999 Constitution
3. Would you agree that Chapter 3 of the 1999 Constitution has created different classes of Nigerians on the issue of Citizenship. Support your answer with aid of legal authorities.
4. "The principles of Federalism enshrined under the 1999 Constitution is lopsided in favor of the Federation against the States" Critically Examine those Constitutional issues that lend credence to this opinion.
5. "The right guaranteed under Section 33 has become the exception while the exception has become the right" Discuss

6. Consider critically the cumulative provisions under the 1999 Constitution which vested in the Courts the power of judicial review of legislative action illustrating your answer with the appropriate judicial authorities.

7. Explain how to reconcile the non-justiciability of Chapter 2 of the 1999 Constitution and the duty imposed on the legislature, the executive and the judiciary under Section 14 to give effect to the chapter in discharging their duties.