

BOWEN UNIVERSITY, IWO, OSUN STATE
COLLEGE OF LAW
FIRST SEMESTER EXAMINATION QUESTIONS, 2023/2024 SESSION
PIL 501: JURISPRUDENCE AND LEGAL THEORY I
JANUARY, 2024

Instructions: Answer FOUR questions in all with at least ONE question from each section.

Time Allowed: 3 Hours

SECTION A

1. Ghosem Ventures is an unregistered enterprise doing business at No 34 Iludun Road, Iwo. She entered into an agreement to deliver ten (10) tons of Animal feeds to Alhaja Memunatat No 28, 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. Ghosem Ventures has breached the agreement and Alhaja Memunatat has instituted an action before an Iwo High Court with Ghosem Ventures arguing that the action should be dismissed because Ghosem 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.
 - (ii) What order should the court make and why in the likelihood of the Alhaja Bilikisu not succeeding?
 - (iii) **Explain** two major theories of artificial legal personality.
 - (iv) Explain the determinants of legal personality in Nigeria.

2. *"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.
 - (b) Mention and discuss the major theories of rights.
 - (c) Identify and briefly explain three (3) major categories of rights known to you.

SECTION B

3.
 - (i) In the context of both the realities in the nation and the Constitution of the Federal Republic of Nigeria, 1999 (as amended), is Nigeria a secular state?
 - (ii) The State of Dadi prescribes that civil servants must salute the flag, sing the national anthem and recite the national pledge at public events. Ade refused to do any of these on the

ground that his religious faith forbids him from doing so. He was dismissed from public service.

- (iii) Jones, a pupil in a state elementary school on the instruction of his parents declined to recite the national pledge and salute the flag on the ground that saluting the flag or reciting the national pledge contradicts his faith. Jones was suspended from the school.
- (iv) The doctors arrived at the conclusion that Kad, a 12- year old girl needed blood transfusion. The parents, on the basis of their faith, refused to give their consent to the procedure. The doctors were in a dilemma as Kad's prospects of surviving dimmed by the day.

In the light of relevant legal authorities, advise the parties involved, bringing out the jurisprudential issues in the relationship between law and religion.

- 4. The relationship between law and morality is an age-long jurisprudential matter that endlessly provokes divergent, and sometimes convergent, views. Discuss this assertion in the light of recent happenings in Nigeria and abroad, drawing copiously from the debate on the subject-matter between Professor H.L.A. Hart and Sir Patrick (later Lord) Devlin.

SECTION C

- 5. The freedom of the just man is worth little to him if he could be preyed upon by the murderer or thief. Every society must have the means to protect itself from murderers. It must have powers to arrest, search, and imprison those who break the law. So long as those powers are properly exercised, they are themselves the safeguards. Per Lord Denning.

Discuss the above statement based on your understanding of the definition and functions of law.

- 6. Two questions on law are of utmost importance to human actors: whilst lawyers are interested in the question what is the law on a particular issue, which is a specific question, jurisprudence is interested in the question what is a general question.

With this remark, discuss the nature of law according to jurisprudential theorists.