

CENTRAL UNIVERSITY



END-OF- FIRST SEMESTER EXAMINATIONS: 2016/2017

FACULTY OF LAW

LAW 103

Ghana Legal System I

TIME ALLOWED: 2 HOURS: 30 MINUTES

LEVEL 100 & 200

STUDENT ID No.....

INSTRUCTIONS

There are a total of five (5) questions. Candidates are to answer three (3) questions only.

Question One (1) is COMPULSORY and must be answered by all students.

Answer Sheets will be provided. Each answer must begin on a fresh page.

Any extra answer sheet should be properly tied to the original answer sheet.

Marks will be awarded for neat presentation, clarity in legal reasoning and proper use of legal authorities.

Please write **LEGIBLY!**

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

Examiners: Justice Samuel Asiedu, Justice Alexander Osei Tutu, Mr. Ernest Kusi and Ms. E. Baboa Opoku.

1. Kpabuli is a town in the Northern Region of Ghana. In the year 2000, there was a bloody inter-tribal war between Jigako and the Panduku tribes which lasted for nine months. After police investigations, six leaders of the Jigako tribe were arrested for starting the strife. They were arraigned before the Tamale High Court, but the trial was subsequently discontinued.

Eight months later, the accused persons were put before an Accra High Court presided over by Justice Mmra Asem. On 20th December, 2016, they were convicted and sentenced to various terms of imprisonment ranging from five to twenty years. The tribesmen of the six convicted persons have resolved to file an appeal on their behalf. They claim that, Justice Asem had no jurisdiction to hear a case which took place in the Northern Region. They are also contending that Justice Asem erred by referring to another judgment of a High Court in Kumasi as the basis of his judgment, which, in their opinion, is a court of coordinate jurisdiction.

The Panduku tribesmen are jubilating over the judgment and some of the victims of the war have issued a writ at the Accra High Court, claiming damages against the six convicts for the personal injuries they sustained in the war. You have been contacted by the tribesmen of the six convicts to file the appeal and also to defend the actions brought against them.

Discuss the legal issues involved using relevant authorities and illustrations where applicable.

[40 marks]

2. *“There is no such thing as a pure legal system because all legal systems are the outcomes of mixtures. In fact, it is true to say that all legal systems are still mixing in one way or the other as legislators and courts continually look to other jurisdictions for inspiration or guidance on how to respond to shared human problems.”*

Discuss this statement. Distinguish the concept reflected in the above quotation from the concept of legal pluralism.

[30 marks]

3. *Answer both*

- a) As President of the Law Students' Union of Central University, you have been invited to give a lecture to first - year Law students on the topic "*Sources of Law.*"

Ensure that your lecture covers the different meanings implied by the term "sources of law."

[15 marks]

- b) You must also highlight the key provisions of Article 11 of the Constitution of Ghana, 1992. Bearing in mind that your students are mainly level 100, ensure that you explain in detail the sources of law outlined.

[15 marks]

4. "*The Supreme Court may while treating its own decisions as normally binding, depart from a previous decision when it appears to it right to do so; and the courts lower than the Supreme Court shall follow the decisions of the Supreme Court on questions of law.*" **Section 2(3) of the Courts Act, 1993, (Act 459) (as amended).**

Discuss this quotation in the light of the concept of judicial precedent and the circumstances under which a lower court may depart from the decision of a superior court.

[30 marks]

5. Write short notes on the following highlighting their significance to the introduction of British jurisdiction in the Gold Coast:

- a) Supreme Court Ordinance, 1876
- b) The Bond of 1844
- c) The Foreign Jurisdiction Act, 1843

[30 marks]