

CENTRAL UNIVERSITY



END-OF-SECOND SEMESTER EXAMINATION – 2017/2018

FACULTY OF LAW
BACHELOR OF LAWS (LL.B)
LEVEL 100 & 200
(February Cohort)

LAW 104: Constitutional Law II

Saturday, 25th August, 2018

TIME ALLOWED: THREE (3) HOURS

INSTRUCTIONS

1. There are a total of six (6) questions. Candidates are to answer three (3) questions only.
2. **Question One (1) is COMPULSORY and MUST be answered by all students.**
3. Answer Sheets will be provided. Each answer must begin on a fresh page.
4. Any extra answer sheet should be properly tied 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: REV. YAW DANKWAH ESQ., MRS. SUSIE AFUTU ESQ., AND KWASI OPARE-WIREDU ESQ.

QUESTION 1

Kwame Amponsah, a professor of history at Central University is a native of Ofinso in the Ashanti region, and a member of the Royal household who believes that he is ready to take the vacant position as a paramount chief of Ofinso. Kwaku Darkwa opposes the decision of Kwame Amponsah as he believes that Kwame Amponsah neither hails from the Royal household nor has any blood lineage to the royal palace of Ofinso. The Kingmakers who are all illiterate and impoverished believe that even though they are aware that Kwame Amponsah's grandparents are not members of the Royal household, yet by virtue of him being raised and brought up in the Royal palace, they can depart from tradition and confirm him as the new paramount chief. Kwaku Darkwa has threatened to bring a court action against the kingmakers if they go ahead with their plan.

With the aid of decided authorities and statute, fully advise Kwaku Darkwa of the appropriate forum to bring an action against the kingmakers and Kwame Amponsah and the role of the High Court and the Supreme Court in respect of causes and matters affecting chieftaincy.

[30 Marks]

QUESTION 2

The President, as the head of the Executive arm of government has prerogative powers to pardon prisoners, as well as appoint government ministers, fifty percent of whom must be Members of Parliament. He also has the power to introduce secondary legislation such as legislative instruments (L.I.s).

With the aid of decided cases and statute, how far is it true that the 1992 constitution upholds separation of powers through the organs of government?

[30 Marks]

QUESTION 3

Directive principles of state policy are integral part of the 1992 constitution. With the aid of decided cases, discuss the purpose and the rationale behind these provisions.

[30 Marks]

QUESTION 4

The indemnity clauses in the transitional provisions in the 1992 Constitution of Ghana did help in the smooth transition from military rule to a thriving civilian democratic rule. With the aid of decided cases and other relevant authorities, critically discuss the nature and the scope of these provisions.

[15 Marks]

QUESTION 5

By virtue of Article 1 and 11 of the 1992 Republican Constitution of Ghana, the Constitution is the supreme law of Ghana. To what extent are these provisions true, given that Parliament, in the exercise of its legislative powers, was able to repeal the citizenship provisions of article 8 of the 1992 Constitution and substituted same with Ghana Constitution 1992 (Amendment) Act 1996.

With the aid of decided cases and relevant authorities provide a detailed response to this constitutional provision.

[15 Marks]