



UNIVERSITY OF BENIN

NATIONAL INSTITUTE FOR LEGISLATIVE AND DEMOCRATIC STUDIES/ UNIVERSITY OF BENIN POST GRADUATE PROGRAMMES

SEMESTER EXAMINATION

Programmes: LLM
Semester: **1st**
Course Title: **Advanced Constitutional Law**

Session: 2020/2021
Course Code: MLL 813

Instructions:

- i. Answer any Four (4) Questions, each question carries **17.5marks**
- ii. Time allowed: **3hours**
- iii. Write your **Matriculation Number Only**
- iv. Orderly arrangement and good presentation of materials will be considered.

Question One

Johnson was an apprentice under Chief Emeka who is in the business of importation and sale of building materials. Johnson, who was living with Chief Emeka, took delivery of a total payment of twenty-two million naira (N22m) for goods supplied to various customers while Chief Emeka was away on a business trip. When Chief Emeka returned, he asked Johnson to give account of the supplies and payments and it was discovered that eight million naira was missing. Despite interrogation by Chief Emeka, Johnson could not account for the money. Consequently, Chief Emeka locked Johnson inside a room without food or water. Chief Emeka also denied Johnson's parents and siblings' access to him (Johnson). Furthermore, Johnson was forced to defecate and urinate in the room. After 14 days in the room, Johnson died.

- a. With the aid of relevant constitutional provisions and judicial authorities, discuss fundamental rights issues raised in the above narration.
- b. Examine the impediments in the way of realization of fundamental rights in Nigeria.

Question Two

"It has been argued that the fundamental objectives and the directive principles of state policy are meant for authorities that exercise legislative, executive and judicial powers only and therefore any enactment to enforce their observance can apply only to such persons in authority and should not be extended to private persons, companies or private

organisations. This may well be so, if narrow interpretation is to be given to the provisions, but it must be remembered that we are here concerned not with the interpretation of a statute but the Constitution which is our organic law or grundnorm. Any narrow interpretation of its provisions will do violence to it and will fail to achieve the goal set by the constitution." Per Uwais, JSC in the case of **AG Ondo State v. AG Federation & Ors (2002) LPELR-623(SC)**

Examine the legal implications of the above pronouncement in the light of your knowledge of the subject matter.

Question Three

Apa State is one of the 5 newly created States in Nigeria. While the 2020 Appropriation Bill was pending before the State House of Assembly, the Governor of the State embarked on expenditures contained in the Bill. The leadership of the State House of Assembly extended a letter of invitation to the Governor to appear before the House to answer questions relating to public expenditure without appropriation, but the Governor refused to appear before the House. The Governor also appointed Commissioners, assigned portfolios to them and administered the relevant oaths without reference to the State House of Assembly for confirmation of the appointments. In addition, there are allegations of various financial improprieties against the Governor, which the House has attempted to investigate. But the Governor has refused to appear before the relevant Committee of the House.

As an expert in Constitutional Law, the Speaker of the House of Assembly has briefed you for a legal opinion on the issues. Write a comprehensive legal opinion and give advice on the constitutional options available to the State House of Assembly in the circumstances.

Question Four

With the aid of relevant authorities, critically examine the legal regimes of constitution making and alteration in Nigeria's Fourth Republic.

Question Five

"No two countries operating Federal Constitution practice federalism in the same way. I am yet to see two countries operating Federal Constitution providing for exactly the same Federal content in the Constitutions. All countries, including those operating Federal Constitutions, have their peculiar provisions which they rightly call theirs." Per Niki Tobi JSC in *Olafisoye v FRN (2004) LPELR-2553 SC*.

Against the above dictum, critically x-ray the challenges of Nigerian federalism, and provide proposals for its improvement.

Question Six

Discuss the legal regime of constitution amendment in Ghana, unveiling lessons, if any, for Nigeria's constitution alteration procedure.