

BOWEN UNIVERSITY
(of the Nigerian Baptist Convention)
IWO, OSUN STATE
COLLEGE OF LAW
SECOND SEMESTER EXAMINATION, 2024/2025 ACADEMIC SESSION
COURSE CODE: PIL 502 **COURSE TITLE: JURISPRUDENCE AND LEGAL**
THEORY II
INSTRUCTIONS
ATTEMPT TWO (2) QUESTIONS FROM EACH SESSION
TIME ALLOWED: THREE (3) HOURS

1. (a) A duty is said to be a correlative of right. Do you agree? Discuss (5 ½ marks)
(b) Explain the main characteristics of a duty (6 marks)
(c) Identify and discuss the major theories of a duty (6 marks)
Total = 17 ½ marks

2. KIA Ventures is an unregistered enterprise doing business at No 26 Kareem Road, Iwo. She entered into an agreement to deliver ten (10) tons of Animal feeds to Alhaja Khadijat at No 8, Okerusu Street, Iwo within four weeks of the agreement. Rule 6, Sub-rule 2 of the Osun State High Court (Civil Procedure) Rules provides that a cause of action arises as between parties to an action where there are civil rights and liabilities. KIA Ventures has breached the agreement and Alhaja Khadijat has instituted an action before an Iwo High Court with KIA Ventures arguing that the action should be dismissed because KIA Ventures is not a person known to the law.

- (i) Advise the parties on the chances of the success of the action, with relevant decided cases. (5 marks)
(ii) What order should the court make and why in the likelihood of the Alhaja Khadijat not succeeding? (2 marks)
(iii) **Explain** two major theories of artificial legal personality (5 marks)
(iv) Explain the determinants of legal personality in Nigeria. (5¹/₁ marks)

Total= 17¹/₂ marks.

3. "A right exists only when others are bound or obliged by law to behave in a particular way towards another."

- (a) Critically examine the above statement in the light of the various characteristics of rights known to you. (6¹/₂ marks)
(b) Mention and discuss the major theories of rights. (7 marks)
(c) Identify and briefly explain three (3) major categories of rights known to you. (4marks)
Total = 17 ½ marks

SECTION B

4. Discuss the historical background of Karl Marx, how the Hegelian metaphysics influenced his thoughts, his rejection of dialectical idealism, his philosophy, the fundamentals of the Marxist

Theory of Law and its criticisms.

171/2

MARKS.

5. What is Historical School? Discuss the views of Carl Von Savigny, the fundamentals of his views, and its critique. **171/2 MARKS.**

6. In view of the Nigerian cases of: *Edet v. Essien*, *Edward Omorodion Nwaifo v. Stanley Uyimwen Nwaifo*, *Agidingbi v. Agidingbi*, *Ukeje v. Ukeje*, the Supreme Court of Nigerian judgment in the case of *Savannah Bank of NIG. Ltd v. Agilo* and the very recent *Bobrisky* case, fix these cases within a particular school of jurisprudential theory. Discuss the merits and otherwise of these cases in view of the 1999 Constitution of the Federal Republic of Nigeria that states that no one should be made to suffer any depravity as a result of the circumstances of his or her birth, and the maxim *Ubi jus ibi remedium*. **171/2 MARKS**