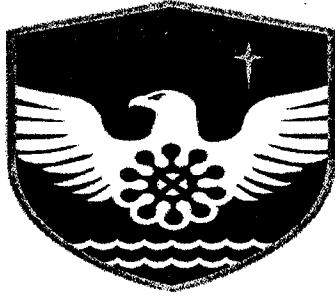


CENTRAL UNIVERSITY



END –OF-SECOND SEMESTER EXAMINATIONS, 2020/2021

FACULTY OF LAW
BACHELOR OF LAWS (LL.B)
LEVEL 100 & 200
LAW 104: Constitutional Law II (3 Credits)

Saturday, 18th September, 2021

TIME ALLOWED: TWO AND A HALF (2 ½) HOURS

INSTRUCTIONS

1. There are a total of five (5) questions. Candidates are to answer three (3) questions only.
2. **Question One (1) is compulsory and MUST be ANSWERED by ALL.**
3. Answer Sheets will be provided. Each answer must begin on a fresh page.
4. Any extra answer sheet should be properly fastened to the original answer sheet.
5. Marks will be awarded for good presentation, clarity in legal reasoning and proper use of legal authorities.
6. Please write LEGIBLY.
7. Good Luck.

DO NOT TURN OVER THIS PAGE UNTIL YOU HAVE BEEN TOLD TO DO SO BY THE INVIGILATOR.

EXAMINERS: MR KAAKA DELLO-ZIEM, JP, MIOD & ASEYE A. KPORNGO

QUESTION 1

Mohammed Ibn Algazi was born at the Dikpe Hospital in Tenkodego, Burkina Faso on the 11th April 1958. His great-grandmother was born in the then Upper Volta in 1855. Both his grandfather and mother were born in Sunyani in the BA region of Ghana in 1873 and 1890 respectively. Though Mohammed's father was born in Benin, his mother was born in Techiman, Ghana. Mohammed had part of his elementary education in Benin. He came to Ghana at the age of eleven and thereon completed his primary, secondary and tertiary education on a Unilever scholarship for needy but brilliant students. Even though Mohammed does have a soft spot for Burkinabe cultural values, he has increasingly developed an interest in active party politics in Ghana. He has in the recent past declared his intention and interest to contest the Sunyani-East Parliamentary elections in 2024 on the ticket of the PNC. He is very popular with the youth and rich Fulani cattle farmers residing on the fringes of the constituency. Prof. Adu De-Graft Johnson who is not popular with the youth is a native of Sunyani with interest similar to Mohammed, to contest the Sunyani East seat. Though De-Graft Johnson has no background in law, he is convinced that Mohammed is not a citizen of Ghana as to qualify him to contest in the Parliamentary elections. He says it is immaterial that both the grandfather and mother of Mohammed lived their lives in Sunyani. To him Mohammed is an alien as he was born in Burkina Faso and so was his father.

Advise the parties.

[30

Marks]

QUESTION 2

Ghana's Democratic History and the development can be traced from the Republican Constitutions. With your knowledge in Constitutional development and history of Ghana, what are the features or similarities and differences between the 1960, 1969, 1979 and 1992 Constitutions of Ghana?

[15 Marks]

QUESTION 3

Article 280(2) of the 1992 Constitution of Ghana provides that, "Where a Commission of inquiry makes an adverse finding against any person, the report of the Commission of inquiry shall, for the purposes of this Constitution, be deemed to be the judgment of the High Court; and accordingly, an appeal shall lie as of right from the finding of the Commission to the Court of Appeal. "In the light of the case of the *Republic v. Wereko-Brobby & Mpiani (Case No. ACC 39/2010) – 10th August, 2010*, other decided cases and authorities critically analyse the above provision.

[15

Marks]

QUESTION 4

Judicial Review of the courts of Ghana is based on the basic issues of Illegality; Rationality; and Procedural impropriety. With the aid of relevant authorities discuss the above issues.

[15

Marks]

QUESTION 5

Explain the ambit and content of the *audi alterem partem* principle of natural justice and the usefulness of the *Nemo Judex in Causa sua* rule in Ghana. Illustrate with decided cases.

[15 Marks]