

CENTRAL UNIVERSITY (KUMASI CAMPUS)



RESIT EXAMINATION: 2020/2021

FACULTY OF LAW

LAW 105

CONSTITUTIONAL LAW II

TIME ALLOWED: 2 1/2 HOURS

LEVEL 200

29 MAY 2021

INSTRUCTIONS:

1. There are a total of five (5) questions. Candidates are to answer three (3) questions only.
2. **Answer Question one (1) which is COMPULSORY and any two (2) questions.**
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 arguments and proper use of legal authorities.
6. Please write legibly.

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

EXAMINER: Richard Obeng Mensah Esq.

QUESTIONS:

1. Kakabo is widely known in Amanfom City for being the first native of the community to have obtained a political science degree from Stars University which is one of the renowned universities in United States of Africa. After his graduation in 2006, Kakabo undertook his national service in Ghana with Adwoato Municipal Assembly where he met Ahoto. However only Kakabo was employed by the Assembly after their service.

Ahoto who has been unemployed for the past five (5) years is now one of the key leaders of the Unemployed Graduations Association (UGA) in Amanfom City. UGA has for the past three (3) years been embarking on incessant advocacies in both the local and national media to court the attention of the Assembly and the Government to be sensitive to the plights of unemployed graduates in the city. A recent survey has revealed that about 80% of the graduates residing in Amanfom have been unemployed in the past decade. Most of these graduates took part in a series of demonstrations organized by the leadership of UGA last week. Although the police were given notice of these demonstrations, Ahoto and fifty (50) others have been arrested and charged for organizing illegal demonstrations. According to the police, the accused persons should have received clearance from them before proceeding with the demonstrations. Eye witnesses' account have it that the accused persons have been in police custody for the past four(4) days and most of them have been beaten by the police for being too noisy and disrespectful while in the cells. Just yesterday about thirty (30) of them were rushed to the Amanfom Government Hospital by the police for medical attention.

In a related development, Kakabo is supposed to travel to the United Kingdom next week to pursue his master degree in political science with a prestigious scholarship by the United Kingdom government. However, he is yet to receive his passport although he submitted his passport application a year ago. When he visited the passport office yesterday, he was told his passport will be ready in three (3) months' time. Kakabo will lose both his admission and the scholarship if he does not travel to the United Kingdom this month. Nonetheless, the passport office is insisting that nothing can be done about the new date that has been given to Kakabo.

Please advise the police, Kakabo, Ahoto and the other accused persons.

[40 Marks]

2. Write short notes on the following legal concepts:
 - (a) The doctrine of mootness. **[10 Marks]**
 - (b) The doctrine of non-justiciable political question. **[10 Marks]**
 - (c) Judicial review. **[10 Marks]**

3. Critically examine the jurisprudence of the Ghanaian courts on the effect of coup d'etats on Ghana's constitutional order and its implications. Support your answer with relevant authorities. **[30 Marks]**

4. "...The hard fact is that, where it matters most, constitutions do not contain instructions on how provisions are to be interpreted". With the aid of

relevant authorities, discuss this statement with particular reference to the 1992 Constitution of Ghana. **[30 Marks]**

5. Apart from the Electoral Commission, critically discuss the roles of any three (3) of the independent bodies under the 1992 Constitution in relation to the constitutional law development in Ghana. **[30 Marks]**

Richard Obeng Mensah Esq.