



NATIONAL OPEN UNIVERSITY OF NIGERIA

**FACULTY OF LAW
DEPARTMENT OF PUBLIC LAW
2023_2 EXAMINATIONS**

COURSE CODE: PUL443

COURSE TITLE: ADMINISTRATIVE LAW 1

CREDIT UNITS: 4

TIME ALLOWED: 3 HOURS

INSTRUCTION: ANSWER QUESTION 1 (ONE) AND ANY OTHER 3 (THREE) QUESTIONS. (QUESTION 1 (ONE) ATTRACTS 25 MARKS WHILE OTHERS ARE 15 MARKS EACH)

1. The fact that the administration is obliged to execute all the functions and exercise all the powers of government is born out of necessity. This position is clearly contrary to settled principles that arms of government ought to possess powers and must not exercise the powers of other arms of government. Discuss using relevant authorities. **25 marks**
2. It is indeed difficult to evolve a scientific, precise and satisfactory definition of administrative law. Many jurists have made attempts to define it, but none of the definitions has completely demarcated the nature, scope and content of the subject. Either the definitions are too broad, and include much more than necessary or they are too narrow and do not include all the essential ingredients. Critically examine this statement. **15 marks**
3. Every power which affects the legal right, duties or liabilities of any person must be shown to have a strictly legal pedigree. Again, every exercise of governmental power must be within the rubrics of the law. Explain succinctly. **15 marks**
4. Constitutional Supremacy is the rulership or sovereignty of the Constitution. Inherent supremacy stems from the generic character of the constitution. The Constitution is the authoritative statement of the law on a subject. Where a legislative authority claims to legislate in addition to what the constitution had enacted, it must show that, and how it has derived its legislative authority to do so from the constitution. Expatiate. **15 marks**
5. Salmond is of the view that legislation is either supreme or subordinate. The former proceeds from sovereign power, the latter flow from any authority other than the sovereign power, and is, therefore, dependent for its existence and continuance on superior or supreme authority. No wonder Mucherjea J. rightly pointed out that “Delegated legislation is an expression which covers a multitude of confusion. It is an excuse for the legislators, a shield for the administrators and a provocation to the constitutional jurists...” Analyse this assertion. **15 marks**
6. Parliamentary supremacy means that the parliament is supreme. It does not share equal or coordinate status with the other arms of government. Discuss. **15 marks**