

BOWEN UNIVERSITY, IWO
COLLEGE OF LAW 2023/2024 SESSION
CONSTITUTIONAL LAW II – PIL 204
SECOND SEMESTER EXAMINATION QUESTIONS
ANSWER TWO (2) QUESTIONS FROM EACH SECTION
ANSWER FOUR (4) QUESTIONS IN ALL
ALL QUESTIONS CARRIES EQUAL MARKS (17½ EACH)
TIME ALLOWED : THREE (3) HOURS

SECTION A

1. Non-justiciability of Chapter II of the Constitution of the Federal Republic of Nigeria (CFRN), 1999 is an impediment to Economic Rights and Development in Nigeria. **Outline and discuss five notable impediments with relevant statutory provisions and case laws.**
2. Law- making is a function traditionally reserved for the legislative arm as provided in Chapter I Part II, Section Four (4) of the Constitution of the Federal Republic of Nigeria, 1999 however, there are instances where such powers to make laws are found in other arms of government. **Examine the practical application of the above situations in relation to the current situation in Nigeria; mentioning three instances, and supporting your answers with relevant statutory provisions.**
3. To what extent can you say that the use and form of Executive Orders in Nigeria by the President is legal or not? **With relevant statutory and judicial authorities' provisions and case laws, critically examine the above question.**

SECTION B

- 4a. Nife was declared as the winner of the Presidential election in the Federal Republic of Sunshine. Her counterpart and the first runner up, Kimi said the election was controversial and that she had been robbed as she believed she won the election based on the evidence given to her by her party agent. Kimi also opined that the election was fraught with electoral malpractices and violence. Kimi has now vowed to stop Nife's swearing-in at all cost. She has approached your office for an explanation on the appropriate court that has jurisdiction over the matter. **Kindly explain to her.**
- 4b. What would be your advice if the case is unsuccessful?
- 4c. Highlight the establishment, appointment and constitution of the court you explained in Question 4b.
- 5a. Briefly discuss Judicial Review.
- 5b. Write notes on the following remedies:
 - (i) Mandamus.

- (ii) Prohibition.
- (iii) Habeas Corpus
- (iv) Quo Warranto.
- (v) Certiorari.

- 6a. On his way from school, your younger brother overheard a man boasting to another that he is a fully-fledged Nigerian who came into the country "on his head" which is the best way under S. 25 of the 1999 Constitution unlike his friend that came into Nigeria "on legs." Explain your understanding of the section to him as a 200L student of Law supporting your answer with judicial authorities.
- 6b. Tom and Tam are Ghanaians. Tom is male while Tam is female; both got married on the 14th of February, 2024 to Nigerians. Tam was able to register immediately as a Nigerian citizen while Tom could not. Discuss the underlining principle.
- 6c. Niyay contested and won the gubernatorial election in Iwo Land, Nigeria. The opposition candidate, Ajay rejected the result alleging that Niyay is not a citizen of Nigeria since he was born in the United Kingdom, and therefore cannot hold any position thereof. Niyay merely laughed which infuriated Ajay. He has now threatened to take Niyay to court on the matter. Carefully discuss the position of the 1999 Constitution on this issue supporting your answer with the relevant authority.