

CIVIC EDUCATION

FIRST TERM

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MEANING OF CONSTITUTION

Constitution is defined as a body of rules and regulations by which the citizens of a country are governed or ruled. A constitution also defines the powers and functions of the political office holders such as presidents, governors, chairmen and councillors of the local government etc. All the citizens in a country are expected to abide by the rules and regulations provided. The constitution also states the rights, duties and obligations of the citizens.

TYPES OF CONSTITUTION

1. **WRITTEN CONSTITUTION:** it is a body of rules and regulations of a country that is written in a single document. Examples of country that operate written constitutions are America, Nigeria etc
2. **UNWRITTEN CONSTITUTION:** it is defined as a body of rules and regulations of a country that are not written in a single document. An unwritten constitution is usually based on cultures, traditions, conventions and beliefs of the people. Britain is a good example of a country that operates an unwritten constitution
3. **RIGID CONSTITUTION:** rigid constitution is defined as one that is very difficult to amend or change. Most written constitution is rigid. America, Ghana, and Nigeria have written and rigid constitution.
4. **FLEXIBLE CONSTITUTION:** it is defined as the type of constitution that is easy to amend. Most unwritten constitutions are flexible. Britain, Italy etc have unwritten and flexible constitution
5. **FEDERAL CONSTITUTION:** A federal constitution is one which divides the powers of government between the central, state and local government. Nigeria and America are good examples of countries that operate a federal constitution,
6. **UNITARY CONSTITUTION:** A unitary constitution is one in which, there is only one central government, state and local government do not exist in a unitary constitution, Britain, Italy and France are examples of countries with unitary constitution.

COLONIAL NIGERIAN CONSTITUTION

Nigeria is a political entity that is a product of British colonial rule. It is a country made up of people of different ethnic groups, religious and cultural backgrounds.

In the beginning, there was no Nigeria, the northern and the southern protectorates and the colony of Lagos were amalgamated (joined together) and ruled by one Governor – General Sir Fredrick Lugard. He made laws for the whole country; he was representing the king of England. It was the amalgamation that gave birth to Nigeria.

The representatives of the colonial masters, the British crown used different methods to rule Nigeria before it gained independence in October 1, 1960. Lord Lugard first introduced the system of **INDIRECT RULE**, which ruling through the local elites and traditional rulers immediately after the amalgamation.

After sometime, Nigeria nationals started to demand for more participation in the administration of their country like it was being done in other British colonies. After much pressure the colonial authorities yielded to the elites by introducing some constitutional changes to the ways Nigeria colonies were administered.

There were many constitutions which were introduced in the running of Nigeria before independence was attained in 1960. This was as a result of the demands by the Nigerian elites, opposing the different constitutions and systems of administration.

The following were the colonial Nigerian constitutions

1. The Clifford constitution 1922
2. The Richards constitution 1946
3. The Macpherson constitution 1951
4. The Lyttleton constitution 1954
5. The Independence constitution 1960

This was the first pre – independence constitution and the first written constitution of Nigeria. It was introduced in 1922. The Clifford constitution was named after Governor Hugh Clifford who represented the Queen of England in Nigeria before independence in 1960; he was the Governor – General. This constitution provided Nigerians the opportunity to elect a handful of representatives to the legislative council

FEATURES OF CLIFFORD CONSTITUTION OF 1922

1. It provided a legislative council which was composed of forty – six members with twenty – seven official members including the Governor and nineteen non – official members
2. Out of the nineteen non – official members, ten were Nigerians, four were elected and three of these elected members came from Lagos and one from Calabar.
3. The constitution introduced elective principles which brought about political activities to Lagos Island and Calabar
4. It provided an executive council with membership of twelve people, that served in an advisory capacity

MERITS OF CLIFFORD CONSTITUTION

1. Clifford constitution provided a conducive environment to political activities which led to the formation of the first political party in Nigeria known as the Nigeria National Democratic Party NNDP in 1923 by Herbert Maculay.
2. The constitution also allowed the establishment of newspapers such as Lagos Daily News launched in 1925 and African pilot.
3. It introduced elective principle
4. Nigeria for the first time had elected representatives into the legislative council

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DEMERITS OF CLIFFORD CONSTITUTION

1. The constitution did not promote the unity of Nigeria
2. No Nigerian was found in the executive council
3. The elective principle introduced by Clifford constitution was for only Lagos and Calabar
4. The Northerners were excluded from the legislative council
5. The conditions attached to the elective principle were too difficult to operate

6. The Governor had veto powers
7. The Legislative council under this constitution had no power but they served as an advisory body.

RICHARD'S CONSTITUTION OF 1946

The Richard's constitution replaced the Clifford constitution of 1922. The constitution was made mainly to promote unity of Nigeria and to encourage Nigerians to participate in their own affairs. Sir Arthur Richard later became the Baron Milverton of Lagos.

FEATURES OF RICHARD'S CONSTITUTION

1. The executive council was dominated by the Europeans
2. It divided Nigeria into three regions: East, West and North regions.
3. The legislative council had 44 members, 16 were official and 28 were unofficial
4. The constitution granted the North a bicameral legislature- Regional Assembly and Regional House of Chiefs and unicameral in the East and West
5. The constitution created a central legislative council in Lagos to make laws for the whole country.

MERITS OF RICHARD'S CONSTITUTION OF 1946

1. It gave Nigerians to have a say in their own affairs
2. It introduced regionalism
3. It encouraged the development of political activities
4. It integrated both the North and South for legislative purposes
5. It increased Nigeria's representative in the legislative council

DEMERITS OF RICHARD'S CONSTITUTION

1. Nigerians were not consulted before the constitution was introduced
2. Governor General still had veto power

3. The Europeans still dominated the Executive council
4. The constitution still continued with the elective principle which was difficult to operate
5. No Nigerian was found in the Executive council
6. The Regional Assemblies had no power to make law

MACPHERSON CONSTITUTION OF 1951

The Arthur Richard's constitution was short lived because Nationalist like Dr. Nnamdi Azikiwe described it as an imposition on Nigeria without prior consultation. The criticism against the 1946 constitution was so much that Sir Macpherson gave three years for public opinions and consultations before a new constitution was made in 1951.

FEATURES OF JOHN MACPHERSON CONSTITUTION OF 1951

1. The central legislative council was renamed House of Representatives, which consisted of 149 members, the North had 68 members, the East had 34 members and West 34 members.
2. The Executive council was renamed council of ministers (12 members), 4 from each region.
3. There was bicameral legislature in the North and Western region while East had unicameral legislature.
4. There was regional Executive council.
5. Only male tax payers voted in the North, while in the East and West both males and females voted

MERIT OF 1951 CONSTITUTION

1. Nigerians were consulted before the constitution was made.
2. The constitution started the process of revenue allocation.
3. The regions were given limited powers to make laws.

4. The legislative council consist of elected Nigerians and were no longer dominated by nominees and ex – official members.
5. For the first time, Nigerians were appointed ministers for the central and regional government.

DEMERIT OF 1951 CONSTITUTION

1. Ministers were appointed without portfolio
2. Governor – General still exercised veto power
3. Laws made by regional legislature were still subjected to approval of the central legislative council.
4. Ministers were more loyal to the region as they were elected by the regional legislature.
5. Many Nigerians were still excluded from voting
6. It could not fully unite Nigeria, leading to political tension
7. Differences in regional powers created imbalance (North had more seats)

LYTTLETON CONSTITUTION OF 1954

Macpherson's constitution was believed to have some defects especially as it did not allow Nigerians to govern themselves.

The lyttleton constitution of 1954 was the outcome of a London constitutional conference where Britain agreed to share power with Nigerian politicians.

FEATURES OF LYTTLETON CONSTITUTION OF 1954

1. The constitution introduced Federalism where the central and the regional government share power.
2. The central legislative council have 184 members

3. Regional legislatures had more powers
4. It made provision for the post of a speaker of the House of Representatives.
5. The constitution retained bicameral legislature in the North and West and adopted unicameral legislature in the East.
6. The constitution made Lagos the Federal Capital Territory.
7. The constitution established the supreme court
8. The constitution regionalized the judiciary

MERITS OF LYTTLETON CONSTITUTION OF 1954

1. Established Federalism for the first time
2. It granted full legislative autonomy to the regions
3. The office of the premier was established in the region. The regional premier headed regional Executive councils and appointed ministers to take charge of government department.
4. The constitution gave the ministers full ministerial responsibility. (executive powers).
5. The constitution established offices of the speaker and the deputy speaker in the Nigerian legislature
6. It introduced direct election into the Federal and regional legislature in Nigeria

DEMERITS OF LYTTLETON CONSTITUTION

1. The Governor – General still had veto power

2. There was no uniform electoral system for the whole country. The North had different electoral system called adult male suffrage while the East, West and central legislature was direct election based on universal adult suffrage
3. The constitution failed to provide for the second chamber at the Federal level as it is done on other Federation
4. The Supreme Court was not the highest court in the country.
5. The constitution encourages regional ethnicity and national disunity.
6. The ministers were loyal to the regions.
7. It gave too much to the regions weakening the centre

THE INDEPENDENCE CONSTITUTION 1960

The constitution ushered in independence for Nigeria. All the constitutional reforms undertaken by the British colonial masters failed to stop the demands of Nigerian Nationalist for self-government and political independence.

FEATURES OF THE INDEPENDENCE CONSTITUTION 1960

1. The constitution adopted the parliamentary system of government with the prime minister the chief Executive and Head of government
2. The constitution retained a federation of three regions in Nigeria
3. Each of the three regions had a House of Assembly and a House of Chiefs.

4. The Queen was still the Head of State but was represented by a governor – General. The Governor – General who represented the Queen was Dr. Nnamdi Azikiwe. He was the first black and indigenous Governor –General of Nigeria.
5. Fundamental human rights were written in the constitution
6. The constitution provided for bicameral legislature at the centre, the senate and the House Representatives.
7. The privy council in London was the final court of appeal
8. The Federal government was given the power to declare state of emergency in any part of the country.
9. It laid down procedures for the creation of the regions

MERITS OF 1960 CONSTITUTION

1. The constitution ushered independence for Nigeria
2. It defined citizenship and it can be acquired
3. Nigerians controlled their own government
4. It provided procedures for the appointment of supreme court judges
5. The constitution of Nigeria was no longer amended by the British authorities but by Nigerians.
6. Nigeria became the 99th member of the United Nation Organization (UNO) after her independence.

DEMERITS OF THE 1960 CONSTITUTION

1. The Queen of England was still the head of State and this gave room for interference.
2. 1960 constitution was not entirely home made one.

3. The Privy Council in London was still the highest court of appeal for Nigeria and not the Supreme court.
4. Parliamentary system caused political instability.
5. Regional rivalry was still strong, weakening unity.
6. Lack of entrenched fundamental rights.
7. Weak central government compared to strong regions.

FEATURES OF COLONIAL CONSTITUTIONS

- a. The constitutions were rigid and could not be amended or changed except if the British government wished.
- b. The constitutions were all written and made in Britain by the British for Nigeria. This was because Nigeria was still a colony of Britain.
- c. Nigerians had limited participation in government.
- d. The Governor had supreme power.
- e. Introduction of regionalism.
- f. Establishment of legislative and executive councils.
- g. Lack of true federalism or full democracy.

THE REPUBLICAN CONSTITUTION 1963

This was the first constitution Nigerians drafted by themselves for the country, it also confirmed Nigeria as an independent Republic i.e Nigeria was no longer under the ruler ship of the Queen of England, Nigeria became a country governed and controlled by an elected representatives which produced Dr. Nnamdi Azikiwe the first president of Nigeria.

The regional premiers were Ahmadu Bello for Northern region, Northern People's Congress (NPC).

Dennis Osadebeh for mid – western region.

Western Region – Chief Samuel Ladoke Akintola (Nigeria National Democratic Party NNDP).

Eastern Region – Dr. Michael Okpara (National Council of Nigerian Citizens NCNC).

Each premier was responsible for the administration of his region, while the Prime Minister of Nigeria at the federal level was Sir Abubakar Tafawa Balewa.

FEATURES OF 1963 CONSTITUTION

1. The Queen ceased to be the head of state of Nigeria.
2. It made the Supreme Court the highest court of appeal in Nigeria instead of Privy Council.
3. The Supreme court was given power of judicial review
4. The name of the Governor – General was changed to president
5. Fundamental human rights were guaranteed.
6. Emergency powers conferred on the Federal government were retained
7. The constitution retained the parliamentary system of government
8. It provided for revenue allocation formula based on need, national interest and balanced development.
9. The prime minister could be removed from office through a vote of no confidence

MERIT OF REPUBLICAN CONSTITUTION 1963

1. The fundamental human rights were retained
2. The Supreme Court became the highest country in the country.
3. It was homemade constitution

4. Nigeria became a full republic and was accorded full political independence, since the Queen of England was no longer the head of state.
5. Emergency power conferred on the Federal was retained
6. The constitution provided the process for creation of more states
7. The constitution provided an acceptable revenue allocation.

DEMERITS OF REPUBLICAN CONSTITUTION 1963

1. The parliament was supreme instead of the constitution
2. The prime minister was accountable to the parliament and not the people
3. The supremacy of the parliament resulted in the abuse of power by the legislature.
4. Election of the president was based on the minority and not of the majority.
5. There was fusion of power
6. Lobbying or bribery and corruption characterized the election of the president

THE SECOND REPUBLIC CONSTITUTION 1979

This constitution set up Nigeria as a presidential system of government. It brought the second republic. The Republican constitution of 1963 came with a lot of crises, the crisis was mainly political, the political atmosphere was tensed with thuggery, rigging and corruption etc, all these contributed the first coup d'etat which dethroned the democratic government of the first republic on January 15, 1966. The military was in power for the next thirteen years, until 1979 when the Lt. General Olusegun Obasanjo military established a Constitution Drafting Committee (CDC) in September 1975 to amend the constitution.

The constitution committee consisted of 49 members headed by Chief Rotimi Williams. The constitution was finally promulgated and came into effect in October 1979.

FEATURES OF 1979 CONSTITUTION

1. The constitution introduced the American styled presidential system of government to replace the parliamentary system of government

2. The president was directly elected by the electorate in the general election
3. There is complete separation of powers among the three arms of government as opposed to the fusion of powers introduced by the 1963 constitution
4. It provided for the election at the local government level
5. It provided for the office of the vice president
6. The president and the governors can be removed from office through impeachment by the legislative house.
7. The appointment of the ministers, ambassadors, chief justices will be done by the president and approved by the senate
8. The constitution allows formation of multi – party system
9. The constitution guaranteed the independence of the judiciary
10. The constitution provided for bicameral legislature i.e the senate and the house of representative
11. The president was also made the commander – in – chief of the armed forces
12. It provided that the powers and functions in the concurrent list such as Education, Health etc are to be exercised by both the federal and the state government.

MERITS OF THE 1979 CONSTITUTION

1. The constitution was supreme
2. It strengthened federalism.
3. It fixed the tenure of the political office holders for only two terms of four years each. This is to prevent the tendency of any leader or party from perpetuating itself in power.
4. Fundamental human rights were fully elaborated and guaranteed
5. The constitution made provision for a new Federal Capital Territory called Abuja

DEMERITS OF THE 1979 CONSTITUTION

1. It is expensive to maintain as functions are duplicated
2. Too much powers were concentrated in the hands of the president as both head of state and head of government
3. The impeachment clause was seen to be flexible by some and as such could be used indiscriminately to victimise political opponent
4. Separation of powers could cause delay in the execution of government programmes.
5. Weak opposition and lack of political discipline.

1989 REPUBLICAN CONSTITUTION

At the end of 1983, it had become clear that the 1979 constitution had failed due to the problems of corruption and impunity. The Shehu Shagari/ Alex Ekwueme administration was overthrown by Buhari on the 31st December 1983. The military suspended the 1979 constitution and ruled by Decrees and edicts. Buhari government was later overthrown by Babaginda in 1985, and in 1987, the 1979 constitution was reviewed and was approved by the Armed Forces Ruling Council in 1989. The 1989 constitution adopted the 1979 constitution with some amendments.

FEATURES OF 1989 CONSTITUTION

1. The constitution retained the presidential system of government
2. The constitution adopted a two – party system of government
3. Abuja the new federal capital would not have the status of a state
4. Fundamental human rights were retained

5. School certificate was adopted as the minimum qualification for the offices of the president, governors, and law maker
6. Citizenship: by registration, by birth, and naturalization was defined accordingly.
7. Law makers in the country's legislative houses were to be on part – time with sitting allowances.

MERITS OF 1989 REPUBLICAN CONSTITUTION

1. Minimum qualification of age candidates eliminated immature and illiterates from participating in government
2. It identified three forms of Nigerian citizenship
3. Voters have the opportunity of making quick and better discussions since its two – party system.
4. The greater prominence of local government made room for more rapid development at the local and rural areas.

DEMERITS OF 1989 REPUBLICAN CONSTITUTION

1. The two – party system limited the choice of both politicians and the electorate.
2. Law makers were placed on part – time and allowances could make the legislators concentrate more on their private business than on law – making

1999 CONSTITUTION

The 1999 constitution of Nigeria is the supreme law of the Federal Republic of Nigeria since 29th, May, 1999. 1999 constitution created the Nigeria fourth Republic.

Abdulsalami Abubakar the head of state of Nigeria was in office between June 1998 – 29th May 1999. It was during his leadership that Nigeria adopted this new constitution. However, the 1999 constitution is largely a re – creation of 1979 constitution with the features of an American presidential system.

FEATURES OF 1999 CONSTITUTION

1. The constitution maintained the executive presidential system of government
2. The constitution adopted bi – cameral legislature
3. The constitution retained Federal system of administration with the sharing of power
4. The 1999 constitution of Nigeria provided for multi party system to be registered by the Independent Electoral Commission (INEC)
5. The constitution provided for revenue allocation sharing formula
6. The constitution for 36 states and 774 local government
7. The constitution retained the Supreme Court as the highest court in Nigeria.
8. The constitution restores democratic rule in Nigeria.
9. The constitution provides for the fundamental human rights of the citizens

MERITS OF THE 1999 CONSTITUTION

1. The heads of the Executive at all levels are popularly elected

2. The constitution effectively puts in place separation of powers and checks and balances.
3. It clearly stipulates the term of office for the elected officials
4. The president is responsible/accountable to the electorates
5. It empowers the citizens to remove unpopular public officials especially legislators through recall
6. The constitution remains supreme

DEMERITS OF 1999 CONSTITUTION

1. It allocates a lot of powers to the president
2. The nature of the constitution facilitates a very expensive administration
3. The exclusive list is too large; therefore, the federal government becomes too powerful while the state government are left with too little power. The condition makes the state and the local government to be too dependent on the centre.
4. The immunity enjoyed by the president and the governors is usually abused.
5. The constitution is not clear on the power of state creation or dissolution of local government; this continues to create conflict between the state and federal government.

POST INDEPENDENT CONSTITUTION

Nigeria has about five constitutions since independence (1960, 1963, 1979, 1989, and 1999). In between these constitutions, military regimes were taking over from the democrats.

However, the post – independence constitution has the following features

FEATURES OF POST – INDEPENDENCE CONSTITUTION

1. All the constitution retained the presidential system of government
2. They all had features of presidential system of government, except 1963 that was parliamentary

3. These constitutions were indigenously made by the people and for the people
4. The constitution were all documented i.e written constitution
5. The fundamental human rights were entrenched in all the constitution

SUPREMACY OF THE CONSTITUTION MEANING

Supremacy of the constitution simply means the constitution, which is the law of the land is above everybody in the country.

The supremacy of the constitution means that all political office holders such as the president, governors etc must act according to the provision of the constitution.

Supremacy of the constitution means that there is only one constitution for the country which above everyone. Supremacy of the constitution is one of the basic principles of the rule of law

REASONS FOR THE SUPREMACY OF THE CONSTITUTION

1. The political office holders derive their powers and functions from the constitution
2. To ensure political stability
3. To ensure that there is peace, unity, development and orderliness in the country
4. The three organs/arms of government such as the Executive, Legislature and the
5. Judiciary derived their powers from the constitution
6. The constitution is the final authority over any matter in the country
7. The constitution will prevent oppression and dictatorship
8. It spills out the fundamental human rights as citizens of a country

