

Constitutional controversies under each constitution

- 1957

1. Lardan v Attorney General

The first case, *Lardan v Attorney-General*,² concerned a deportation order made pursuant to the Deportation Act of 1957. Under this order, the plaintiff was to be deported from Ghana as it was alleged that his continuous presence was not conducive to the public good. He brought an action seeking a declaration to the effect that the order was invalid by virtue of the fact that the Act was not applicable to him since he was a Ghanaian citizen by birth. While the matter was pending in court, Parliament enacted the Deportation (Othman Lardan and Amadu Baba) Act of 1957 which gave power to the Minister of the Interior to specifically deport the two individuals from Ghana. Furthermore, this Act sought to terminate any proceedings in any court instituted for the purpose of challenging the validity of any deportation order made against the persons affected by the Act. Section 4(2) provided as follows:

On any order of deportation being made hereunder, any deportation order made under the Deportation Act, 1957, in respect of the same deportee shall be automatically revoked and if the deportee is in custody under the provisions of the Deportation Act, 1957, he may, notwithstanding any proceedings in any court, whether pending or determined, be retained in custody for the purposes of this Act without being released and such custody shall be deemed to be legal custody, and any proceedings in any court instituted for the purpose of impugning the validity of the Alhaji Alufa Othman Lardan Lalemie Deportation Order, 1957, or the Alhaji Amadu Baba Deportation Order, 1957, shall be automatically determined.

The question the Court had to determine was whether the Act was *ultra vires* the Constitution of Ghana. Smith J held as follows:

I have considered all the other authorities cited to me and they illustrate the same point that the words 'peace, order and good government' with no reservation attached, no restriction as to specific subjects and without qualification, give to any country 'the same plenary powers as are possessed by the Imperial Parliament in England'. It was conceded that this Act of Deportation, and that was a momentary indulgence in fantasy, if passed by the Imperial Government would be a matter for Parliament only and the English courts would be powerless to interfere. If, as I hold, the words 'peace, order and good government', unqualified in any way, are plenary powers possessed by Parliament and no less than the powers possessed by the Imperial Parliament, then it follows just as it would in England that the court here has no power to inquire into such an Act. I consider, therefore, that any law which comes within the ambit of the Ghana (Constitution) Order in Council, s 31, and which does not contravene any other provision in the Constitution can only be challenged in a court of law if it violates or purports to violate sub-section (2) or (3) of the section. On that view, the Act deporting these two persons, not being in contravention of any expressed limitation in

Constitutional Controversies

Geoffrey Marshall, Graeme C. Moodie



Constitutional Controversies:

Constitutional Politics in the States G. Alan Tarr, 1996-04-18 The reliance on state declarations of rights to expand rights protections during the last two decades has highlighted the political importance of state constitutions Yet throughout American history up to the present day state constitutions have been the battleground for fundamental political conflicts This edited volume analyzes the efforts of various groups to achieve their ends via constitutional revision and constitutional amendments examines the responses to controversial state constitutional rulings and assesses the consequences of constitutional politics on substantive state policy

Constitutional Controversies Robert A. Goldwin, William A. Schambra, Art Kaufman, 1987

The Present Constitutional Issues and Views Mangal Chandra Jain Kagzi, 1987

Constitutional Law in 1917-1918 Thomas Reed Powell, 1919

Local Governance in Multi-Layered Systems

Matteo Nicolini, Alice Valdesalici, 2023-11-10 The book provides a comprehensive analysis of local government in federations It fills the gap in current legal research and positions local government in federal studies through the lenses of comparative law adopting a more nuanced approach to local government The book considers the shortcomings between the black letter constitution and its operational rules Whether and how the regime of local government is implemented is more relevant than its formal but ineffective recognition The comparative survey discloses the variety local institutions take in different federal contexts Divided into three parts the book comprises chapters investigating local government in systems that to various degrees have been examined and classified as federal Scholars throughout the world have examined the federal local connection in aggregative federations the USA Canada Switzerland Germany Australia and Austria devolutionary ones Belgium Bosnia Herzegovina Italy Spain the UK Argentina Brazil Mexico and the Russian Federation as well as in federations beyond the West where federalism as a colonial legacy has undergone a process of reinvention affecting the federal local connection South Africa Ethiopia India Nigeria Comoros Democratic Republic of Congo Nepal Palau Federated States of Micronesia St Kitts and Nevis United Arab Emirates and Pakistan

The Constitutional History and Government of the United States Judson Stuart Landon, 1889

Sketches from Our Constitutional History James A. Van Osdel, 1928

Constitutional Problems Under Lincoln James Garfield Randall, 1926

Some Problems of the Constitution Geoffrey

Marshall, Graeme C. Moodie, 1961

Benchmarks Terry Eastland, 1995 Leading professors and practitioners of the law offer compelling analyses of key constitutional controversies in the Supreme Court that have helped shape America's legal and social systems Includes an introduction by editor Terry Eastland and a significant foreword by former U S attorney general Griffin Bell

The Critical Problems of the Indian Constitution Prasanta Bihari Mukharji, 1967

Democratic

Accountability in Latin America Scott Mainwaring, Christopher Welna, 2003-07-31 This volume on democratic accountability addresses one of the burning issues on the agenda of policy makers and citizens in contemporary Latin America In much of Latin America disenchantment and cynicism have set in regarding the quality of elected governments

raising the prospect of a new round of democratic erosion and breakdowns One of the important emerging challenges for improving the quality of democracy revolves around how to build more effective mechanisms of accountability A widespread perception prevails in much of the region that government officials are not sufficiently subject to routinized controls by oversight agencies Corruption lack of oversight impunity of state actors and improper use of public resources are major problems in most countries of the region Dealing with these issues is paramount to restoring and deepening democratic legitimacy The fundamental question in this volume is how democratic leaders in Latin America can improve accountability while simultaneously promoting governmental effectiveness These issues have acquired urgency in contemporary Latin America because of heightened public concern about corruption and improper governmental actions on the one hand yet on the other uncertainty about the potential tradeoff between tightened accountability of officials and effective policy results The volume enhances understanding of three key issues First it enriches understanding of the state of non electoral forms of democratic accountability in contemporary Latin America What are some of the major shortcoming in democratic accountability How can they be addressed What are some major innovations in the efforts to enhance democratic accountability A second contribution of the volume is conceptual Accountability is a key concept in the social sciences yet its meaning varies widely from one author to the next The authors in this volume especially in the first four chapters explicitly debate how best to define and delimit the concept Finally the volume also furthers understanding of the interactions between various mechanism and institutions of accountability Many of the authors address how electoral accountability the accountability of elected officials to the voters interact with the forms of accountability in which state agencies oversee and sanction public officials The volume provides extensive treatment of this important but hitherto under explored interaction

An Introduction to the Study of the American Constitution Charles Emanuel Martin, 1926 *The Constitution Today* Akhil Reed Amar, 2016-09-13 A leading legal scholar addresses the most important constitutional controversies of the past two decades and illuminates the Constitution's spirit and ongoing relevance America's Constitution Chief Justice John Marshall famously observed in *McCulloch v Maryland* aspires to endure for ages to come The daily news has a shorter shelf life and when the issues of the day involve momentous constitutional questions present minded journalists and busy citizens cannot always see the stakes clearly In *The Constitution Today* Akhil Reed Amar America's preeminent constitutional scholar considers the biggest and most bitterly contested debates of the last two decades and provides a passionate handbook for thinking constitutionally about today's headlines Amar shows how the Constitution's text history and structure are a crucial repository of collective wisdom providing specific rules and grand themes relevant to every organ of the American body politic Prioritizing sound constitutional reasoning over partisan preferences he makes the case for diversity based affirmative action and a right to have a gun in one's home for self protection and against spending caps on independent political advertising and bans on same sex marriage He explains what's wrong with presidential dynasties advocates a nuclear option

to restore majority rule in the Senate and suggests ways to reform the Supreme Court And he revisits three dramatic constitutional conflicts the impeachment of Bill Clinton the contested election of George W Bush and the fight over Barack Obama s Affordable Care Act to show what politicians judges and journalists got right as events unfolded and what they missed Leading readers through the particular constitutional questions at stake in each episode while outlining his abiding views regarding the Constitution s letter its spirit and the direction constitutional law must go Amar offers an essential guide for anyone seeking to understand America s Constitution and its relevance today *Germany's Constitutions of 1871 and 1919* Germany,1924 **Handbook of American Constitutional Law** Henry Campbell Black,1910 Political Speeches and Debates of Abraham Lincoln and Stephen A. Douglas, 1854-1861 ... Abraham Lincoln,1895 **A Short Treatise on Canadian Constitutional Law** Augustus Henry Frazer Lefroy,1918 *The Compact Clause of the Constitution* Felix Frankfurter,James McCauley Landis,1925 Changing Structure of Mexico Laura Randall,2015-01-28 Mexico is reinventing itself It is moving toward a more tolerant global market oriented and democratic society This new edition of Changing Structure of Mexico is a comprehensive and up to date presentation of Mexico s political social and economic issues All chapters have been rewritten by noted Mexican scholars and practitioners to provide a lucid and informative introductory reader on Mexico The book covers such topics as Mexico s foreign economic policy and NAFTA maquiladoras technology policy and Asian competition as well as domestic economics such as banking tax reform and oil energy policy the environment population and migration policy the changing structure of political parties and values and changes affecting women

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