

BOWEN UNIVERSITY, IWO
COLLEGE OF LAW
ADMINISTRATIVE LAW I – PIL 511
FIRST SEMESTER EXAMINATION QUESTIONS
2020/2021 SESSION
ANSWER AT LEAST TWO QUESTIONS FROM EACH
SECTION
ALL QUESTIONS CARRY EQUAL MARKS.
TIME ALLOWED : THREE (3) HOURS

SECTION A

1. Prof. MidasIropo in her Inaugural Lecture titled, “The Latitude and Longitude of Administrative Law Determined” assert thus, ‘... Inquiring into the reasons for the existence of Administrative Law as well as its role within the society is a herculean task as there are no guides into such as inquiry.’ **Critically evaluate the veracity of the assertion.**
2. Administrative Law like other Law courses has sources and shares some similarities with other courses but its distinctiveness is unmistakable. Just as where governmental power is separated, there is usually put in place the security valve of checks and balances. **Discuss extensively.**
3. At every time, might cannot become right as only the fittest will survive hence, man must strive to justify right over might thereby justifying the campaign for observation of Rule of Law. The Diceyan exposition on the concept of rule of law has evolved from its crude and unrefined nature to a modern concept which rest on a tripod stand. Its effectiveness is consequent on the observation of certain prerequisite which every democratic government must ensure that they are in place. The observation of the rule of law is the enthronement of law over the whims and caprices of the ruler which is a hallmark of a civilized state. Without the rule of law, the rights of the govern will be at the mercy of those in political officers. While law must rule, it must be remembered that an unjust law is a bad law and may be resisted therefore, the moral content of the law, must be examined. **Juxtapose rule of law as conceptualized by Dicey and its modern conceptualization, highlighting its tenets while foregrounding at least, three prerequisites for its efficaciousness.**
4. From Locke to Montesquieu, the conceptualization of Separation of Powers has not been absolute, sacrosanct or untrammelled in operation as the duties and functions of the various arms of government, although distinct and separable, overlapped all to achieve smooth governance. **Discuss exhaustively.**

Section B

5. Bankie just completed his two storey building edifice and planned moving in the following week. Two days later, he was suddenly informed by a caller that his edifice had been raised to the ground by a fire. After some investigation, it was discovered that the fire was caused by a high tension electric transmission line which had just been erected and which was passed high over his building by the Power Distribution Company of Sambisa (PDCS), the statutory electricity corporation established and owned by the Federal Government charged with the generation, acquisition and supply of electricity for consumers within the country. Bankie is very angry and ready to sue the company but is confused as to the success of the suit. **Advise Bankie.**
- 5b. Would your answer be different if PDCS had been privatized?
6. Certain factors must be taken into consideration by administrative rule makers before they can ascertain which procedure would be suitable for adoption the discharge of their duties. **Discuss extensively these factors, and the commonly adopted procedures.**
- 6b. State the effect of the failure to subsequently publish the decisions or rules made.
7. Ms. Tonie, a senior staff in the Ministry of Justice has few more years before her retirement. She was loved and highly regarded by everyone. Two months ago, Alhaji Danladi was named as the new Minister of Justice and he took over immediately. Few weeks after his resumption, Ms. Tonie received a letter of dismissal from service which was purportedly signed by one Mallam Sule, a junior staff in the ministry. Immediately, she went to see the Minister but was refused entry by the guards. She also went to see Mallam Sule who informed her that he acted according to the directive of the Minister; she demanded to see the proof of his authority but was rebuffed. Moreover, she contended that the dismissal was wrong and unlawful as it did not follow the proper procedure laid down by law but she was matched out of the ministry. **Examine the legal issue(s) involved above and advise Ms. Tonie.**