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OSUN STATE UNIVERSITY, OSOGBO
COLLEGE OF LAW, IFETEDO CAMPUS
RAIN SEMESTER, 2020/2021 ACADEMIC SESSION
PART FIVE LL.B EXAMINATIONS

PUL 502 — ADMINISTRATIVE LAW
TIME ALLOWED: 3 HOURS



- INSTRUCTIONS:**
1. Answer any four questions.
 2. Make your handwriting legible.
 3. Credit will be given for logical and clear presentation of materials.
 4. Support your answers with judicial and statutory authorities.

1. "The legal framework for local government administration in Nigeria is settled notwithstanding the abnormalities frequently noticed in this regard across the country. Nevertheless, some confusion no doubt exists as to the jurisdictional competences of local governments vis a vis same of Federal and State Governments."

Discuss.

2. Mr Wajegba is a Maths teacher at Idero Community High School, while Fortune is a 13-year-old JSS2 pupil at the same school. The school, being a public school, is subject to the directive of the state ministry of education. On or about the 2nd day of April 2020, there was an incident of theft in a nearby Palm Produce depot. The thief was caught and was being beaten up by irate members of the public who gathered as soon as he was caught. Mr Wajegba instructed his class pupils (including Fortune) to go and see how thieves are treated so as to learn a lesson from it. The pupils went as instructed to the said depot. Soon after this, the bell rang for resumption of classes and all the pupils (including Fortune) began to run back to the school. Suddenly, Mr Wajegba picked up a cane and began to flog the pupils as they arrived at the school's gates. As Fortune attempted to pass through the gates, the maths teacher aimed the cane at her face and it landed right across her face, seriously injuring her in the left eye. The girl crying out in pain and anguish, lost her balance and collapsed on the floor. Despite this, Mr Wajegba ignored the young girl's cries and continued flogging the other pupils. Other teachers eventually came to her rescue and took her to the hospital where doctors after treatment and tests confirmed that Fortune has permanently lost vision in her left eye. Mr Badmos, Fortune's father, had immediately the incident happened petitioned the ministry of education asking for compensation and demanding appropriate sanctions upon Mr Wajegba. Mr Badmos in the petition had alleged bias and malice on the part of the maths teacher with whom he has been locked in a case of trespass to land. When the ministry failed to act, Mr Badmos, on the 2nd day of July 2020, instructed his lawyers to institute an action for remedy in the court. The trial court, however, held that the case is statute barred. Mr Badmos is interested in appealing this decision.

Advise him.

3. "It has been said that due to some clogs in the wheel of administrative justice, the fact that a victim of administrative injustice has a sufficient ground(s) for seeking judicial

review does not necessarily mean that he or she may successfully maintain an action in court."

Identify and explicate these clogs. How can they be overcome?

4. Sule, an accident victim was rushed to the emergency ward of Prompt Health Hospital but in accordance with hospital regulations, Dr Ego refused to attend to him until a deposit of N100,000 is paid. The delay in treatment eventually cost Sule his two legs. Innocent, the 12-year-old boy of Mr Elias was also same day rushed to the emergency ward of Prompt Health Hospital after suffering an injury in which he lost a lot of blood. Dr Aminat who attended to him immediately recommended blood transfusion to which Mr Elias, a Jehovah Witness strenuously objected. Dr Aminat however went ahead with the treatment in order to save the boy's life. The joy of the Azubikwe's family over the delivery of a set of twins through Caesarean section became dampened two weeks after, as pains and discomfort became the lot of Mrs. Azubikwe. A subsequent surgery was eventually carried out to remove a piece of cotton wool left inside her womb by Dr Sloppy during the Caesarean section. Frank, after being diagnosed of acute liver disease was discharged and placed on drugs by Dr Sharp. He called his doctor two days after to complain of pains and discomfort but she assured him that there was no cause for alarm; that he should only come to the hospital in two weeks' time. Frank however died four days later. The four doctors: Dr Sloppy, Dr Sharp, Dr Aminat and Dr Ego have been accused of **infamous conduct** before the Medical and Dental Practitioners Disciplinary Tribunal.

Discuss the main legal principles the tribunal must take into consideration in ensuring that the course of justice is served.

5. "A victim of administrative wrong may certainly avail herself of any available remedy through the ombudsman system in Nigeria. The only point of concern is the extent of effectiveness of this option in seeking administrative justice."

Discuss.

6. The Federal Government apparently in an apparent bid to obtain a permanent solution to the recent escalation of ethnic tensions and secessionist moves across the country has decided to set up a high-powered commission of inquiry under the chairmanship of a retired justice of the Supreme Court. The Commission will be empowered to inquire into the remote causes, nature and effect of ethnic tensions and secessionist moves in Nigeria; identify possible solutions; and make concrete constitutional, legal and administrative suggestions in addressing the problem. This decision has however generated a lot of controversy especially in states under the control of opposition parties who contend that the Federal Government does not possess the power to set up such a commission. Some critics are however of the opinion that instead of an "ordinary panel of inquiry", a truth commission might be a better option.

As a legal officer in the Federal Ministry of Justice, write a legal opinion advising the Federal Government on this matter.



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COLLEGE OF LAW, IFETEDO CAMPUS

BACHELOR OF LAWS (LL.B) – PART V

RAIN SEMESTER EXAMINATION, 2018/2019 ACADEMIC SESSION

PUL 502 - ADMINISTRATIVE LAW II

TIME ALLOWED: 3 HOURS

INSTRUCTIONS: 1. Answer any four questions.

2. Make your handwriting legible.

3. Credit will be given for logical and clear presentation of materials.



1. A director of personnel, Kabir John of the Topglass Local Government Council was wrongfully retired from office on 08/02/2016. On 28/05/2016, he sued Topglass Local Government Council, the State's Local Government Service Commission, the Ministry of Local Government and Community Affairs, and the State Government for his wrongful retirement at the State High Court. The defendants raised a preliminary objection that the case was statute barred. The plaintiff in response argued that the applicable law applies only to public officers and does not protect a public institution such as those in the nature of the defendants. This argument was rejected and the trial court held that the case was statute-barred. His appeal to the Court of Appeal was, however successful. The respondents-defendants dissatisfied with the decision of the Court of Appeal have now appealed to the Supreme Court.

Write an appellate legal opinion on the merits of the case.

2. The Federal Government apparently in a bid to obtain a permanent solution to the recent frequent clashes between herdsmen and host communities across the country has decided to set up a high powered commission of inquiry under the chairmanship of a retired justice of the Supreme Court. The Commission will be empowered to inquire into the remote causes, nature and effect of the frequent clashes; identify possible solutions; and determine the type of compensation appropriate for victims of the clashes. This decision has, however generated a lot of controversy especially in states under the control of opposition parties who contend that the

Federal Government does not possess the power to set up such a commission. Some critics are however of the opinion that instead of an "ordinary panel of inquiry", a truth commission might even be a better option.

As a legal officer in the Federal Ministry of Justice, write a legal opinion advising the Federal Government on this matter.

3. "The legal framework for local government administration in Nigeria is settled notwithstanding the abnormalities frequently noticed in this regard across the country. Nevertheless, some confusion, no doubt exist as to the jurisdictional competences of local governments viz a viz same of Federal and State Governments."

Discuss.

4. Mr Z was travelling from Osogbo to Lagos to conclude a N300, 000,000.00 contract which a consortium of multinational companies operating in the telecoms sector has offered him. Upon reaching a portion of the Ibadan-Ife expressway, his car entered a very deep pothole. As a result, the car somersaulted several times and he and two other occupants of the vehicle suffered serious life-threatening injuries for which they were hospitalised for two months. Apart from the fact that there was no sign indicating caution at that portion of the road, the driver in fact had no choice than to take the bad part of the road as the other part of the road was occupied by a patrol vehicle of the Nigeria Police Force abandoned overnight. Mr Z believes the government is liable not only for his injuries, but also for the contract he lost due to the accident.

(a) Advise him.

(b) Will your answer be different if Dr. Ijangbon, coordinator of a non-governmental organisation known as "Action for Better Society", is the one that wishes to sue on behalf of the three injured occupants?

5. Giwa was recently demoted from the position of director in the national agency responsible for food and drug administration. He believes this was done to pave way for a junior colleague from another section of the country; who has subsequently not only been promoted as director but also assigned his former office. He immediately instructed his lawyers to file a case in the Industrial Court to contest his wrongful demotion and disgrace.

Stubborn, a student leader was one of those expelled from XYZ University for failure to apologise for the wilful damage of the university's property during last June student protest. Stubborn was a law student and she in fury wrote her Dean a nasty letter in protest of her expulsion, but the Dean simply invited her to his office and gently advised her to write a letter of apology and appeal to the university's governing council. She blatantly refused, angrily retorting "over my dead body will I ever do that."

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Mrs Nnamdi's husband recently died in a ghastly road accident. Barely two days after his death, Mrs Nnamdi received a visit from her in-laws who accused her of killing her husband, forcefully ejected her from her late husband's property and flagrantly took over the control of the husband's considerable business interests. The trio of Mrs Nnamdi, Stubborn and Giwa have decided to exploit the ombudsman option for obtaining remedy against administrative injustice.

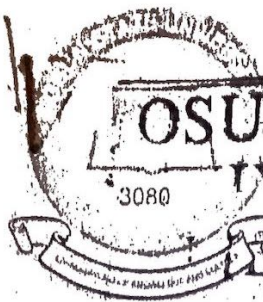
Advise them. Remember to comment on the effectiveness of remedies through the ombudsman system in Nigeria.

6. Mrs Lagbaja operates an exotic boutique and supermarket in Osogbo. She was last week served a letter informing her of her indebtedness to the state government to the tune of N500,000 being tenement rate due from her as assessed by a state agency. The letter gave her three days to offset the debt or risk her business offices being sealed off. She found this amount completely outrageous and she immediately petitioned the head of the agency challenging the legality of the levy. To her shock, she got to her place of business on the morning of the third day to the service of the letter to find out that the agency has carried out the threat of sealing off the business offices making access thereto impossible. Mrs Lagbaja wants to know if she has any basis for maintaining a successful action in court against the state agency.

Advise her.

7. "It has been said that due to some clogs in the wheel of administrative justice, the fact that a victim of administrative injustice has a sufficient ground (s) for seeking judicial review does not necessarily mean that he or she may successfully maintain an action in court."

Identify and explicate these clogs. How can they be overcome?



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BACHELOR OF LAWS (LL.B.) - PART V

RAIN SEMESTER EXAMINATION, 2015/2016 ACADEMIC SESSION

JPL502 - JURISPRUDENCE AND LEGAL THEORY II

INSTRUCTIONS: ANSWER ANY TWO QUESTIONS IN SECTION A AND ANY TWO QUESTIONS FROM SECTION B.

USE SEPARATE ANSWER BOOKLETS FOR EACH SECTION

LEGIBLE HANDWRITING AND LOGICAL EXPRESSION OF ANSWERS ARE IMPORTANT. SUPPORT YOUR ANSWERS WITH STATUTORY AND JUDICIAL AUTHORITIES

TIME ALLOWED: TIME: 2 HOURS, 30 MINUTES

SECTION A

1. "When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation....". Is there truly Laws of 'Nature' and of 'Nature's God' which is relevant today and instrumental in guiding the course of human life and administration as it was in the 1776 American society?

2. Several core values are quite useful and more expedient in African philosophy and ideas of law compared to dominant Western/European legal concepts and ideas. This however, is if, and only if, there is anything like 'African philosophy and ideas of law' distinct from colonial legal heritages prevalent in the continent today. Discuss.

3. "Some of these canons of interpretation take the form of broad general principles only. Consequently, a common feature of most of them is that they are of little practical assistance in settling doubts about interpretation in particular cases."

[Justice Fatayi-Williams CJN (as he then was)-*Awolowo vs Shagari and Ors* (1979) 6-9, S.C. 51.]

What then, in your well-considered opinion, is or are of practical assistance to the judiciary in settling doubts about interpretation in particular cases or in reaching a decision congruent with the intentions of the legislature?

4. John Austin's Theory of the Command, built as it were around a politically superior, indivisible and illimitable sovereign, appears to relate to an imaginary medieval dispensation. The theory is a weak and or unrealistic representation of Legal Positivism as it might be conceived in modern state systems. Discuss.

SECTION B

5. Answer either

(a) "We first enquire of history how law has actually developed among nations of the nobler races ... That which binds a people into one whole is the common conviction of the people, the kindred consciousness of an inward

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necessity, excluding all notion of an accidental and arbitrary origin." Savigny, *Of the Vocation of Our Age for Legislation and Jurisprudence* (1814).

Critically assess the contributions of this theoretical postulation to the debate on the nature and role of law in the society. Of what relevance is this historical school of jurisprudence to the Nigerian situation?

Or

(b) Succinctly evaluate the contributions of Jhering, Erlich and Durkheim to the sociological school of law.

6. Answer either

(a) Duties under Islamic law are broadly divided into those which an individual owes to Allah (the ritual practices or *ibādāt*) and those that he owes to other human beings (*mu'āmalāt*). It is however the latter alone that truly constitute law from the Western viewpoint.

Examine a jurisprudential survey of the substance of traditional Islamic law in the fields of penal law, law of transactions and succession law.

Or

(b) "... If you want to know the law and nothing else, you must look at it as a bad man, who cares only for the material consequences which such knowledge enables him to predict, not as a good one, who finds his reasons for conduct, whether inside the law or outside of it, in the vaguer sanctions of conscience." (Oliver Wendell Holmes, Jr., "The Path of the Law" (1897), in *Philosophy of Law and Legal Theory: An Anthology*, ed. Dennis Patterson, Blackwell, Malden, MA, 2003, p.10.

Evaluate the main thesis of the school of law to which the above quote relates.

7. Answer either

(a). How will you react to the assertion that feminist jurisprudence is nothing but a misguided over-reaction to legal and institutional issues relating to women with doubtful relevance to the Nigerian situation?

Or

(b). It has been said that the central goal of the economic school of law is to see how law as a social tool can be utilized to enhance economic efficiency. Do you agree? Succinctly state the reasons for your position.



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BACHELOR OF LAWS (LLB) – PART V

RAIN SEMESTER EXAMINATION, 2020/2021 ACADEMIC SESSION

JPL 502 – JURISPRUDENCE & LEGAL THEORY II

TIME ALLOWED: 3 HOURS

INSTRUCTIONS:

1. Answer any four questions.
2. Make your handwriting legible.
3. Credit will be given for logical and clear presentation of materials.
4. Support your answers with statutory and judicial authorities.

1. "The idea of justice has been understood differently at different times. Its association with law is so intimate that it is present in the making, application, and compliance with almost every aspect of law as discussed by various jurists." Critically examine the main features of the concept of justice according to the positivists.

2(a). According to Hibbert, "there cannot be a duty without a right." What is a legal right? Identify and explain five examples of legal right.

(b). What is customary law? In this era of human rights, how justifiable is the principle of the repugnancy test in the contemporary society?

3(a). "The people-oriented approach of Savigny does not immune his historical theory of law from harsh criticisms." Discuss.

(b). "Legal pluralism has opened questions on traditions and the efficacy of law in many societies, Nigeria not being an exception." How successful has legal pluralism been in the Nigerian state? Clearly explain your position.

4(a). Identify and examine the principle of human rights under Islamic jurisprudence that is in tandem with the provisions of the 1999 Constitution of Nigeria.

(b). Identify and explain the merits of Savigny's philosophy of law in relation to the Nigerian legal system.

5(a). "Justice is not a one-way traffic. It is not justice for the appellant only. Justice is not even a two-way traffic. It is a three-way traffic." Discuss this postulation of Oputa, JSC (as he then was).

(b). Critically examine the features of ownership.

6(a). Explain what is meant by the statement that an unjust law is no law.

(b). In Nigeria, every citizen is at liberty to disobey an unjust law? Do you agree?

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BACHELOR OF LAWS (LLB) – PART V
HARMATTAN SEMESTER EXAMINATION, 2021/2022 ACADEMIC SESSION
JURISPRUDENCE & LEGAL THEORY (JPL 501)

TIME ALLOWED: 3 HOURS

- INSTRUCTIONS:**
1. Answer a total of four questions in all.
 2. Make your handwriting legible.
 3. Credit will be given for logical and clear presentation of materials.
 4. Support your answers with statutory and judicial authorities.
 5. Each question carries 17½ marks

1. According to John Austin, jurisprudence is “the science concerned with the exposition of the principles, notions and distinctions which are common to systems of law ... in developed societies.” Do you agree with this definition? Give reasons for your answer and compare Austin’s definition with any other two.
2. “Jurisprudence and legal theory is a compulsory course and a condition precedent for attaining the Bachelor of Laws degree in Nigerian universities.” Justify the inclusion of this course in the Law degree curriculum.
3. (a) “John Austin’s command theory of law fails mainly because it relies on a misunderstanding of the nature of sovereignty.” Discuss
(b) Examine the conceptual framework of the term ‘Jurisprudence’.
4. “Like conjoined twins, Law and Morality are inseparable.” How far is this assertion true?
5. (a) “Justice is much more than a game of hide and seek. It is an attempt to discover the truth, our human imperfection notwithstanding....” (Per Oputa, JSC in *Salawu Ajide v Kadiri Kelani*). Critically examine the meaning of justice in line with this postulation.
(b) Explain and distinguish clearly between distributive justice and corrective justice.
6. (a) “Islamic law is a synthesis of law and morality.” Discuss.
(b) “The term ‘law’, according to Austin, is applied only to such rules as enforced by the coercive power of the sovereign.” Critically contest this postulation in line with Islamic law perspective.

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BACHELOR OF LAWS (LLB) – PART V

RAIN SEMESTER EXAMINATION, 2019/2020 ACADEMIC SESSION

JPL 502 – JURISPRUDENCE AND LEGAL THEORY II

TIME ALLOWED: 3 HOURS

INSTRUCTIONS:

1. Answer any four questions.
2. Make your handwriting legible.
3. Credit will be given for logical and clear presentation of materials.
4. Support your answers, where necessary, with judicial and statutory authorities.

1. "The introduction of English law by the colonial masters to co-exist with the indigenous system of customary and Islamic laws which produces a tripartite system of law did not come without its defects." **Critically examine the challenges that are orchestrated by the plurality nature of Nigerian legal system.**

2(a). "Once someone has a legal right, there must be a corresponding duty expected to be performed, failure upon which the person can enforce its performance through the state machinery." **Explain in detail, the veracity or otherwise of this statement.**

(b). Identify and explain various classes of rights.

3. "Possession is not a purely legal concept. It is more temporary in nature compared to ownership. Thus, whether someone is in possession, is a question of fact. Possession is therefore a relationship that exist between 'person and thing' or object (Nasir M.A 2019). **Discuss jurisprudentially the above postulation.**

4. "Legal personality is an attribution of the law." **Discuss**

5. Write explanatory notes on the following schools of jurisprudence:

- (a) Natural Law School
- (b) Legal Positivism
- (c) Historical School

6(a). What is customary law?

(b) "In any judicial proceeding where any custom is relied upon, it shall not be enforced as law if it is contrary to public policy. or is not in accordance with natural justice, equity and good conscience." (Section 18(3), Evidence Act (EA) 2011)

To what extent has the test of enforceability become irrelevant and useless?

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BACHELOR OF LAWS (LL.B) – PART V

RAIN SEMESTER EXAMINATION, 2018/2019 ACADEMIC SESSION

JPL 502 – JURISPRUDENCE & LEGAL THEORY - II

CHOICE OF QUESTIONS: ANSWER ANY FOUR QUESTIONS

LEGIBLE HANDWRITING AND LOGICAL EXPRESSION OF ANSWERS ARE IMPORTANT. SUPPORT YOUR ANSWERS WITH STATUTORY AND JUDICIAL AUTHORITIES.

TIME ALLOWED: 3 HOURS

1. (a) Although Austin's command theory appears to be consistent with a dictatorship, it is still relevant in modern democracies. Discuss.

(b). Certain aspects of Bentham's theory of law are coincidentally characteristics of the historical school, but this does not go without its criticism. Identify and briefly discuss Bentham's theory.
2. (a) There cannot be a duty without a right according to Hibbert. What is a legal right? Identify and briefly explain 5 examples of legal right.

(b) What is Customary law? In an era of human rights, the repugnancy test has become a grossly inadequate and insufficient a mechanism to measure harm and mediate wrongs in the contemporary world. Can the imposed validity test on customary law be justified in the contemporary society?
3. (a) The people-oriented approach of Savigny does not immune his Historical Theory of Law from harsh criticisms. Discuss.

(b) Legal pluralism has opened questions on traditions and the efficacy of law in many societies, and Nigeria not being an exception. How successful has legal pluralism been on the Nigerian state?
4. (a) Critically examine the doctrine of stare decisis.

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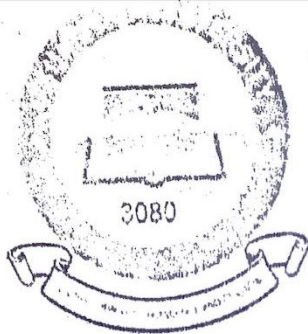
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- (b) Identify and briefly explain causes of conflict of law in Nigeria.
5. (a) To what extent does Marxist account on the relationship between the substructure and the superstructure coincide with the socio-legal reality in Nigeria?
- (b) Critically examine the features of ownership.
6. a. Explain what is meant by the statement that an unjust law is no law.
- b. In Nigeria, every citizen is at liberty to disobey an unjust law? Do you agree?





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COLLEGE OF LAW, IFETEDO CAMPUS

BACHELOR OF LAWS (LL.B) – 500L

RAIN SEMESTER EXAMINATION, 2016/2017 ACADEMIC SESSION

JPL 502 – JURIPRUDENCE AND LEGAL THEORY II

INSTRUCTIONS:

Answer any FOUR questions

Time Allowed: 3 hours

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- a. Critically examine the role of the doctrine of repugnancy in the development of the Nigerian customary law.
- b. Briefly comment on the suggestion that the Nigerian customary law should be codified to enhance its certainty and effectiveness.

2.

In law, the classification of persons into natural person and artificial person is illogical. The truth is, every person is an artificial creation of the law, yet the law does make a significant distinction between a man and an inanimate object in their personality. Discuss.

3.

If the standard incident of ownership were to be absolute power over property, then there will be few owners of land in Nigeria today. Critically examine this statement in relation to the Land Use Act of 1978.

4.

The former view used to be that judges had no part in making laws. Their main function, according to this view, is to discover the intention of parliament (the legislature) through the instrumentality of statutory construction. A British scholar, **Francis Bacon**, in fact, once noted, "the role of the judges is to interpret law, or give law, but not to make law." But the modern view is that parliament has no intent; that judges substitute their own intent with the supposed intent of parliament, through adherence to judicial law making. Critically examine this view, showing the extent to which it can be situated within the ambit of the Nigerian legal system.

5.

The National Association of Muslim Law Students (NAMLAS), University of Ilorin branch is organising a public lecture on the theme: "The Right of Women under Islamic Personal Law". You have been invited as the Lead Speaker at the occasion which comes up on Monday, 7 August 2017, at the Main Lecture Theatre, Faculty of Law, Unilorin. Write out your thoughts in about 500 words.

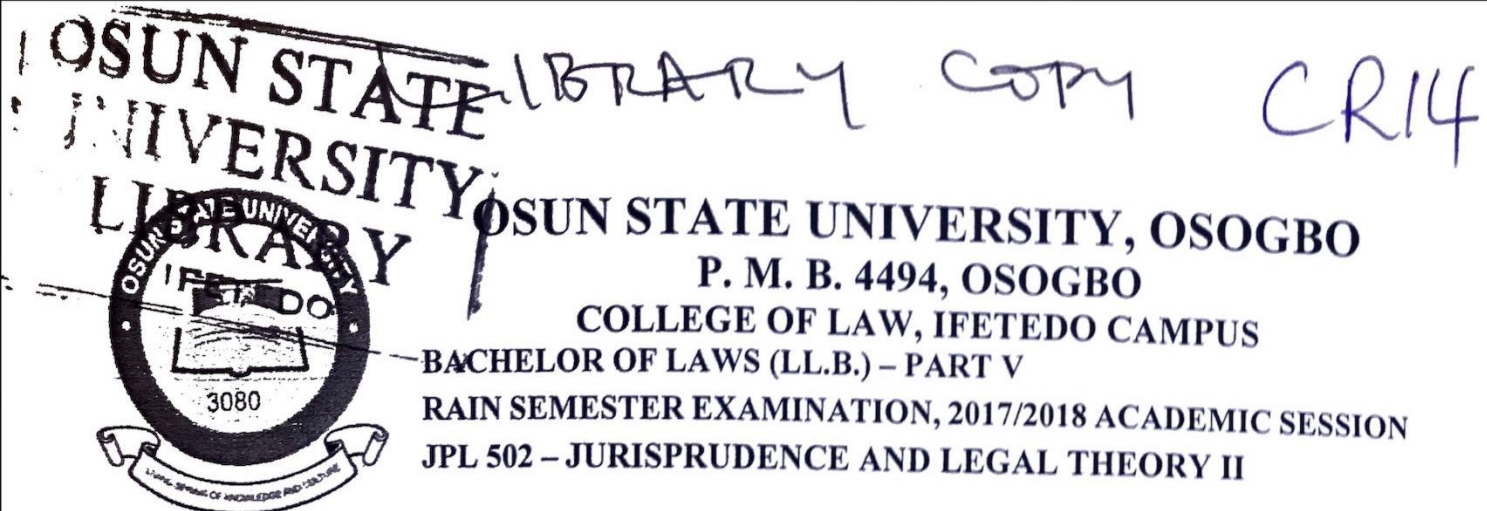
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6.

Write short notes on any five of the following

- i. Corporation aggregate
- ii. Corporation sole
- iii. Bracket theory
- iv. Corporeal possession
- v. Incorporeal possession
- vi. Animus possidendi
- vii. Organic theory.

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BACHELOR OF LAWS (LL.B.) – PART V

RAIN SEMESTER EXAMINATION, 2017/2018 ACADEMIC SESSION

JPL 502 – JURISPRUDENCE AND LEGAL THEORY II

INSTRUCTIONS: ANSWER ANY FOUR QUESTIONS

LEGIBLE HANDWRITING AND LOGICAL EXPRESSION OF ANSWERS ARE IMPORTANT. SUPPORT YOUR ANSWERS WITH STATUTORY AND JUDICIAL AUTHORITIES.

TIME ALLOWED: THREE (3) HOURS

1. "Our declaration of independence and the Bill of Rights are both heavily based on natural law. Thomas Jefferson even cited natural law in the Declaration of Independence, calling it the laws of Nature and of Nature's God." – Ashley Dugger.

Discuss this statement in relation to the School of Natural law.

2. Legal positivism proposes that there is necessarily no connection between law and morality. Instead, it holds that law comes from various sources, usually the government. If the government enacts a law, then it should be followed.

Discuss.

3. There must be a perspective that legal rules are to benefit the larger society and public policy based on judicial decisions. Neither dogma nor supernatural authority applies. A court is expected to determine legal rights and legal duties. In the extreme, a judge considering rights of an accused, is in fact deciding what rights this judge is going to let the accused have. It is an absurdity, where the law is not applied.

Discuss.

- 4 "Historical jurisprudence identifies law with the consciousness or spirit of a specific people. Law is found by the jurist and not made by the State or its organs. Law is a national or folk and not a political phenomenon. It is a social and not an individual production. Like language, it cannot be abstracted from a particular people and its genius. It is a historical necessity and not an expression of will or reason and therefore it cannot be transported." Karl von Savigny

Discuss.

- 5 "Your ideas are but the outgrowth of the conditions of your bourgeois production and bourgeois property, just as your jurisprudence is but the will of your class made into a law for all, a will, whose essential character and direction are determined by the economic conditions of existence in your class." Karl Marx

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Examine this statement. .

6. Law is a social phenomenon. It is concerned with the relationship of law to other contemporary social institutions.

Discuss.



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BACHELOR OF LAWS (LL.B) – PART V

RAIN SEMESTER EXAMINATION, 2018/2019 ACADEMIC SESSION

JPL 502 – JURISPRUDENCE & LEGAL THEORY - II

CHOICE OF QUESTIONS: ANSWER ANY FOUR QUESTIONS

LEGIBLE HANDWRITING AND LOGICAL EXPRESSION OF ANSWERS ARE IMPORTANT. SUPPORT YOUR ANSWERS WITH STATUTORY AND JUDICIAL AUTHORITIES.

TIME ALLOWED: 3 HOURS

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(b). Certain aspects of Bentham's theory of law are coincidentally characteristics of the historical school, but this does not go without its criticism. Identify and briefly discuss Bentham's theory.
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(b) What is Customary law? In an era of human rights, the repugnancy test has become a grossly inadequate and insufficient a mechanism to measure harm and mediate wrongs in the contemporary world. Can the imposed validity test on customary law be justified in the contemporary society?
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(b) Legal pluralism has opened questions on traditions and the efficacy of law in many societies, and Nigeria not being an exception. How successful has legal pluralism been on the Nigerian state?
4. (a) Critically examine the doctrine of stare decisis.

- (b) Identify and briefly explain causes of conflict of law in Nigeria.
5. (a) To what extent does Marxist account on the relationship between the substructure and the superstructure coincide with the socio-legal reality in Nigeria?
- (b) Critically examine the features of ownership.
6. a. Explain what is meant by the statement that an unjust law is no law.
- b. In Nigeria, every citizen is at liberty to disobey an unjust law? Do you agree?

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PART FIVE LL.B EXAMINATIONS

BUL 506 - ENERGY LAW II
TIME ALLOWED: 3 HOURS

- INSTRUCTIONS:**
1. Answer any four questions.
 2. Make your handwriting legible.
 3. Credit will be given for logical and clear presentation of materials.
 4. Support your answers with judicial and statutory authorities.

✓ 1. Discuss the innovations of the Petroleum Industry Act (PIA) 2021 in relation to protection of the environment and Host Communities Development.

✓ 2. "The provisions of the PIA, 2021 in relation to the ownership and control of petroleum resources in Nigeria is like putting an old wine inside a new bottle." Discuss.

3. On the 25th of August 2021, the People of Ese-Odo Community in a Local Government of Ondo State suffered an oil spillage as a result of the activities of Petrodollar and Co. Ltd, a major player in the Energy Sector in Nigeria. This spill was so severe that it led to the pollution and total destruction of farmlands, swamps, creeks, river, fish ponds, fishing nets, raffia palms and even the juju shrines where their ancestors reside. The Elders in council have raised a committee to report the spill to National Oil Spill Detection and Response Agency (NOSDRA) and to thereafter visit the head office of the oil company to discuss with the management of the company and the Committee on Host Communities Development that they deserve some form of compensation for the economic loss that have been suffered. The Committee set up by the Community has approached you for advice.

With the aid of statutory provisions and decided cases, advise the Community on the remedies available to them.

✓ 4. You have been invited as the Guest Lecturer to the Annual Osun State University College of Law Lecture Series and the theme for this Year's lecture is "An examination of state participation in the exploration and exploitation of oil and gas in Nigeria: prospects and challenges".
Write out your paper.



5. "Nigeria is a federation, because she practises the federal system of government. However, in the practice, the nature of her fiscal federalism and revenue allocation places the Federal Government at a vantage position to control the economy. This position was further affirmed by the Nigerian Supreme Court in the case of *Attorney-General of the Federation v. Attorney-General, Abia State* (No. 2) (2002) 6 NWLR (pt. 764) 542 where it was held, inter alia, that the Federal Government alone and not the littoral states can lawfully exercise legislative, exclusive and judicial powers over the maritime belt or territorial waters and sovereign rights over the Exclusive Economic Zone subject to universally recognised rights."

Discuss the preciseness or otherwise of this decision taking the current revenue allocation formula into consideration.

6. "It is trite that the extraction of oil and gas comes with some unavoidable negative consequences which can only be ameliorated or remediated by the oil companies and the government." – OA Ayodele, "A comparative study of the legal framework governing oil and gas exploration and exploitation in Nigeria" (LL.D dissertation, North West University, South Africa, 2018) 164.

In the light of the above statement, discuss some of the negative consequences of oil and gas extraction in Nigeria and state how these consequences can be ameliorated.



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Mr
Wade

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COLLEGE OF LAW, IFETEDO CAMPUS

BACHELOR OF LAWS (LL.B) – PART V

SECOND SEMESTER EXAMINATION, 2018/2019 ACADEMIC SESSION

BUL 506 - ENERGY LAW II

CHOICE OF QUESTIONS: ANSWER ANY TWO QUESTIONS FROM EACH
SECTION

TIME ALLOWED: 3 HOURS

Legible handwriting and logical expression of answers are important.
Support your answers with legal and statutory authorities.

SECTION A

1. On the 5th of March 2019, The People of Epoda Community in Kilofa Local Government of Delta state suffered an oil spillage as a result of the activities of Prime and Co. Ltd, a major player in the Energy Sector in Nigeria. This spill was so severe that it led to the pollution and total destruction of farmlands, swamps, creeks, river, fish ponds, fishing nets, raffia palms and even the juju shrines where their ancestors reside. The Elders in council have decided to raise a committee to visit the Head office of the Company to discuss with the Management that they deserve some form of Compensation for the Economic Loss that has been suffered. One of the Elders was quick to point out that if the case gets to court, the maximum punishment for the Company will not exceed N1M (One Million Naira) which the company would readily pay. Your Uncle one of the Chiefs objected, that he is sure that there are other ways to get the Oil Company to pay for the losses the Community has suffered. Your Uncle has approached you on behalf of the Community to come to their aid. With the aid of statutory provisions and decided cases advise the Community on the remedies available to them.



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2. You have been invited as the Guest Lecturer to the Annual Osun State University College of Law Lecture Series and the theme for this Year's lecture is "An examination of the prospects and challenges of the refining of oil and gas in Nigeria". Prepare a paper for discuss.
 3. Under the Privatisation and Commercialization Decree No 25 of 1988 promulgated on the 5th of July 1988, the Federal Government declared the NNPC as a fully Commercialized Corporation and directed it to operate as such. The NNPC is thus vested with the exclusive responsibility for upstream and downstream development, which entails exploiting, refining, and Marketing Nigeria's crude oil. In your own View how well has the NNPC fared especially as it relates to the Intent of the Government to fully participate in the petroleum Industry and suggests ways of Improvement.

SECTION B

4. The Organisation of Petroleum Exporting Countries (OPEC) and The International Energy Agency (IEA) are organizations with Divergent Objectives, Discuss this statement, pointing out their evolution and their contributions to International Energy Relation.
5. Nigeria is the largest oil and gas producer in Africa, however, competition for profit on oil has created a great level of terror and conflict for those in the country. In light of the decision in *Shell Petroleum v. Federal Board of Inland Revenue* [1996] 8 NWLR (pt. 466) 256. Examine how the Petroleum Profit Tax Act has been effective in dealing with the myriad of problems associated with the oil industry.
6. Nigeria is a federal state, because she practices the federal system of government. However, in practice, the nature of the fiscal federalism and revenue allocation places the Federal Government in a vantage position and firm control of the economy. This position was further confirmed by the Nigerian Supreme Court in the case of *Attorney-General of the Federation v. Attorney-General, Abia State* (No. 2) (2002) 6 NWLR (pt. 764) 542 where it was held, *inter alia*, that "the Federal Government alone and not the littoral states can lawfully exercise legislative, exclusive and judicial powers over the maritime belt or territorial waters and sovereign rights over the Exclusive Economic Zone subject to universally recognized rights." Discuss this statement *vis-a-vis* the administration of petroleum profit in Nigeria.





OSUN STATE UNIVERSITY, OSOYBO
COLLEGE OF LAW, IFETEDO CAMPUS
RAIN SEMESTER, 2021/2022 SESSION
PART FIVE LL.B EXAMINATIONS
BUL 506 - ENERGY LAW II

TIME ALLOWED: 3 HOURS

INSTRUCTIONS: 1. Answer any four questions.

2. Make your handwriting legible.

3. Credit will be given for logical and clear presentation of materials.

4. Support your answers with judicial and statutory authorities.

1. Analyse the implications of unbundling of Nigerian National Petroleum Corporation (NNPC) and its transformation into NNPC limited for the development petroleum industry.
2. The provisions of the Petroleum Industry Act (PIA), 2021 in relation to the ownership and control of petroleum resources in Nigeria is like putting an old wine inside a new bottle. Discuss.
3. The extraction of petroleum products in Nigeria has negative consequences. Discuss the steps taken by the Nigerian government to ameliorate these consequences.
4. The advantages of the state participation in the exploration and exploitation oil and gas in Nigeria outweigh the disadvantages, do agree or disagree with this assertion. Give cogent reasons to support your position.
5. The National Assembly recently conducted a public hearing on electricity services in Nigeria. The public hearing revealed that Nigerians were grappling with load shedding, inadequate supply of pre-paid metres and estimated billings. Based on the public hearing, the Senate of the Federal Republic of Nigeria considered an amendment to Electricity



OSUN STATE UNIVERSITY, OSOGBO
FACULTY OF LAW, IFETEDO CAMPUS
FIRST SEMESTER, 2019/2020 SESSION
FIRST FIVE LL.B EXAMINATIONS

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Power Sector Reform Act by initiating the Nigerian Electric Power Sector (Amendment) Bill of 2022 and passing it into law in July 2022. You have been invited by the Law Students Society (LSS), Ifetedo campus to deliver a lecture on the likely positive impacts the Act could have on the power sector, especially in the area that would allow states to generate and distribute power as well as solve the sector's challenges. **Write out your address.**

6. Discuss the Civil and Criminal Liabilities for Oil Pollution under the Nigerian Law.



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SCHOOL OF LAW, IFETEDO CAMPUS
RAIN SEMESTER, 2019/2020 SESSION
FIVE LL.B EXAMINATIONS

BUL 506 - ENERGY LAW II
TIME ALLOWED: 3 HOURS

INSTRUCTIONS:

1. Answer any four questions.
2. Make your handwriting legible.
3. Credit will be given for logical and clear presentation of materials.
4. Support your answers with judicial and statutory authorities.

1. "The Organisation of Petroleum Exporting Countries (OPEC) is an organisation formed to encourage the participation of oil producing countries in the development of their petroleum resources."

Discuss this statement, pointing out its evolution and contributions to the development of petroleum resources.

2. "Nigeria is a federation because she practises the federal system of government. However in the practice, the nature of her fiscal federalism and revenue allocation places the federal government at a vantage position to control the economy. This position was further confirmed by the Nigerian Supreme Court in the case of *Attorney-General of the Federation v. Attorney-General, Abia State & Ors (No. 2) (2002) 6 NWLR (pt. 764) 542* where it was held inter alia, that the Federal Government alone and not the littoral states can lawfully exercise legislative, exclusive and judicial powers over the maritime belt or territorial waters and sovereign rights over the Exclusive Economic Zone subject to universally recognized rights."

Discuss this statement in the light of the agitations for resource control in Nigeria.

3. On the 12th of April 2020, the people of Igbokoda Community in Ese-Odo Local Government of Ondo State suffered an oil spillage as a result of the activities of Habeeb and Co. Ltd a major player in the energy sector in Nigeria. This spill was so severe that it led to the pollution and total destruction of farmlands, swamps, creeks, river, fish ponds, fishing nets, raffia palms and even the juju shrines where their ancestors reside. The community has invited you to give a talk on the provisions of the Nigerian laws concerning protection of environment.

- a. Write out your speech to **include** the choice of court to approach for redress in cases of oil spill.
- b. You should also discuss the prospects of the **Petroleum Host Community Fund** (as contained in the Petroleum Industry Bill) in ameliorating the negative consequences of oil spills in the Nigeria?

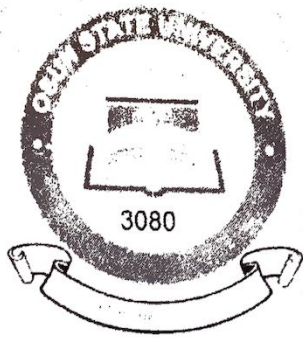
4. Discuss the various types of pollution and their effects on the environment.

5. "Apart from the Petroleum Act and Regulations made there under, there are ample provisions in other legislations for combating oil pollution in Nigeria." **Discuss.**

6. "The Nigerian National Petroleum Corporation (NNPC) was established to develop the Nigerian petroleum resources."

Critically examine the roles of NNPC in the development Petroleum resources in Nigeria.





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COLLEGE OF LAW, IFETEDO CAMPUS

BACHELOR OF LAWS (LL.B) – PART V

SECOND SEMESTER EXAMINATION, 2018/2019 ACADEMIC SESSION

BUL 506 - ENERGY LAW II

**CHOICE OF QUESTIONS: ANSWER ANY TWO QUESTIONS FROM EACH
SECTION**

TIME ALLOWED: 3 HOURS

**Legible handwriting and logical expression of answers are important.
Support your answers with legal and statutory authorities.**

SECTION A

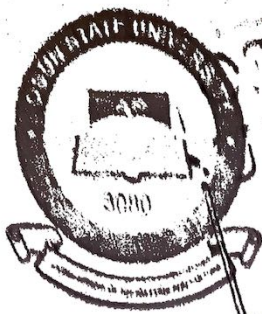
1. On the 5th of March 2019, The People of Epoda Community in Kilofa Local Government of Delta state suffered an oil spillage as a result of the activities of Prime and Co. Ltd, a major player in the Energy Sector in Nigeria. This spill was so severe that it led to the pollution and total destruction of farmlands, swamps, creeks, river, fish ponds, fishing nets, raffia palms and even the juju shrines where their ancestors reside. The Elders in council have decided to raise a committee to visit the Head office of the Company to discuss with the Management that they deserve some form of Compensation for the Economic Loss that has been suffered. One of the Elders was quick to point out that if the case gets to court, the maximum punishment for the Company will not exceed N1M (One Million Naira) which the company would readily pay. Your Uncle one of the Chiefs objected, that he is sure that there are other ways to get the Oil Company to pay for the losses the Community has suffered. Your Uncle has approached you on behalf of the Community to come to their aid. With the aid of statutory provisions and decided cases advise the Community on the remedies available to them.



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2. You have been invited as the Guest Lecturer to the Annual Osun State University College of Law Lecture Series and the theme for this Year's lecture is "An examination of the prospects and challenges of the refining of oil and gas in Nigeria". Prepare a paper for discuss.
 3. Under the Privatisation and Commercialization Decree No 25 of 1988 promulgated on the 5th of July 1988, the Federal Government declared the NNPC as a fully Commercialized Corporation and directed it to operate as such. The NNPC is thus vested with the exclusive responsibility for upstream and downstream development, which entails exploiting, refining, and Marketing Nigeria's crude oil. In your own View how well has the NNPC fared especially as it relates to the Intent of the Government to fully participate in the petroleum Industry and suggests ways of Improvement.

SECTION B

4. The Organisation of Petroleum Exporting Countries (OPEC) and The International Energy Agency (IEA) are organizations with Divergent Objectives, Discuss this statement, pointing out their evolution and their contributions to International Energy Relation.
5. Nigeria is the largest oil and gas producer in Africa, however, competition for profit on oil has created a great level of terror and conflict for those in the country. In light of the decision in *Shell Petroleum v. Federal Board of Inland Revenue* [1996] 8 NWLR (pt. 466) 256. Examine how the Petroleum Profit Tax Act has been effective in dealing with the myriad of problems associated with the oil industry.
6. Nigeria is a federal state, because she practices the federal system of government. However, in practice, the nature of the fiscal federalism and revenue allocation places the Federal Government in a vantage position and firm control of the economy. This position was further confirmed by the Nigerian Supreme Court in the case of *Attorney-General of the Federation v. Attorney-General, Abia State* (No. 2) (2002) 6 NWLR (pt. 764) 542 where it was held, *inter alia*, that "the Federal Government alone and not the littoral states can lawfully exercise legislative, exclusive and judicial powers over the maritime belt or territorial waters and sovereign rights over the Exclusive Economic Zone subject to universally recognized rights." Discuss this statement *vis-a-vis* the administration of petroleum profit in Nigeria.



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BACHELOR OF LAWS (LL.B.) - PART V
HARMATTAN SEMESTER EXAMINATIONS, 2015/2015 ACADEMIC SESSION
BUL 506 - ENERGY LAW II

INSTRUCTIONS: ANY FOUR QUESTIONS

Legible handwriting and logical expression of answers are important.

Support your answers with statutory and judicial authorities

TIME ALLOWED: 2 1/2 HOURS

1. Organisation for Petroleum Exporting Countries (OPEC) is an international organization of sovereign states, with a legitimate, permanent and essential mission for its Member Countries. Its activities are focused on oil, a commodity that has contributed more than any other form of energy to economic development around the world, over the past century and a half. From analysis, hydrocarbons will remain the most important source of energy for decades to come and OPEC will continue to determine the international relevance of hydrocarbon oils.

From the above statement, discuss: (i) how the oil politics of International Oil Companies at the turn of the 20th century necessitated the formation of OPEC in Bagdad, in September 1960 and state the aims and objectives of OPEC as set out in Article 2 of OPEC Statute adopted in Caracas in 1961 and entered into force in 1st May, 1965.

(ii). What are the laid down procedures by OPEC for admitting a new member into the organisation and what procedures are to be followed by an existing member that wishes to withdraw its membership of the organisation.

2. (a) The act of exploration, exploitation and production of petroleum in the Niger Delta Region of Nigeria became prominent with discovery of oil in commercial quantity in 1958 in Oloibiri, a town located in present day Bayelsa State. These activities of the oil industries give rise to different types or levels of pollution at various stages of industry activities. As a student of Energy Law, discuss the various types of environmental pollution.

(b) What do you understand by term "Oil spillage" and appraise the major factors that results in Oil spillage in the Niger Delta Region of Nigeria which hosts the oil producing companies.

(c). Chapter II of the Constitution of the Federal Republic of Nigerian 1999 (as amended) provides for "Environmental Objectives of the Nigerian State" in Section 20 as follows:

"the State shall protect and improve the environment and safeguard the water, air, and land, forest and wild life of Nigeria". From the above provision of the Nigerian Constitution.

List ten major legislations with relevant provisions that addresses oil pollution in Nigeria with their dates of enactment.



3. (a)(i). As a Final Year Law Student, offering "Energy Law" as a course, you have been given an assignment to draft a "Bill" for an "Act", for the exploitation of Solar Energy as a source of energy for electricity production in Nigeria. This Bill will be submitted to the National Assembly for possible consideration and adoption before it will be forwarded to Nigerian President for his assent. The need for this bill is as a result of the acute shortage of electricity in recent times leading to the slow pace of business activities and poor economic development of the country.
 - (ii) What are the likely issues to be considered as part of clauses while drafting the Bill?
 - (b). Discuss the processes involved in the conversion of photovoltaic energy into direct current for electricity production that are used in People's homes and business places. What are the shortcomings of using Photovoltaic energy facility?
4. (a) Discuss the historical development of Wind energy from Persia about 500-900 AD to China about 1219 AD till present century.
 - (b) Examine critically the natural factors that may promote on one side and hinder on the other side, the development and use of Wind energy as a source of renewable energy in Nigeria. What are the advantages of using Wind energy compared to hydrocarbons as a means of power generation?
5. (a). What is the relevance of enacting the Electric Power Sector Reform Act of No. 6 of 2005?
 - (b). Examine the effects of the sharp drop in power generation by the electricity distribution companies in Nigeria on the socio-economic development of the country and how can this situation be reversed to ensure steady energy supply.
6. (a) With the decline in price of oil in the international market, coupled with the incessant bombing of oil facilities in recent times by the disgruntled militant group called "Niger Delta Avengers", Nigeria as an oil dependent economy will definitely look into other sectors like the minerals and mining sector as an alternative to leverage to poor state of income derived from the falling oil sector. The Minerals and Mining Act, of 16 March, 2007 is the extant law regulating the Mineral and Mining sector in Nigeria. With reference to relevant provisions of the statutes, examine the implications for the development of the mineral and mining sector in Nigeria.
 - (b). T.B Wilson and V.H Amavilah in "The Economic Value of Industrial Minerals and Rocks for Developing Countries: A Discussion of Key Issues", Munich RePEc Archive, MPRA Paper No. 2214, 13 March, 2007, p.3) classified Minerals into three broad categories viz: "Construction, Processing and Optical materials". Discuss.
7. Briefly examine the functions of the :
 - (i) Nigerian Coal Corporation,
 - (ii) Powers of the President and
 - (iii) the Minister with reference to relevant provisions of Nigerian Coal Corporation Act, of 27 October, 1950 (now Cap. N95, Laws of the Federation of Nigeria, 2004).