



**A CONSTITUTIONAL  
FRAMEWORK FOR A MULTI-  
CULTURAL SOCIETY**

**BY  
VOICE OF REASON**

**Work in Progress**

**25-May-2018**

# Table of Contents

INTRODUCTION	3
Chapter 1: General Provisions	7
Chapter 2: Federal and Federating Units	10
Chapter 3: Amendment of the Constitution	18
Chapter 4: Nationality and Citizenship of Nigeria	23
Chapter 5: Fundamental Rights and Freedoms	29
Chapter 6: Democratic Rights	39
Chapter 7: Fundamental Objectives and Directive Principles of State Policy	56
Chapter 8: The Structure and Division of Powers	67
Chapter 9: The Federal Legislature	73
Chapter 10: The Presidency	96
Chapter 11: The Federal Executive	98
Chapter 12: The Federal Judiciary	110
Chapter 11: The Armed Forces	145
Chapter 12: The Police and Other Security Services	149
Chapter 13: List of Functions of the Federal and Regional Governments	153
Chapter 14: Elections and Electoral Bodies	158
Chapter 15: Financial Affairs of the Federation	164
Chapter 16: Compensations & Financial Transparency	177
Chapter 17: General and Miscellaneous Provisions	180
Schedule 1: Transitional Provisions	182
Schedule II: The Legislative List	184
Schedule III: Federal Executive Bodies	189

# INTRODUCTION

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For years, especially since 1999, the landscape of Nigeria has been awash with calls, talks and pointed demands for change in the political architecture and configuration. Various terms such as fiscal federalism, restructuring and devolution of powers have been bandied around in the media space, to the extent that the generality of the citizenry are at a total loss as to what really were amiss.

The matter increasingly became a matter of utmost concern to the members of the Voice of Reason (VOR): a emerging force in Nigeria for good and a platform for the generation of innovative ideas. We wanted to proffer solutions, rather just engage in polemics that end up only on the pages of newspapers.

As a consequence and on the 1<sup>st</sup> of April, 2018, VOR members voted to take on the onerous challenge of a very proactive action equal only to what Chief Rotimi Williams (SAN) and his group of 49 wise men were assigned in 1977. We decided to articulate and produce a framework; a draft of an entirely new Constitution for Nigeria. On this date of my writing this introduction, our task is accomplished. We are very glad to be a positive platform for kick starting the debate for a new political architecture for Nigeria. It is our hope that the Nation of Nigeria will be blessed with a very robust discourse across the land.

In producing the draft that is now being presented for the consideration of the generality of Nigerians, we were mindful of the following imperatives:

- Need to replace the present very big government behemoth that devours virtually all that the nation produces in favour of the political class, with minimal government structure, such as would free up resources for a truly effective development the entire citizenry.
- Decentralisation of Federal Power in favour of a smaller number of 6 regional territories on which there is general national consensus, rather than the presently unwieldy number of 36 States. The States are definitely inconsequential indeed in being a viable unit of a truly Federal System of Government.
- A Federal Government that shall comprise not more than 9 Ministries and Ministers. After all, the very big United States have just 15 Cabinet Ministers, while Nigeria is not even up to just a State of Texas or New York.
- All bureaucratic appointments by political office holders outside the pool of career civil servants, however designated are to be outlawed: no more SSA's, SPA's and a motley of assistants.
- A re-worked list of functions such that such trivialities as Marriage licence issuance is now off the Exclusive list of the Federal Government

- A very slim uni-camera Federal legislature comprising members that are elected at the discretion of the Regions for which they would be representatives at Abuja.
- The regions shall be granted freedom to create, merge and or re-configure their sub political units: may adopt State, Provinces, Divisions or Districts as may suit their circumstances without interference from any other authority
- Granting of the regions the necessary autonomy to internalise development focus, while collaborating and co-operating with one another in a true federation.
- In drafting their Constitutions, the peoples of the respective Regional territories will take cue and also dismantle any arrangement or configuration that will favour the politicians and the political class; with focus on freeing resources for true development.
- A very stringent anti-corruption measures that will ensure that only public spirited persons will contemplate and venture to run for public office. There is a provision for the judicial doctrine of guilty until proven innocent in cases of betrayal of public trust and stealing of public funds, once a *prima facie* case has been determined by a court of law.

The ball is now in the court of everyone that truly believes in the greatness of Nigeria and her ability to rise up to the challenge of development based on the energisation of her peoples without the yoke of an elephantine Federal authority.

The Voice of Reason hereby wishes that the discourse begins towards the approval of a new Constitution in pursuant to the building of a better Nigeria. With this intervention by the VOR, no one now has the luxury of claiming ignorance of what restructuring means or entails.

**Goke Omisore**  
Convener, VOR  
Lagos, Nigeria; 25-May-2018



# **DRAFT OF THE PROPOSED NEW CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA**

“We, the ethnic nationalities and peoples of Nigeria, having firmly and solemnly resolved to establish a Federal Republic, hereby agree and covenant as follows:

## **Chapter 1: General Provisions**

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### **Article 01: Nomenclature of the Nation-State**

- (1) This Constitution is supreme and its provisions shall have binding force on the authorities and persons throughout the Federal Republic of Nigeria.
- (2) The Federal Republic of Nigeria shall not be governed, nor shall any persons or group of persons take control of the Government or any part thereof,

except in accordance with the provisions of this Constitution.

- (3) If any other law (including the constitution of a Region or parts thereof) is inconsistent with the provisions of this Constitution, this Constitution shall prevail, and that other law shall, to the extent of the inconsistency, be void.

### **Article 02: Establishment of the Republic**

- (1) Nigeria shall be a Federation comprising of Regions and a Federal Capital Territory and shall be a Republic to be known by the name of the Federal Republic of Nigeria.
- (2) The territorial jurisdiction of Nigeria shall comprise the territory of the regional members of the Federation and its boundaries shall be as determined by international agreements.

### **Article 03: The Flag and Emblem**

- (1) The national emblem on the new flag (to be re-designed) shall reflect the hope of the Nations, Nationalities, Peoples as well as religious communities of Nigeria to live together in equality and unity.
- (2) Members of the Federation may have their respective flags and emblems and shall determine

the details thereof through their respective legislatures.

**Article 04: The National Anthem**

- (1) The national anthem of Nigeria, to be (to be re-designed), shall reflect the ideals of the Constitution, the commitment of the Peoples of Nigeria to live together in a democratic order and of their common destiny.
- (2) Members of the Federation may have their respective Anthems and shall determine the details thereof through their respective legislatures.

**Article 05: Official Languages**

- (1) English Language is hereby recognised as the official language of the federation.
- (2) English language shall also be recognised as the official language in the Regions in addition to any other indigenous language (s) as may be adopted.

## **Chapter 2: Federal and Federating Units**

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### **Article 06: Federating Regions and States**

- (1) Member Regions of Nigeria, as existing at the commencement of this Constitution shall be the following: (a) North Central Region, (b) North Eastern Region, (c) North Western Region, (d) South Eastern Region, (e) South Southern Region and (f) South Western Region;
- (2) These Regional Members of the Federation may have their names, identities and any other instruments of recognition changed as may be necessary and shall determine the details thereof through their respective legislatures. Whatever names and or nomenclature of identity adopted by the respective legislatures at whatever time may be expedient shall be deemed to have been reflected in this Constitution;
- (3) The Regional Members shall produce their own constitutions applying the tenets of federalism and self determination and register it with the National Assembly for documentation and reference purposes only;

- (4) The Regional Members and constituent units thereof shall organise themselves towards the efficient harnessing of all potential resources in pursuant to the full development as a political and economic force to be reckoned with as member of the Nigerian Federation;
- (5) The Constitution of each Region shall have the force of law throughout that Region and if any other law by States or parts thereof is inconsistent with that constitution, the provisions of the Regional constitution shall prevail and the other law shall, to the extent of the inconsistency, be void;
- (6) For administrative operations and inter-regional coordination, the Federal Government shall maintain an office only in the Capital Cities of the Regions.

**Article 07: States of the Regions**

- (1) Members of the respective Regions as existing at the commencement of this constitution shall be as follows:
  - (a) North Central Region: Benue, Kogi, Kwara, Nasarawa, Niger and Plateau;
  - (b) North East Region: Adamawa, Bauchi, Borno, Gombe, Taraba and Yobe ;

- (c) North West Region: Jigawa, Kaduna, Kano, Katsina, Kebbi, Sokoto and Zamfara;
  - (d) South East Region: Abia, Anambra, Ebonyi, Enugu and Imo;
  - (e) South South Region: Akwa Ibom, Bayelsa, Cross River, Delta, Edo and Rivers, and
  - (f) South West Region: Ekiti, Lagos, Ogun, Ondo, Osun and Oyo
- (2) Subsequently after the commencement date or at any other time, Ethnic Nationalities and Peoples within the Regions enumerated in sub-Article 1 of this Article shall have the right to maintain, reconfigure or merge existing States and or establish new new administrative units and adopt any suitable nomenclature as may be determined by the respective legislature without any direction from any other authority.
- (3) The right of any Ethnic Nationalities or Peoples to create, merge or reconfigure States within their respective Regions shall be exercisable under the following procedures:
- (a) The demand for statehood re-configuration has been approved by a two-thirds (67%) majority of the members of the Council of the Ethnic Nationality or People in the area

- concerned, and the demand is presented in writing to the Regional Government;
- (b) The Government of the Region that received the demand shall organize a referendum within one year to be held in the area of the Ethnic Nationality or People that made the demand;
  - (c) The demand for Statehood Configuration is supported by a two thirds (67%) majority vote in the referendum;
  - (d) The Regional Government will transfer its powers to the Ethnic Nationality or People that made the demand; and
  - (e) The newly created or re-configured State by the referendum without any need for application, automatically becomes a member of the Region concerned and then the Federal Republic of Nigeria.
  - (f) The newly created or re-configured State by the referendum shall have equal rights and obligations as all others within the Region and in the Republic.
  - (g) Where the concerned peoples and States within the Region fail to reach agreement on any issue pertaining to this exercise, the Regional House of Representatives shall decide such disputes on the basis of

settlement patterns and the wishes of the peoples concerned.

- (h) The decision of the Regional House of Representatives may be the subject of an appeal to the Regional Supreme Court. The decision of the Regional Supreme Court shall be final.
- (4) Also, after the commencement date or at any other time, Ethnic Nationalities and Peoples across the Regions enumerated in Article 07(1) of this Chapter have the right to express wish to move and be merged across Regional borders.
- (5) The right of any Ethnic Nationalities or Peoples to create or merge territories contiguously across Regional Borders shall be exercisable under the following procedures:
  - (a) The demand for regional cross-border re-configuration has been approved by a two-thirds (67%) majority of the members of the Council of the Ethnic Nationality or People in the area concerned, and the demand is presented in writing to the 2 or more Regional Governments concerned;
  - (b) The Government of the concerned Regions that received the demand shall jointly organize a referendum within one year to be

- held in the area of the Ethnic Nationality or People that made the demand;
- (c) The demand for cross-border configuration is supported by a two thirds (67%) majority vote in the referendum;
  - (d) The two or more Regional Governments concerned will transfer its powers to the ethnic nationality or People that made the demand; and
  - (e) The cross-border configuration by the referendum without any need for application, automatically becomes a member of the State within the Region concerned and then the Federal Republic of Nigeria.
  - (f) The newly created or re-configured State by the referendum shall have equal rights and obligations as all others in the Region and in the Republic.
  - (g) Where the concerned Regions fail to reach agreement on any issue pertaining to this exercise, the National Assembly shall decide such disputes on the basis of settlement patterns and the wishes of the peoples concerned.
  - (h) The decision of the National Assembly may be the subject of an appeal to the Federal

Supreme Court. The decision of the Federal Supreme Court shall be final.

**Article 08: Equal Rights between the Federating Regions**

- (1) All Federating regions shall have equal rights and powers. Each Region shall have equal number of legislators in the National Assembly, such that no Region will be conferred with a superior advantage over any other on any ground whatsoever;
- (2) The governments at the Federal and Regional levels are distinct and inter-dependent and shall conduct their mutual relations on the basis of consultation collaboration and cooperation;
- (3) The Regions shall ensure reasonable access to its services in all parts of her territory, so far as it is appropriate to do so having regard to the nature of the service and subject to administrative regulations as may be determined by the Regional House of Representatives.

**Article 09: Regional Border Changes and Disputes**

- (1) All Regional border disputes shall be settled by agreement of the concerned Regions. Where the concerned Regions fail to reach agreement, the National Assembly shall decide such disputes on the

basis of settlement patterns and the wishes of the peoples concerned.

- (2) The National Assembly shall, within a period of two years, render its decision on a dispute submitted to it pursuant to sub-Article 1 of this Article.
- (3) The decision of the National Assembly may be the subject of an appeal to the Federal Supreme Court. The decision of the Federal Supreme Court shall be final.

**Article 10: Federal Capital Territory**

- (1) The Federal Capital Territory, Abuja shall be the Capital of the Federation and seat of the Government of the Federation.
- (2) The ownership of all lands comprised in the Federal Capital Territory, Abuja, shall vest in the Federal Government of Nigeria.
- (3) The territory shall be administered in accordance with the following stipulations: -
  - (a) all legislative powers are vested in the National Assembly
  - (b) all the executive and administrative powers are vested in the Federal Executive Council
  - (c) all Judicial powers are vested in the Federal Judicial Service Commission

- (d) For the purposes of representation into the National Assembly, the Federal Capital Territory shall constitute only one Federal constituency.

## **Chapter 3: Amendment of the Constitution**

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### **Article 11: General Principles**

- (1) Proposed amendment to this Constitution shall be enacted in accordance with Article 13 or 14, and approved in accordance with Article (2) in this Chapter by a referendum, if the amendment relates to any of the following matters—
  - (a) the supremacy of this Constitution;
  - (b) the territory of Nigeria and constituent Regions;
  - (c) the sovereignty of the people;
  - (d) the national values and principles of governance
  - (e) the Rights and Freedoms;
  - (f) the term of office of the President and Prime Minister;
  - (g) the independence of the Judiciary and the Extra-Ministerial Commissions;

- (g) the functions of the National Assembly;
  - (h) the objects, principles and structure of Regional governments; or
  - (i) the provisions of this Chapter.
- (2) A proposed amendment shall be approved by a referendum under Article (1) herein if—
- (a) the amendment is supported by a simple majority of the citizens voting in the referendum, and:
  - (b) it has a spread of at least one-quarter of voters in each of the Regions of Nigeria..
- (3) An amendment to this Constitution that does not relate to a matter specified in clause (1) shall be enacted either by the —
- (a) National Assembly, in accordance with Article 13; or
  - (b) by the people and the National Assembly, in accordance with Article 14.

**Article 12: Amendment by National Assembly initiative**

- (1) A Bill to amend this Constitution—
- (a) may be introduced in the National Assembly;
  - (b) may not address any other matter apart from consequential amendments to legislation arising from the Bill;

- (c) shall not be called for second reading within ninety calendar days after the first reading of the Bill ; and
  - (d) shall have been passed by the National Assembly in both its second and third readings, by not less than two-thirds (67%) of all the elected members of that House.
- (2) The National Assembly shall publicise any Bill to amend this Constitution, and facilitate public discussion about the Bill.
- (3) After the National Assembly passes a Bill to amend this Constitution, the Speaker shall submit to the President—
  - (a) the Bill, for assent and publication; and
  - (b) a certificate that the Bill has been passed by the National Assembly in accordance with this Article.
- (4) Subject to clause (5), the President shall assent to the Bill and cause it to be published within thirty days after the Bill is enacted by National Assembly.
- (5) If a Bill to amend this Constitution proposes an amendment relating to a matter specified in Article 12(1)—
  - (a) the President shall, before assenting to the Bill, request the Independent Electoral and

Boundaries Commission to conduct, within ninety days, a national referendum for approval of the Bill; and

- (b) within thirty days after the chairperson of the Independent Electoral and Boundaries Commission has certified to the President that the Bill has been approved in accordance with Article 12(2), the President shall assent to the Bill and cause it to be published.

### **Article 13: Amendment by popular initiative**

- (1) An amendment to this Constitution may be proposed by a popular initiative signed by at least one million registered voters, with at least 25% of the specified number in each of three (3) out of the six (6) Regions.
- (2) The promoters of that popular initiative shall formulate it into a draft Bill.
- (3) The promoters of a popular initiative shall deliver the draft Bill and the supporting signatures to the Independent National Electoral Commission, which shall verify that the initiative is supported by at least one million registered voters, spread across at least three (3) Regions.

- (5) If the Independent National Electoral Commission is satisfied that the initiative meets the requirements of this Article, the Commission shall submit the draft Bill to each Regional House of Representatives for consideration within three months after the date it was submitted by the Commission.
- (6) If a draft Bill has been approved by at least 4 of the Regional House of Representatives, it shall be introduced in the National Assembly without delay.
- (7) A Bill under this Article is passed by the National Assembly if supported by a majority of the elected members.
- (8) If the National Assembly passes the Bill, it shall be submitted to the President for assent in accordance with Article 13(4) and (5).
- (9) If either the National Assembly fails to pass the Bill, or the Bill relates to a matter specified in Article 12(1), the proposed amendment shall be submitted to the people in a referendum.
- (10) Article 12(2) applies, with any necessary modifications, to a referendum under Article (10).

## **Chapter 4: Nationality and Citizenship of Nigeria**

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### **Article 14: Citizenship by Birth**

- (1) The following persons are citizens of Nigeria by birth-namely-
  - (a) every person born in Nigeria before the date of independence, either of whose parents or any of whose grandparents belongs or belonged to a community indigenous to Nigeria;
  - (b) every person born in Nigeria after the date of independence either of whose parents or any of whose grandparents is a citizen of Nigeria; and
  - (c) every person born outside Nigeria either of whose parents is a citizen of Nigeria.
- (2) In this section, "the date of independence" means the 1st day of October 1960.

### **Article 15: Additional Qualifications for Citizenship**

- (1) Subject to the provisions of section 28 of this Constitution, a person to whom the provisions of this section apply may be registered as a citizen of Nigeria, if the President is satisfied that:
  - (a) the applicant is a person of good character;

- (b) has shown a clear intention of his desire to be domiciled in Nigeria.
- (2) The provisions of this section shall apply to-
  - (a) any woman who is or has been married to a citizen of Nigeria; or
  - (b) every person of full age and capacity born outside Nigeria any of whose grandparents is a citizen of Nigeria.

**Article 16: Citizen by Naturalisation**

- (1) Subject to the provisions of article 15 of this Constitution, any person who is qualified in accordance with the provisions of this section may apply to the President for the same of a certificate of naturalisation.
- (2) No person shall be qualified to apply for the grant of a certificate or naturalisation, unless the President is satisfied that he/she –
  - (a) is a person of full age and capacity;
  - (b) is a person of good character;
  - (c) has shown a clear intention of his desire to be domiciled in Nigeria;
  - (d) is in the opinion of the Premier of the Region where the person is or proposes to be resident, acceptable to the local community

- in which he/she is to live permanently, and has been assimilated into the way of life of Nigerians in that part of the Federation;
- (e) is a person who has made or is capable of making useful contribution to the advancement; progress and well-being of Nigeria;
  - (f) has taken the Oath of Allegiance prescribed in the Seventh Schedule to this Constitution; and
  - (g) has, immediately preceding the date of his application, either-
    - (I) has resided in Nigeria for a continuous period of fifteen years; or
    - (ii) has resided in Nigeria continuously for a period of twelve months, and during the period of twenty years immediately preceding that period of twelve months has resided in Nigeria for periods amounting in the aggregate to not less than fifteen years.

**Article 17: Forfeiture of Citizenship**

- (1) Subject to the other provisions of this section, a person shall forfeit forthwith his Nigerian citizenship if, not being a citizen of Nigeria by birth, he/she acquires or retains the citizenship or

nationality of a country, other than Nigeria, of which he/she is not a citizen by birth.

- (2) Any registration of a person as a citizen of Nigeria or the grant of a certificate of naturalisation to a person who is a citizen of a country other than Nigeria at the time of such registration or grant shall, if he/she is not a citizen by birth of that other country, be conditional upon effective renunciation of the citizenship or nationality of that other country within a period of not more than five months from the date of such registration or grant.

**Article 18: Renunciation of Citizenship**

- (1) Any citizen of Nigeria of full age who wishes to renounce his Nigerian citizenship shall make a declaration in the prescribed manner for the renunciation.
- (2) The President shall cause the declaration made under subsection (1) of this section to be registered and upon such registration, the person who made the declaration shall cease to be a citizen of Nigeria.
- (3) The President may withhold the registration of any declaration made under subsection (1) of this section if-
  - (a) the declaration is made during any war in which Nigeria is physically involved; or

- (b) in his opinion, it is otherwise contrary to public policy.
- (4) For the purposes of subsection (1) of this section.
  - (a) "full age" means the age of eighteen years and above;
  - (b) any woman who is married shall be deemed to be of full age.

**Article 19: Deprivation of Citizenship**

- (1) The President may deprive a person, other than a person who is a citizen of Nigeria by birth or by registration, of his citizenship, if he/she is satisfied that such a person has, within a period of seven years after becoming naturalised, been sentenced to imprisonment for a term of not less than three years.
- (2) The President shall deprive a person, other than a person who is citizen of Nigeria by birth, of his citizenship, if he/she is satisfied from the records of proceedings of a court of law or other tribunal or after due inquiry in accordance with regulations made by him, that –
  - (a) the person has shown himself by act or speech to be disloyal towards the Federal Republic of Nigeria; or
  - (b) the person has, during any war in which Nigeria was engaged, unlawfully traded with

the enemy or been engaged in or associated with any business that was in the opinion of the president carried on in such a manner as to assist the enemy of Nigeria in that war, or unlawfully communicated with such enemy to the detriment of or with intent to cause damage to the interest of Nigeria.

**Article 20: Implied Citizenship**

- (1) For the purposes of this Chapter, a parent or grandparent of a person shall be deemed to be a citizen of Nigeria if at the time of the birth of that person such parent or grandparent would have possessed that status by birth if he/she had been alive on the date of independence; and in this section, "the date of independence" has the meaning assigned to it in section 25 (2) of this Constitution.

**Article 21: Dual citizenship**

- (1) A citizen by birth does not lose citizenship by acquiring the citizenship of another country.

**Article 22: Limitation of Public Appointment and Election into Office**

- (1) Notwithstanding any provisions contained in this section, no citizen of Nigeria by registration or under a grant of certificate of naturalisation shall

within ten years of such registration or grant, hold any elective or appointive office under this Constitution

**Article 23: Provision of New Regulations**

- (1) The Prime Minister may make regulations, not inconsistent with this chapter, prescribing all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Chapter, and for granting special immigrant status with full residential rights to non-Nigerian spouses of citizens of Nigeria who do not wish to acquire Nigerian citizenship.
- (2) Any regulations made by the president pursuant to the provisions of this article shall be laid before and passed by the National Assembly.

## **Chapter 5: Fundamental Rights and Freedoms**

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**Article 24: Scope of Application and Interpretation**

- (1) All Federal and Regional legislative, executive and judicial organs at all levels shall have the

responsibility and duty to respect and enforce the provisions of this Chapter.

- (2) The fundamental rights and freedoms specified in this Chapter shall be interpreted in a manner conforming to the principles of the Universal Declaration of Human Rights, International Covenants on Human Rights and International instruments adopted by Nigeria.

**Article 25: Rights to life and Security of Person**

- (1) Every person has the inviolable and inalienable right to life, security, liberty and protection against bodily harm.
- (2) No person may be deprived of his life except as a punishment for a serious criminal offence determined by law.

**Article 26: Right to Liberty**

- (1) No one shall be deprived of his or her liberty except on such grounds and in accordance with such procedure as are established by law.
- (2) No person may be subjected to arbitrary arrest and or detained without a charge or conviction against him.

## **Article 27: Prohibition against Inhuman Treatment**

- (1) Everyone has the right to protection against cruel, inhuman or degrading treatment or punishment.
- (2) No one shall be held in slavery or servitude. Trafficking in human beings for whatever purpose is prohibited.
- (3) No one shall be required to perform forced or compulsory labour.
- (4) For the purpose of sub-Article 3 of this Article the phrase "forced or compulsory labour" shall not include:
  - (a) Any work or service normally required of a person who is under detention in consequence of a lawful order, or of a person during conditional release from such detention;
  - (b) In the case of conscientious objectors, any service exacted in lieu of compulsory military service;
  - (c) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;
  - (d) Any economic and social development activity voluntarily performed by a community within its locality.

## **Article 28: Right of Persons Arrested**

- (1) Persons arrested have the right to be informed promptly, in a language they understand, of the reasons for their arrest and of any charge against them.
- (2) Persons arrested have the right to remain silent. Upon arrest, they have the right to be informed promptly, in a language they understand, that any statement they make may be used as evidence against them in court.
- (3) Persons arrested have the right to be brought before a court within 48 hours of their arrest. Such time shall not include the time reasonably required for the journey from the place of arrest to the court. On appearing before a court, they have the right to be given prompt and specific explanation of the reasons for their arrest due to the alleged crime committed.
  - (a) All persons have an inalienable right to petition the court to order their physical release where the arresting police officer or the law enforcer fails to bring them before a court within the prescribed time and to provide reasons for their arrest. Where the interest of justice requires, the court may order the arrested person to remain in

custody or, when requested remand him for a time strictly required to carry out the necessary investigation.

- (b) In determining the additional time necessary for investigation, the court shall ensure that the responsible law enforcement authorities carry out the investigation respecting the arrested person's right to a speedy trial.
- (4) Persons arrested shall not be compelled to make confessions or admissions which could be used in evidence against them. Any evidence obtained under coercion shall not be admissible.
- (5) Persons arrested have the right to be released on bail. In exceptional circumstances prescribed by law, the court may deny bail or demand adequate guarantee for the conditional release of the arrested person.

**Article 29: Rights of Persons Accused**

- (1) Accused persons have the right to a public trial by an ordinary court of law within a reasonable time after having been charged. The court may hear cases in a closed session only with a view to protecting the right to privacy of the parties concerned, public morals and or national security.

- (2) Accused persons have the right to be informed with sufficient particulars of the charge brought against them and to be given the charge in writing.
- (3) During proceedings accused persons have the right to be presumed innocent until proved guilty according to law and not to be compelled to testify against themselves.
- (4) Accused persons have the right to full access to any evidence presented against them, to examine witnesses testifying against them, to adduce or to have evidence produced in their own defence, and to obtain the attendance of and examination of witnesses on their behalf before the court.
- (5) Accused persons have the right to be represented by legal counsel of their choice, and, if they do not have sufficient means to pay for it and miscarriage of justice would result, to be provided with legal representation at state expense.
- (6) All persons have the right of appeal to the competent court against an order or a judgement of the court which first heard the case.
- (7) They have the right to request for the assistance of an interpreter at state expense where the court proceedings are conducted in a language they do not understand.

**Article 30: The Rights of Persons Held in Custody and Convicted Prisoners**

- (1) All persons held in custody and persons imprisoned upon conviction and sentencing have the right to treatments respecting their human dignity.
- (2) All persons shall have the opportunity to communicate with, and to be visited by, their spouses or partners, close relatives, friends, religious counsellors, medical doctors and their legal counsel.

**Article 31: Non-Retroactivity of Criminal Law**

- (1) No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence at the time when it was committed. Nor shall a heavier penalty be imposed on any person than the one that was applicable at the time when the criminal offence was committed.
- (2) Notwithstanding the provisions of sub-Article 1 of this Article, a law promulgated subsequent to the commission of the offence shall apply if it is advantageous to the accused or convicted person.

**Article 32: Prohibition of Double Jeopardy**

- (1) No person shall be liable to be tried or punished again for an offence for which he/she has already

been finally convicted or acquitted in accordance with the criminal law and procedure.

**Article 33: Right to Honour and Reputation**

- (1) Everyone has the right to respect for his human dignity, reputation and honour.
- (2) Everyone has the right to recognition every where as a person.

**Article 34: Right to Equality**

- (1) All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall guarantee to all persons equal and effective protection without discrimination on grounds of race, nation, nationality, or other social origin, colour, sex, language, religion, political or other opinion, property, birth or other status.

**Article 35: Right to Privacy**

- (1) Everyone has the right to privacy. This right shall include the right not to be subjected to searches of his home, person or property, or the seizure of any property under his personal possession.
- (2) Everyone has the right to the inviolability of his notes and correspondence including postal letters,

and communications made by means of telephone, telecommunications and electronic devices.

- (3) Public officials shall respect and protect these rights. No restrictions may be placed on the enjoyment of such rights except in compelling circumstances and in accordance with specific laws whose purposes shall be the safeguarding of national security or public peace, the prevention of crimes or the protection of health, public morality or the rights and freedoms of others.

**Article 36: Freedom of Religion, Belief and Opinion**

- (1) Governments at all levels of the Nigerian Federation shall make no law in respect of the establishment and/or adoption of any religion as state religion or prohibiting the free exercise thereof by individuals and groups.
- (2) Public funds shall not be applied in any manner or for any purpose towards any activity or event with any bias in favour or against any religion
- (3) Everyone has the right to freedom of thought, conscience and religion. This right shall include the freedom to hold or to adopt a religion or belief of his choice, and the freedom, either individually or in community with others, and in public or private, to

manifest his religion or belief in worship, observance, practice and teaching.

- (4) No one shall be subject to coercion or other means which would restrict or prevent his freedom to hold a belief of his choice.
- (5) Parents and legal guardians have the right to bring up their children ensuring their religious and moral education in conformity with their own convictions.
- (6) Freedom to express or manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, peace, health, education, public morality or the fundamental rights and freedoms of others, and to ensure the independence of the state from religion.

**Article 37: Crimes Against Humanity**

- (1) Criminal liability of persons who commit crimes against humanity, so defined by international agreements ratified by Nigeria and by other laws of Nigeria, such as genocide, summary executions, forcible disappearances or torture shall not be barred by statute of limitation. Such offences may not be commuted by amnesty or pardon of the legislature or any other state organ.

- (2) In the case of persons convicted of any crime stated in sub-Article 1 of this Article and sentenced with the death penalty, the Head of State may, without prejudice to the provisions here in above, commute the punishment to life imprisonment.

**Article 38: Gender Equivalence**

- (1) No citizen shall be conferred with advantage or discriminated against on the account of gender.

## **Chapter 6: Democratic Rights**

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**Article 39: Right of Thought, Opinion and Expression**

- (1) Everyone has the right to freedom of expression without any interference. This right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any media of his choice.
- (2) Freedom of the citizens, civil society, press and other mass media institutions; inclusive of artistic creativity is guaranteed from any manner of interference by any authority. The intended freedom shall specifically include the following elements:

- (a) Prohibition of any form of censorship.
  - (b) Access to information of public interest; especially all financial transactions and application of all resources of government at all levels.
- (3) Any media financed by or under the control of the State shall be operated in a manner ensuring its capacity to entertain diversity in the expression of opinion.
- (4) Any citizen who violates any legal limitations on the exercise of these rights as may be prescribed by any validly made enactment may be held liable under the law.

**Article 40: The Right of Assembly, Demonstration and Petition**

- (1) Everyone has the right to assemble and to demonstrate together with others peaceably and unarmed, and to petition the State at all levels. Appropriate regulations may be made in the interest of public convenience relating to the location of open-air meetings and the route of movement of demonstrators or, for the protection of democratic rights all other citizens, public morality and peace during such a meeting or demonstration.

- (2) This right does not exempt from liability under laws enacted to protect the well-being of the youth or the honour and reputation of individuals, and laws prohibiting any propaganda for war and any public expression of opinions intended to injure human dignity.

**Article 41: Freedom of Association and Movement**

- (1) Every person has the right to freedom of association for any cause or purpose. Organizations formed, in violation of appropriate laws, or to illegally subvert the constitutional order, or which promote such activities are prohibited.
- (2) Any Nigerian or foreign national lawfully in Nigeria has, within the national territory, the right to liberty of movement and freedom to choose his residence, as well as the freedom to leave the country at any time he/she wishes to.
- (3) Any Nigerian national has the right to return to his country.

**Article 42: Rights of Nationality**

- (1) No Nigerian national shall be deprived of his or her Nigerian nationality against his or her will. Marriage of a Nigerian national of either sex to a

foreign national shall not annul his or her Nigerian nationality.

- (2) Every Nigerian national has the right to the enjoyment of all rights, protection and benefits derived from Nigerian nationality as prescribed by law.
- (3) Any national has the right to change his Nigerian nationality.
- (4) Nigerian nationality may be conferred upon foreigners in accordance with law enacted and procedures established consistent with international agreements ratified by Nigeria.

**Article 43: Marital, Personal and Family Rights**

- (1) Men and women, without any distinction as to race, nation, nationality or religion, who have attained marriageable age as defined by law, have the right to marry and found a family. They have equal rights while entering into, during marriage and at the time of divorce. Laws shall be enacted to ensure the protection of rights and interests of children at the time of divorce.
- (2) Marriage shall be entered into only with the free and full consent of the intending parties.

- (3) The family is the natural and fundamental unit of society and is entitled to protection by society and the State.
- (4) In accordance with provisions to be specified by law, a law giving recognition to marriage concluded under systems of religious or customary laws may be enacted.
- (5) This Constitution shall not preclude the adjudication of disputes relating to personal and family laws in accordance with religious or customary laws, with the consent of the parties to the dispute. Particulars shall be determined by law.

**Article 44: Rights of Women**

- (1) Women shall, in the enjoyment of rights and protections provided for by this Constitution, have equal right with men.
- (2) Women have equal rights with men in marriage as prescribed by this Constitution.
- (3) The historical legacy of inequality and discrimination suffered by women in Nigeria taken into account, women, in order to remedy this legacy, are entitled to affirmative measures. The purpose of such measures shall be to provide special attention to women so as to enable them to compete

and participate on the basis of equality with men in political, social and economic life as well as in public and private institutions.

- (4) The State shall enforce the right of women to eliminate the influences of harmful customs. Laws, customs and practices that oppress or cause bodily or mental harm to women are prohibited.
  - (a) Women have the right to maternity leave with full pay. The duration of maternity leave shall be determined by law taking into account the nature of the work, the health of the mother and the well-being of the child and family.
  - (b) Maternity leave, in accordance with the provisions of law as may be enacted by the respective Regions;
- (5) Women have the right to full consultation in the formulation of national development policies, the designing and execution of projects, and particularly in the case of projects affecting the interests of women.
- (6) Women have the right to acquire, administer, control, use and transfer property. In particular, they have equal rights with men with respect to use, transfer, administration and control of land. They

shall also enjoy equal treatment in the inheritance of property.

- (7) Women shall have a right to equality in employment, promotion, pay, and the transfer of pension entitlements.
- (8) To prevent harm arising from pregnancy and childbirth and in order to safeguard their health, women have the right of access to family planning education, information and capacity.

#### **Article 45: Rights of Children**

1. Every child has the right:

- (a) To life;
- (b) To a name and nationality;
- (c) To know and be cared for by his or her parents or legal guardians;
- (d) Not to be subject to exploitative practices, neither to be required nor permitted to perform work which may be hazardous or harmful to his or her education, health or well-being;
- (e) To be free of corporal punishment or cruel and inhumane treatment in schools and other institutions responsible for the care of children.

- (2) In all actions concerning children undertaken by public and private welfare institutions, courts of law, administrative authorities or legislative bodies, the primary consideration shall be the best interest of the child.
- (3) Juvenile offenders admitted to corrective or rehabilitative institutions, and juveniles who become wards of the State or who are placed in public or private orphanages, shall be kept separately from adults.
- (4) Children born out of wedlock shall have the same rights as children born of wedlock.
- (5) The State shall accord special protection to orphans and shall encourage the establishment of institutions which ensure and promote their adoption and advance their welfare, and education.

**Article 46: Right of Access to Justice**

- (1) Everyone has the right to bring a justiciable matter to, and to obtain a decision or judgement by, a court of law or any other competent body with judicial power.
- (2) The decision or judgement referred to under sub-Article 1 of this Article may also be sought by:

- (a) Any association representing the Collective or individual interest of its members; or
- (b) Any group or person who is a member of, or represents a group with similar interests.

**Article 47: The Right to Vote and to be Elected**

- (1) Every Nigerian national, without any discrimination based on colour, race, nation, nationality, sex, language, religion, political or other opinion or other status, has the following rights:
  - (a) To take part in the conduct of public affairs, directly and through freely chosen representatives;
  - (b) On the attainment of 18 years of age, to vote in accordance with law;
  - (c) To vote and to be elected at periodic elections to any office at any level of government; elections shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.
- (2) The right of everyone to be a member of his own will in a political organization, labour union, trade organization, or employers' or professional association shall be respected if he/she meets the special and general requirements stipulated by such organization.

- (3) Elections to positions of responsibility with any of the organizations referred to under sub-Article 2 of this Article shall be conducted in a free and democratic manner.
- (4) The provisions of sub-Articles 2 and 3 of this Article shall apply to civic organizations which significantly affect the public interest.

**Article 48: Rights of Ethnic Nationalities for Self Determination**

- (1) Every Ethnic Nationality and People in Nigeria has an unconditional right to self-determination.
- (2) Every Ethnic Nationality and People in Nigeria has the right to speak, to write and to develop its own language; to express, to develop and to promote its culture; and to preserve its history.
- (3) Every Ethnic Nationality and People in Nigeria has the right to a full measure of self-government which includes the right to establish institutions of government in the territory that it inhabits and to equitable representation in the Federal and Regional Governments.
- (4) A "Ethnic Nationality or People" for the purpose of this Constitution , is a group of people who have or share large measure of a common culture or similar

customs, mutual intelligibility of language, belief in a common or related identities, a common psychological make-up, and who inhabit an identifiable, predominantly contiguous territory.

**Article 49: The Right to Property**

- (1) Every Nigerian citizen has the right to the ownership of private property. Unless prescribed otherwise by law on account of public interest, this right shall include the right to acquire, to use and, in a manner compatible with the rights of other citizens, to dispose of such property by sale or bequest or to transfer it otherwise.
- (2) "Private property," for the purpose of this Article, shall mean any tangible or intangible product which has value and is produced by the labour, creativity, enterprise or capital of an individual citizen, associations which enjoy juridical personality under the law, or in appropriate circumstances, by communities specifically empowered by law to own property in common.
- (3) The right to ownership of rural and urban land, as well as of all natural resources, is exclusively vested in the State and in the peoples of Nigeria. Land is a common property of the Nations, Nationalities and

Peoples of Nigeria and shall not be subject to sale or to other means of exchange.

- (4) Nigerian peasants have right to obtain land without payment and the protection against eviction from their possession. The implementation of this provision shall be specified by law.
- (5) Nigerian pastoralists have the right to free land for grazing and cultivation as well as the right not to be displaced from their own lands. The implementation shall be specified by law.
- (6) Without prejudice to the right of Nigerian Nations, Nationalities, and Peoples to the ownership of land, government shall ensure the right of private investors to the use of land on the basis of payment arrangements established by law. Particulars shall be determined by law.
  - (a) Every Nigerian shall have the full right to the immovable property he/she builds and to the permanent improvements being brought about on the land by his labour or capital.
  - (b) This right shall include the right to alienate, to bequeath, and, where the right of use expires, to remove his property, transfer his title, or claim compensation for it. Particulars shall be determined by law.

- (7) Without prejudice to the right to private property, the government may expropriate private property for public purposes subject to payment in advance of compensation commensurate to the value of the property.

**Article 50: Economic, Social and Cultural Rights**

- (1) Every Nigerian has the right to engage freely in economic activity and to pursue a livelihood of his choice anywhere within the national territory; provided that the Regional House of Representatives shall have powers to enact guidelines of parameters for reciprocal residential rights.
- (2) Every Nigerian has the right to choose his or her means of livelihood, occupation and profession.
- (3) Every Nigerian national has the right to equal access to publicly funded social services.
- (4) The State has the obligation to allocate progressively increasing resources to provide to the public health, education and other social services.
- (5) The State shall, within available means, allocate resources to provide rehabilitation and assistance to the physically and mentally disabled, the aged , and to children who are left without parents or guardian.

- (6) The State shall pursue policies which aim to expand job opportunities for the unemployed and the poor and shall accordingly undertake programmes and public works projects.
- (7) The State shall undertake all measures necessary to increase opportunities for citizens to find gainful employment.
- (8) Nigerian farmers and pastoralists have the right to receive fair price for their products, that would lead to improvement in their conditions of life and to enable them to obtain an equitable share of the national wealth commensurate with their contribution. This objective shall guide the State in the formulation of economic, social and development policies.
- (9) The State has the responsibility to protect and preserve historical and cultural legacies, and to contribute to the promotion of the arts and sports.

**Article 51: Rights of Labour**

- (1) (a) Factory and service workers, farmers, farm labourers, other rural workers and government employees whose work compatibility allows for it and who are below a certain level of responsibility, have the right to form associations to improve their conditions of employment and economic well-

being. This right includes the right to form trade unions and other associations to bargain collectively with employers or other organizations that affect their interests.

(b) Government employees have the right to express grievances, including the right to go on strike, but according to law at Federal and Regional levels of Government.

(c) Women workers have the right to equal pay for equal work.

(2) Workers have the right to reasonable limitation of working hours, to rest, to leisure, to periodic leaves with pay, to remuneration for public holidays as well as healthy and safe work environment.

(3) Without prejudice to the rights recognized under sub - Article 1 of this Article, laws enacted for the implementation of such rights shall establish procedures for the formation of trade unions and for the regulation of the collective bargaining process.

## **Article 52: The Right to Development**

(1) The Peoples of Nigeria as a whole, and each Ethnic Nationality and People in Nigeria in particular have the right to improved living standards and to sustainable development.

- (2) Nationals have the right to participate in national development and, in particular, to be consulted with respect to policies and projects affecting their community.
- (3) All international agreements and relations concluded, established or conducted by the State shall protect and ensure Nigeria's right to sustainable development.
- (4) The basic aim of development activities shall be to enhance the capacity of citizens for development and to meet their basic needs.

**Article 53: Environmental Rights**

- (1) All persons have the right to a clean and healthy environment.
- (2) All persons who have been displaced or whose livelihoods have been adversely affected as a result of State programmes have the right to commensurate monetary or alternative means of compensation, including relocation with adequate State assistance.

**Article 54: Rights to Justiciability of the Fundamental Human and Democratic Rights of Citizenry**

- (1) All Federal and Regional Legislative, Executive and Judicial organs of governance shall have the

responsibility and duty to recognize, respect the justiciability of the basic rights of the citizenry and enforce the provisions of this Section. For the practical purposes of accountability, it must be granted that all the basic rights of Nigerian citizens shall, if any of them is shown to have been infringed anywhere, be subject of judicial common law resolution anywhere – whether within or outside the country’s jurisdiction.

**Article 55: Restrictions, if any, on Fundamental and Democratic Rights**

- (1) Nothing in this Chapter of the Constitution shall invalidate any law that is reasonably justifiable in a democratic society:
  - (a) in the interest of defence, public safety, public order, public morality or public health; or
  - (b) for the purpose of protecting the rights and freedom of other persons.
- (2) An Act of the National Assembly shall not be invalidated by reason only that it provides for the taking, during periods of emergency, of measures that derogate from the provisions of this Chapter of the Constitution; but no such measures shall be taken in pursuance of any such act during any period of emergency save to the extent that those

measures are reasonably justifiable for the purpose of dealing with the situation that exists during that period of emergency;

- (3) In this section, a " period of emergency" means any period during which there is in force a Proclamation of a state of emergency declared by the President in exercise of the powers conferred on him under this Constitution.

## **Chapter 7: Fundamental Objectives and Directive Principles of State Policy**

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### **Article 56: Objectives**

- (1) The Federal Republic of Nigeria shall be a Nation-State based on the principles of democracy and social justice.

### **Article 57: Foreign Policy Principles and Objectives**

- (1) The foreign Policy Principles and Objectives shall be the promotion of the following:
  - (a) protection of the national interest and respect for the sovereignty of the country.
  - (b) defence of African integration and support for African unity;

- (c) facilitation of international co-operation for the consolidation of universal peace and mutual respect and equality and non-interference in the internal affairs among all nations and elimination of discrimination in all its manifestations;
- (d) respect for international law and treaty obligations which ensure respect for Nigeria's sovereignty and are not contrary to the interests of its peoples as well as the seeking of settlement of international disputes by negotiation, mediation, conciliation, arbitration and adjudication; and
- (e) canvassing for a just world economic order by forging and promoting ever growing economic union and fraternal relations of other countries with Nigeria.

**Article 58: Principles for National Defence**

- (1) The composition of the national armed forces shall reflect the equitable representation of the Nations, Nationalities and Peoples of Nigeria.
- (2) The Armed Forces shall protect the sovereignty of the country and carry out any responsibilities as may be assigned to them under any state of

emergency declared in accordance with the Constitution.

- (3) The armed forces shall at all times obey and respect the Constitution and civilian authority and supervision.
- (4) The armed forces shall carry out their functions free of any partisanship to any political organization(s).

**Article 59: Political Objectives**

- (1) The security and welfare of the people shall be the primary purpose of government.
- (2) Guided by democratic principles, Government shall promote and support the people's self-rule at all levels.
- (3) Government shall respect the identity of Nations, Nationalities and Peoples. Accordingly Government shall have the duty to strengthen ties of equality, unity and fraternity among them.
- (4) In doing all things, the government shall promote, celebrate merit and achievement of excellence in all sphere of human endeavour. In making all appointments, it shall seek out the very best of cognate expertise and capability residing in every part of the nation and in the diaspora.

- (5) Notwithstanding the foregoing, targetted remedial actions where deemed appropriate and necessary shall be implemented within a stipulated time frame to build capacity where it may be lacking, such as would bring about inclusiveness and loyalty of everyone to the nation.
- (6) For the purpose of promoting national integration, it shall be the duty of all Governments to:
  - (a) provide adequate facilities for and encourage free mobility of people, goods and services throughout the Federation.
  - (b) secure full residence rights for every citizen in all parts of the Federation.
  - (c) promote or encourage the formation of associations that cut across ethnic, linguistic, religious and or other sectional barriers.
- (7) The Nation-State shall foster a feeling of belonging and of involvement among the various people of the Federation, to the end that loyalty to the nation-state shall override other sectional loyalties.
- (8) The Nation-State social order is founded on ideals of Freedom, Equality and Justice: and in furtherance of the social order:-
  - (a) every citizen shall have equality of rights, obligations and opportunities before the law;

- (b) the sanctity of the human person shall be recognised and human governmental actions shall be humane;
  - (c) exploitation of human or natural resources in any form whatsoever for reasons other than the good of the community shall be prevented; and
  - (d) the independence, impartiality and integrity of courts of law, and easy accessibility thereto shall be secured and maintained.
- (9). The national ethics and motto of the Nigeria Federation shall be Faith and Justice, Unity and Progress, Integrity and Self-reliance.

**Article 60: Economic Objectives**

- (1) Federal Government shall have the duty to formulate policies which ensure that all Nigerians can benefit from the country's legacy of intellectual and material resources.
- (2) The Federal and Regional or State governments shall, within the context of the ideals and objectives for which provisions are made in this Constitution:
  - (a) harness the resources of the nation and promote national prosperity and an efficient, a dynamic and self-reliant economy;

- (b) control the national economy in such manner as to secure the optimum welfare, freedom and happiness of every citizen on the basis of social justice and equality of status and opportunity;
  - (c) without prejudice to the right of any person to participate in areas of the economy within the major sector of the economy, protect the right of every citizen to engage in any economic activities outside the major sectors of the economy.
- (3) Consistent with the provisions in sub-section 1 of the above Article 20, the Federal and Regional or State Governments shall direct their policies toward ensuring:
- (a) the promotion of a planned and balanced economic development;
  - (b) that the material resources of the nation are harnessed and distributed as best as possible to serve the common good;
  - (c) that the economic system is not operated in such a manner as to permit the concentration of wealth or the means of production and exchange in the hands of few individuals or of a group; and

- (d) that suitable and adequate shelter, suitable and adequate food, reasonable national minimum living wage, old age care and pensions, and unemployment, sick benefits and welfare of the disabled are provided for all citizens.
- (4) A body shall be set up by an Act of the National Assembly that shall have power:
  - (a) to review, from time to time, the ownership and control of business enterprises operating in Nigeria and make recommendations to the Prime Minister on same; and
  - (b) to administer any law for the regulation of the ownership and control of such enterprises.
- (5) For the purposes of sub-section 2(c) of this Article 60:
  - (a) "economic activities" includes activities directly concerned with the production, distribution and exchange of goods and services; and
  - (b) "participate" includes the rendering of services and supplying of goods.
- (6) Government shall take measures to avert any natural and man-made disasters, and, in the event of

disasters, to provide timely assistance to the victims.

- (7) Government has the duty to ensure that all Nigerians get equal opportunity to improve their economic conditions and to promote equitable distribution of wealth among them.
- (8) Government shall provide special assistance to Nations, Nationalities, and People least advantaged in economic and social development.
- (9) Regional Governments have the duty to hold, on behalf of the People, land and other natural resources in their respective territories and to deploy them for their common benefit and development.
- (10) Governments shall at all times promote the participation of the people in the formulation of national development policies and programmes; it shall also have the duty to support the initiatives of the people in their development endeavours.
- (11) Governments shall endeavour to protect and promote the health, welfare and living standards of the working population of the country.
- (12) The Federal and Regional governments shall direct their policy towards ensuring that:

- (a) all citizens, without discrimination on any group whatsoever, have the opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment;
- (b) conditions of work are just and humane, and that there are adequate facilities for leisure and for social, religious and cultural life;
- (c) the health, safety and welfare of all persons in employment are safeguarded and not endangered or abused;
- (d) there are adequate medical and health facilities for all persons;
- (e) there is equal pay for equal work without discrimination on account of sex, or on any other ground whatsoever;
- (f) children, young persons and the aged are protected against any exploitation whatsoever, and against moral and material neglect;
- (g) provision is made for public assistance in deserving cases or other conditions of need; and
- (h) the evolution and promotion of family life is encouraged.

## **Article 61: Other Social Objectives**

- (1) To the extent the country's resources permit, Federal and Regional policies shall aim to provide all Nigerians access to public health and education, clean water, housing, food and social security.
- (2) Government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels.
- (3) Government shall promote the use of science and technology in all spheres of human development.

## **Article 62: Cultural Objectives**

- (1) Governments at all levels shall have the duty to support, on the basis of equality, the growth and enrichment of cultures and traditions that are compatible with fundamental rights, human dignity, democratic norms and ideals, and the provisions of the Constitution.
- (2) The national ethics shall be discipline, integrity, dignity of labour, social justice, tolerance, self-reliance and brotherhood.
- (3) It shall be the duty of every citizen to:
  - (a) abide by this Constitution, respect its ideals and its institutions, the National Flag, the

- National Anthem, the National Pledge, and legitimate authorities;
- (b) help to enhance the power, prestige and good name of Nigeria, defend Nigeria and render such national service as may be required;
  - (c) respect the dignity of other citizens and the rights and legitimate interests of others and live in unity and harmony and in the spirit of common brotherhood;
  - (d) make positive and useful contribution to the advancement, progress and well-being of the community where he/she resides;

**Article 63: Environmental Objectives**

- (1) Governments shall endeavour to ensure that all Nigerians live in a clean and healthy environment.
- (2) The design and implementation of programmes and projects of development shall not damage or destroy the environment.
- (3) People have the right to full consultation and to the expression of views in the planning and implementation of environmental policies and projects that affect them directly.
- (4) Government and citizens shall have the duty to protect the environment.

- (5) The State shall protect and improve the environment and safeguard the water, air and land, forest and wild life of Nigeria.

**Article 64: Obligations of the Mass Media**

- (1) The press, radio, television and other agencies of the mass media shall, at all times, be free to uphold the fundamental objectives contained in this Chapter and uphold the responsibility and accountability of the Government to the people.

## **Chapter 8: The Structure and Division of Powers**

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**Article 65: Structure of the Organs of the Nation State**

- (1) The Federal Republic of Nigeria comprises the Federal Government and the Regional members.
- (2) The Federal Government and the Regions shall have legislative, executive and judicial powers.
- (3) The National Assembly is the highest legislative authority of the Federal Government. It is responsible to the entire People of Nigeria. The House of Representatives is the highest legislative authority of Regional Government. It is responsible to the people of the Region.

- (4) Governance structures shall be established at Regional and other administrative levels that they find necessary. Adequate power shall be granted to the lowest units of government to enable the people to participate directly in the administration of such units.
- (5) The Regional administration constitutes the highest organ of executive power at the Regional Level.
- (6) Regional judicial power is vested in its courts.
- (7) The Regions shall respect the powers of the Federal Government. The Federal Government shall likewise respect the powers of the Regions.
- (8) The Federal Government may, when necessary, delegate to the Regions any or some of the powers and functions granted to it by Article 66 of this Constitution.

**Article 66: Powers and Functions of the Federal Government**

- (1) It shall protect and defend the Constitution.
- (2) It shall formulate and implement the country's policies, strategies and plans in respect of overall economic, social and development matters.

- (3) It shall facilitate inter-regional coordination of policies, plans, programmes and projects in respect of all facets of human development
- (4) It shall establish and implement national standards and basic policy criteria for public health, education, science and technology as well as for the protection and preservation of cultural and historical legacies.
- (5) It shall formulate and execute the country's financial, monetary and foreign investment policies and strategies.
- (6) It shall establish and administer national defence and public security forces as well as a federal police force.
- (7) It shall formulate and implement foreign policy; it shall negotiate and ratify international agreements.
- (8) It shall levy taxes and collect duties on revenue sources reserved to the Federal Government; it shall draw up, approve and administer the Federal Government's budget.
- (9) It shall regulate inter-Regional and foreign commerce.

- (10) It shall efficiently administer all federally funded institutions that provide services to two or more Regions.
- (11) It shall deploy, at the request of a Regional administration, Federal defence forces to arrest a deteriorating security situation within the requesting Region when its authorities are unable to control it.
- (12) It shall enact, in order to give practical effect to political rights provided for in this Constitution, all necessary laws governing political parties and elections.
- (13) It has the power to declare and to lift national state of emergency in any part of Nigeria that may experience external aggression or outbreak of epidemics.
- (14) It shall determine and administer all matters relating to immigration, the granting of passports, entry into and exit from the country, refugees and asylum.
- (15) It shall patent inventions and protect copyrights.
- (16) It shall enact laws regulating the possession and bearing of arms.

**Article 67: Powers and Functions of Regions**

- (1) All powers not given expressly to the Federal Government alone, or concurrently to the Federal

Government and the Regions are reserved to the Regions.

- (2) Consistent with sub-Article 1 of this Article, Regions shall have the following powers and functions:
- (a) To establish a Regional administration, that best advances self-government, a democratic order based on the rule of law; to protect and defend the Federal Constitution;
  - (b) To establish States and any other administrative units constituted based on the principles of federalism and self determination that is well suited to all constituent ethnic nationalities comprising the Region.
  - (c) The Regional and or State legislature shall have power to make laws for the peace, order and good government of the Region, State or any part thereof with respect all residual matters not expressly stated in this Constitution.
  - (e) To formulate and execute economic, social and development policies, strategies and plans of the Regions;

- (f) To administer land and other natural resources in accordance with Federal guidelines and national coordination;
- (g) To levy and collect taxes and duties on revenue sources reserved to the Regions and to draw up and administer the Regional budget;
- (i) To establish and administer a Regional Police Force, and to maintain public order and peace within the Region

**Article 68: Jurisdiction of the Courts**

- (1) The exercise of legislative powers by the National Assembly and the Regional House of Representatives shall be subject to the jurisdiction of courts of law and of judicial tribunals established by law, and accordingly, no legislative house whether Federal or Regional shall enact any law, that ousts or purports to oust the jurisdiction of a court of law or of a judicial tribunal established by law.
- (2) With respect to all matters specified in the Exclusive List, If any Law enacted by the Regional House of Representatives is inconsistent with any law validly made by the House of Representatives, the law made by the National Assembly shall

prevail, and that other Law shall, to the extent of the inconsistency, be void.

## **Chapter 9: The Federal Legislature**

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### **Article 69: Establishment of The National Assembly**

- (1) There shall be a National Assembly for the Federation of Nigeria. It shall be a uni-camera legislature.
- (2) The principal function of the National Assembly shall be the enactment of laws for good governance and an effective value for money performance monitoring of the operations of the Federal Government.

### **Article 70: Composition of the National Assembly**

- (1) The National Assembly shall consist of members drawn equally to represent the respective Regions of Nigeria. Each region shall elect 30 representatives based on such conditions and stipulations, such as in respect of proportional delineation of constituencies as may be determined by electoral law enacted for that purpose by the respective Region.

- (2) The Federal Capital Territory shall be represented by 5 members based on such conditions and stipulations as may be determined by electoral law enacted for that purpose by the National Assembly.
- (3) Notwithstanding the provision in Article 1 of this section, and regardless of Regional numerical reconfigurations, the members of the National Assembly shall not exceed two hundred (200) at any one time.
- (4) There shall be a Speaker and a Deputy Speaker of the National Assembly, both of whom shall be elected by the members from among themselves.
- (5) The Speaker or Deputy Speaker of the House of Representatives shall vacate his office:
  - (a) if he/she ceases to be a member of the National Assembly otherwise than by reason of a dissolution of the National Assembly; or
  - (b) when the National Assembly of which he/she was a member first sits after and dissolution of the House; or
  - (c) if he/she is removed from office by a resolution of the National Assembly by the votes of not less than two-thirds (67%) majority of the total elected members thereof.

**Article 71: Qualifications for Members of National Assembly**

- (1) A person shall be qualified for election as a member of the National Assembly if the person
  - (a) is a citizen of Nigeria and has attained the age of 30 years.
  - (b) is a member of a political party and is sponsored by that party.
  - (c) complies with every other qualifications and stipulations that may be specified for this purpose by law enacted by the respective Regional House of Representatives.

**Article 72: Disqualification of Membership of the National Assembly**

- (1) No person shall be qualified for election to the National Assembly if: -
  - (a) he/she has voluntarily acquired the citizenship of a country other than Nigeria or, except in such cases as may be prescribed by the National Assembly, has made a declaration of allegiance to such a country;
  - (b) he/she fails to comply completely with all qualifications and stipulations that may be specified for this purpose by law enacted by

the respective Regional House of Representatives.

- (2) In all instances of disputes about infringement of rights and obligations as applied by the laws validly enacted by the House of Representatives, the decision of the apex court of the respective Regions shall be final.

**Article 73: Recall of a Member of the National Assembly**

- (1) Disciplinary actions concerning the general conduct of each member shall lie with the Regional administration of origin, and not by any organ of the Federal Government; except in matters that are of criminal nature.
- (2) Notwithstanding the sub-article 1 above, a member of the National Assembly may be recalled in either of the two ways, as follows:
  - (a) A member of the National Assembly may be recalled if the Regional House of Representatives so decide in its wisdom vide a four-fifths majority vote to make and submit a resolution to the effect to the National Assembly. The vote in respect of the resolution certified by the Head Regional Supreme Court shall be final and no

authority shall entertain any further inquiry into the matter.

- (b) An Ethnic Nationality or Peoples shall have power of recall over its member representative to the National Assembly, exercisable under the following procedures:
- i. The written demand for recall has been presented and approved by a two-thirds (67%) majority of the members of the House of Assembly of the State concerned.
  - ii. The Government of the State that received the demand shall organize a referendum within three (3) months to be held in the Constituency of the Ethnic Nationality or People that made the demand for recall of its member;
  - iii. The House of Representatives of the Region shall be the confirming authority and after a simple majority vote by all elected members shall transmit the recall resolution to the National Assembly.
  - iv. The final decision of the Region as so transmitted to the National Assembly shall not be inquired into or

interfered with by any authority, except in relation to ensuring compliance with processes set out in this article by the Judicial bodies within the region

**Article 74: Powers and Functions of the National Assembly**

- (1) The legislative powers in all matters assigned by this Constitution to Federal jurisdiction shall be vested in the National Assembly of the Federation.
- (2) The National Assembly shall not be subjected to the direction or control of other person or authority; to this extent, it shall be independently funded from the Federation Account.
- (3) The National Assembly shall organize the Council of Constitutional Inquiry.
- (4) The National Assembly shall, in accordance with the Constitution, decide on issues relating to the rights of Ethnic Nationalities and Peoples to self-determination, including the right to secession.
- (5) The National Assembly shall promote the equality of the Peoples of Nigeria enshrined in the Constitution and promote and consolidate their unity based on their mutual consent.

- (6) The National Assembly shall strive to find solutions to disputes or misunderstandings that may arise between and among Regions.
- (7) The National Assembly shall have power to make laws: -
  - (a) for the peace, order and good government of Nigeria with respect to any matter included in the Exclusive and Concurrent Legislative Lists and
  - (b) for the peace, order and good government of the Federal Capital territory with respect to any matter, whether or not it is included in the Exclusive and Concurrent Legislative Lists.
- (8) Subject to the provisions of sub-section (8) of this Article, nothing in this Article shall preclude the House of Representatives of a Region from making laws with respect to any matter that is not included in the Exclusive Legislative List.
- (9) It shall approve the appointment of Federal judges, members of the Council of Ministers, the Auditor General, and of other officials whose appointment is deemed to be required by law to be approved by it.
- (10) It shall establish the institution of the Ombudsman, and select and appoint its members to facilitate

responses to citizens complaints about the conduct of public and private entities. It shall determine by law the powers and functions of the institution.

- (11) When in session, it has the oversight power to call and to question the Prime Minister and all other Federal officials and to investigate the Executive's conduct and discharge of its responsibilities.
- (12) The National Assembly shall elect the Speaker and Deputy Speaker of the House and it shall adopt rules of procedure and internal administration, including but not limited to the establishment of Standing and Ad Hoc Committees, as it deems necessary to accomplish its work
- (13) The exercise of legislative powers by the National Assembly or by a House of Representatives of any Region shall be subject to the jurisdiction of Courts of law and of judicial Tribunals established by law and, accordingly the National Assembly or a House of Representatives shall not enact any law, that ousts or purports to oust the jurisdiction of a court of law or of a judicial tribunal established by law.

**Article 75: Mode of Exercising Legislative Powers**

- (1) A political party, or a coalition of political parties that has or have the greatest number of seats

counted by total number of members in the National Assembly shall form the Executive and lead it.

**Article 76: Adoption of Laws – Assent by the President**

- (1) Laws deliberated upon and passed by National Assembly shall be submitted to the President for assent. The President shall sign a law submitted to him within fifteen days. If the President does not sign, and did not formalise and communicate his objections and or grounds thereof within thirty (30) days it shall take effect without his signature.
- (2) Where the President objects and communicates his objections within time, the National Assembly may undertake an over-ride of the objection by the President through a vote of two thirds (67%) of all elected members, also within thirty (30) days.

**Article 77: Dissolution of the National Assembly**

- (1) With the consent of the National Assembly, the President may proclaim its dissolution before the expiry of its term, in order to hold new elections.
- (2) The President may invite political parties to form a coalition government within seven (7) working days, if the Council of Ministers of a previous coalition is dissolved because of the loss of its majority in the House. The National Assembly shall

be dissolved and new elections shall be held if the political parties cannot agree to the continuation of the previous coalition or to form a new majority coalition.

- (3) If the National Assembly is dissolved pursuant to sub-Article 1 or 2 of this Article, new elections shall be held within Three (3) months of its dissolution.
- (4) The new National Assembly shall convene within thirty days of the conclusion of the elections.
- (5) Following the dissolution of the National Assembly, the previous governing party of coalition of parties shall continue as a caretaker government. Beyond conducting the day to day affairs of government and organizing new elections, it may not enact new proclamations, regulations or decrees, nor may it repeal or amend any existing law.

**Article 78: Speaker of and Presiding Officer of the National Assembly**

- (1) The Speaker or his Deputy shall preside over the meetings of the National Assembly.
- (2) He shall, on behalf of the House, direct all its administrative affairs.

**Article 79: Summoning, Prorogation and Dissolution of National Assembly**

- (1) Subject to the provisions of this Constitution, the person elected as the Prime Minister shall have power to issue a proclamation for the holding of the first session of the National Assembly immediately after his being sworn in, or for its Prorogation and Dissolution as provided in this Article.
- (2) Each session of the National Assembly shall be held at such place within Nigeria and shall begin at such time (not later than twelve months from the end of the preceding session if the National Assembly has been prorogued or three months from the end of that session if it was dissolved as the Prime Minister shall appoint.
- (3) The National Assembly shall stand dissolved at the expiration of a period of five years commencing from the date of the first sitting of the House.
- (4) With the consent of the National Assembly, the Prime Minister may, at any time, request the President to dissolve it before the expiry of its term in order to hold new elections.
- (5) Consistent with the provisions of sub-section (4) of this Article, the National Assembly, unless sooner dissolved, shall continue for five years from the

date of its first sitting after any dissolution and shall then stand dissolved: Provided that the Prime Minister may, with the consent of the House, prorogue National Assembly for not more than six months at a time in so far as the life of the National Assembly shall not be extended under this sub-section for more than two years, if he/she considers such action to be in the best interest of the Federation.

- (6) At any time when the Federation is at war in which the territory of Nigeria is physically involved and the Prime Minister considers that it is not practicable to hold elections, the National Assembly may, by resolution and from time to time extend the period of five years specified in sub-section (3) of this Article for not more than six months at a time: provided that the life of the National Assembly shall not be extended under this sub-section for more than two years.
- (7) In the exercise of his powers to dissolve the National Assembly, the Prime Minister shall act in accordance with the relevant provision(s) of this Constitution, so however that if the Prime Minister recommends a dissolution in a case not falling within sub-section (6) of this Article and the Prime Minister considers that the Government of the

Federation can be carried on without a dissolution and that a dissolution would not be in the interests of the Federation he/she may refuse to dissolve the National Assembly.

- (8) The President shall dissolve the National Assembly within three (3) working days:
  - (a) if the National Assembly passes a resolution backed by two thirds (67%) majority secret voting of all elected members, that it has no confidence in the Government of the Federation.
  - (b) if the office of Prime Minister is vacant and there is no prospect of his being replaceable, within a reasonable time, to appoint to that office a person who can command the support of the majority of the members of the National Assembly.
- (9) The President may invite political parties to form a coalition government within seven (7) working days, if the Council of Ministers of a previous coalition is dissolved because of the loss of its majority in the House. The National Assembly shall be dissolved and new elections shall be held if the political parties cannot agree to the continuation of the previous coalition or to form a new majority coalition.

- (10) If the National Assembly is dissolved pursuant to the provision of this Article, new elections shall be held within six months of its dissolution.
- (11) The newly elected National Assembly shall convene within thirty (30) calendar days of the conclusion of the elections.
- (12) Following the dissolution of the National Assembly, the previous governing party or coalition of parties shall continue as a caretaker government. Beyond conducting the day-to-day affairs of government and organizing new elections, it may not enact new proclamations, regulations or decrees, nor may it repeal or amend any existing law.

**Article 80: Special Power of the National Assembly in relation to the Procedure for Proclamation of a state of Emergency**

- (1) The National Assembly may at any time make such laws for Nigeria or any part thereof with respect to matters not included in the Legislative Lists as may appear to the National Assembly to be necessary or expedient for the purpose of maintaining or securing peace, order and good government during any period of emergency.
- (2) Any provision of law enacted in pursuance of this section shall have effect only during a period of

emergency: provided that the termination of a period of emergency shall not affect the operation of such a provision of law during that period, the validity of any action taken thereunder during that period, any penalty or punishment incurred in respect of any contravention thereof or failure to comply therewith during that period or any proceeding or remedy in respect of any such penalty or punishment.

- (3) In this section "period of emergency" means any period during which:
- (a) the Federation is at war;
  - (b) there is in force a resolution passed by the National Assembly declaring that a state of public emergency exists; or
  - (c) there is in force a resolution of the National Assembly supported by the votes of not less than two-thirds (67%) of all elected members of the Assembly declaring that democratic institutions in Nigeria are threatened by subversion;
  - (d) the Federation is in imminent danger of invasion or involvement in a state of war;
  - (e) there is actual breakdown of public order and public safety in the Federation or any part thereof to such extent as to require

- extraordinary measures to restore peace and security;
- (f) there is a clear and present danger of an actual breakdown of public order and public safety in the Federation or any part thereof requiring extraordinary measures to avert such danger;
  - (g) there is an occurrence or imminent danger, or the occurrence of any disaster or natural calamity, affecting the community or a section of the community in the Federation;
  - (h) there is any other public danger which clearly constitutes a threat to the existence of the Federation; or
  - (i) the Prime Minister receives a request to do so in accordance with the provisions of subsection (4) of this Article.
- (4) A resolution passed by the National Assembly for the purposes of this action shall remain in force for twelve months or such shorter period as may be specified therein, provided that any such resolution may be revoked at any time or may be extended from time to time for further period not exceeding twelve months by resolution passed in like manner.
- (5) The powers of the Prime Minister to declare a State of emergency in any part of the Country shall be

executed under the direction and control of the National Assembly according to this Article and where the emergency is of the nature that a prior National Assembly approval is impracticable, then:

- (a) where the National Assembly is in session, the approval by way of Resolution must be obtained within ten (10) calendar days, failing which the emergency shall be lifted pending such resolution.
  - (b) where the National Assembly is not in session, within ten (10) calendar days of the resumption of sitting.
- (5) The Prime Minister shall have power to issue a Proclamation of a state of emergency only when: -
- (a) The Premier of Region may, with the sanction of a resolution supported by two-thirds (67%) majority of the House of Representatives, request the Prime Minister to issue a Proclamation of a state of emergency in the Regional or parts thereof, when there is in existence within the Region or parts thereof any of the situations specified in sub-section (3) of this Article and such situation does not extend beyond the boundaries of the Region or State.

- (b) The Prime Minister shall not issue a proclamation of a state of emergency in any case to which the provisions of subsection (4) of this Article apply unless the Premier fails within a reasonable time to make a request to the Prime Minister to issue such Proclamation.
- (6) A proclamation issued by the Prime Minister under this section shall cease to have effect: -
- (a) if it is revoked by the Prime Minister by instrument published in the Official Gazette of the Government of the Federation;
  - (b) if it affects the Federation or any part thereof and within two (2) calendar days when the National Assembly is in session, or within ten (10) calendar days when the National Assembly is not in session, after its publication, there is no resolution supported by two-thirds (67%) majority of all elected members of the National Assembly approving the Proclamation;
  - (c) after a period of six months has elapsed since it has been in force: Provided that the National Assembly may, before the expiration of the period of six months aforesaid, extend the period for the

proclamation of the state of emergency to remain in force from time to time for a further period of six months by resolution passed in like manner; or

- (d) at any time after the approval referred to in paragraph (b) or the extension referred to in paragraph (c) of this sub-section, when the National Assembly revokes the proclamation by a simple majority of all the members of the House.

**Article 81: Special Power of the National Assembly when any Section of this Constitution has been contravened**

- (1) During any period in which there is in force a resolution of the National Assembly supported by the votes of not less than two-thirds (67%) of all the members of that House declaring that the executive authority of a Region or State is being exercised in violation or contravention of Article 8 so as to impede or prejudice the exercise of the executive authority of the Federation or to endanger the continuance of federal government in Nigeria, except where valid legal steps have been taken by the Region to advance and actualize self-determination as provided in Section 5 Article 48 sub-sections (1) and (4) of this Constitution, the

National Assembly may make laws for that Region or State with respect to matters not included in the legislative list to such extent as may appear to National Assembly to be necessary for securing compliance with the provisions of that Article 8 of this Constitution.

- (2) A resolution passed by the National Assembly for the purposes of this Article hereof shall remain in force for twelve months or such shorter period as may be specified therein, provided that any such resolution may be revoked at any time or may be extended from time to time for a further period not exceeding twelve months by resolution passed in like manner.
- (3) Upon the expiration of any period during which there were in force resolutions of the National Assembly passed for the purposes of this section, any provision of any law in pursuance of this section shall cease to have effect:, provided that the termination of any such period shall not affect the operation of such a provision of law during that period, the validity of any action taken thereunder during that period, any penalty or punishment incurred in respect of any contravention thereof or failure to comply therewith during that period or

any proceeding or remedy in respect of such penalty or punishment.

**Article 82: Powers of the National Assembly conferred by Regional Law**

- (1) The National Assembly may at any time when there is in force a law enacted by the legislature of a Region conferring authority upon it to do so make laws for that Region with respect to a matter not included in the Exclusive Legislative List.
- (2) If any law enacted by the legislature of a Region conferring authority upon the National Assembly for the purposes of this Article ceases to have effect, then any provision of law enacted by the National Assembly, to the extent to which it was enacted in pursuance of that authority, shall thereafter have effect as if it had been enacted by the legislature of that Region and may be amended or repealed accordingly.

**Article 83: Independence and Power of the National Assembly to regulate its own Procedures**

- (1) Subject to the provisions of this Constitution, the National Assembly may regulate its own procedures, adopt rules and procedures regarding the organization of its work and of its legislative process.

- (2) Unless otherwise provided in the Constitution, all decisions of the House shall be by at least one-half majority vote of all elected members.
- (3) Notwithstanding the provisions herein, the judiciary shall have powers to enquire into compliance with stipulated rules and processes.

**Article 84: Sessions and Terms of Mandate of the National Assembly**

- (1) The National Assembly shall hold at least two sessions annually.
- (2) Without prejudice to the principle of proroguing, the term of mandate of the National Assembly shall be five years. Elections for a new Assembly shall be concluded at least one month prior to the expiry of the current term.
- (3) The Speaker of the National Assembly may call a meeting when it is in recess. The Speaker is also obliged to call a meeting of the National Assembly at the request of more than one-third of the members.
- (4) Meetings of the of the National Assembly shall be public. It may, however, hold a closed meeting at the request of the Executive or members if, such a

request is supported by a decision of more than one-half of the members of the National Assembly.

**Article 85: Immunity of Members of the National Assembly**

- (1) No member of the National Assembly may be prosecuted on account of any vote he/she casts or as a result of opinion expressed in the House, nor shall any administrative action be taken against any member on such grounds.
- (2) No member of the National Assembly may be arrested or prosecuted without the permission of the Speaker, except in the case of criminal offence.

**Article 86: Make and Implement Treaties**

- (1) No treaty between the Federation and any other country shall have the force of law to the extent to which the National Assembly has not enacted any such treaty into law.
- (2) The National Assembly may make laws for the Federation or any part thereof with respect to matters not included in the Exclusive Legislative List for the purpose of implementing any treaty, convention or agreement between the Federation and any other country or any arrangement with or decision of an international organization of which

the Federation is a member: Provided that any provision of law enacted in pursuance of this Article shall not come into operation in a Region unless the Premier of that Region has consented to its having effect.

- (3) A bill for an Act of the National Assembly passed pursuant to the provisions of sub-section (2) of this Article shall not be enacted into law unless it is ratified by a majority of all the Regional Houses of Representatives in the Federation.

## **Chapter 10: The Presidency**

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### **Article 87: The President**

- (1) The President of the Nigeria Federation is the Head of the Nation-State; symbolising the moral authority and the greatest force for good of her peoples.

### **Article 88: Nomination and Appointment of the President**

- (1) The Prime Minister, in consultation with the National Council of State shall nominate the candidate for President.

- (2) The nominee shall be elected President if the National Assembly approves his candidacy by a two-third-majority vote of all elected members.
- (3) A member of the National Assembly shall vacate his seat if elected President.
- (4) The term of office of the President shall be six years. No person shall be elected President for more than two terms.

**Article 89: Powers and Functions of the President**

- (1) He shall Proclaim and Open the session of the National Assembly at the commencement of their annual session.
- (2) President shall hold and exercise executive powers, as conferred on the Prime Minister, in a situation where there is hung Assembly and or where the position of the Prime Minister and his deputy are compromised and or where there is state of emergency in the country
- (3) He shall proclaim in the Federal Gazette laws and International Agreements approved by the National Assembly in accordance with the Constitution.
- (4) He shall, upon recommendation by the Prime Minister, appoint Ambassadors and other envoys to represent the country abroad.

- (5) He shall receive the credentials of Foreign Ambassadors and special envoys.
- (6) He shall award medals, prizes and gifts in accordance with conditions and procedures established by law.
- (7) He shall, upon recommendation by the Prime Minister in accordance with law, grant high military titles.
- (8) He shall, in accordance with conditions and procedures established by law, grant pardon.

## **Chapter 11: The Federal Executive**

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### **Article 90: The Powers of the Executive**

- (1) The highest executive powers of the Federal Government are vested in the Prime Minister and in the Council of Ministers.
- (2) The Prime Minister and the Council of Ministers are responsible to the National Assembly. In the exercise of State functions, members of the Council of Ministers are collectively responsible for all decisions they make as a body.

- (3) The term of office of the Prime Minister is for the duration of the mandate of the National Assembly.

**Article 91: Appointment of the Prime Minister**

- (1) The Prime Minister shall be selected from among members of the National Assembly.
- (2) Power of Government shall be assumed by the political party or a coalition of political parties that constitute(s) a majority in the National Assembly.

**Article 92: Powers and Functions of the Prime Minister**

- (1) The Prime Minister is the Chief Executive, the Chairman of the Council of Ministers, and the Commander-in-Chief of the Armed Forces of Nigeria.
- (2) Subject to the provisions of this Constitution, the Executive powers of the Federation:
  - (a) shall be vested in the Prime Minister-in-Council and may, subject as aforesaid and to the provisions of any law made by the National Assembly, be exercised by him either directly or through the Deputy Prime Ministers and Ministers of the Government of the Federation or officers in the public service of the Federation; and

- (b) shall extend to the execution and maintenance of this Constitution, all laws made by the National Assembly and to all matters with respect to which the National Assembly has, for the time being, power to make laws.
- (3) The Prime Minister shall submit for approval to the National Assembly nominees for ministerial posts only from amongst its members who possess the requisite qualifications and cognate experience for the Ministries.
- (4) He shall follow up and ensure the implementation of laws, policies, directives and other decisions adopted by the National Assembly.
- (5) He leads the Council of Ministers, coordinates its activities and acts as its representative locally and internationally.
- (6) He exercises overall supervision over the implementation of policies, regulations, directives and decisions adopted by the Council of Ministers.
- (7) He supervises the conduct and efficiency of the Federal administration and takes such corrective measures as are necessary.
- (8) In accordance with law enacted or decision adopted by the National Assembly, he/she recommends to

the President nominees for the award of medals, prizes and gifts.

- (9) He shall submit to the National Assembly periodic reports and present formal addresses on the State of the Nation, at an appointed date and time annually on work accomplished by the Executive as well as on its plans and proposals.
- (10) Notwithstanding the foregoing provisions of this Article: -
  - (a) the Prime Minister shall not declare a state of war between the Federation and another country except with the approval of a resolution of the National Assembly; and
  - (b) except with the prior approval of the National Assembly, no member of the Armed Forces of the Federation shall be deployed on combat duty outside Nigeria.
- (11) Notwithstanding the provisions of sub-section 10 of this Article, the Prime Minister, in consultation with the National Defence Council, may deploy members of the Armed Forces of the Federation on a limited combat duty outside Nigeria if he/she is satisfied that the national security is under imminent threat or danger: Provided that the Prime Minister shall, within seven days of actual combat engagement, seek the consent of the House and the

House shall thereafter give or refuse the said consent within 14 days.

- (12) The Prime Minister may: -
- (a) grant to any person concerned in or convicted of any offence created by or under an Act of the National Assembly a pardon, either free or subject to lawful conditions;
  - (b) grant to any person a respite, either indefinite or for a specified period, of the execution of any punishment imposed on that person for such an offence,
  - (c) substitute a less severe form of punishment for any punishment imposed on that person for such an offence; or
  - (d) Remit the whole or any part of punishment imposed on that person for such an offence or of any penalty or forfeiture order due to the Nation-State on account of such an offence.
    - (i) Subject to the provisions of sub-section 17(iii) of this Article, the powers of the Prime Minister shall be exercised by him in accordance with the advice of such member of the Council of Ministers as may from time to time be designated in that

behalf by the Prime Minister, acting in accordance with the advice of the Prime Minister.

- (ii) In respect of persons concerned in offences against naval, military or air-force law or convicted or sentenced by courts-marital, the Prime Minister, acting in accordance with the advice of such member of the Council of Ministers as may be designate by the Prime Minister other than the member designated for the purpose of sub-section 17(ii) of this Article and at any time when there is another member so designated the powers of the Prime Minister under sub-section 17(i) of this Article shall, in relation to such persons, be exercised in accordance with the advice of that other member.
- (iii) The provision of this sub-section shall apply in relation to any offence created by or under any law in force in a Region relating to any matter included in the Executive Legislative List or the Concurrent Legislative

List, not being an offence created by or under an Act of the National Assembly or a law made by the Legislature of that Region, as they apply in relation to an offence created by or under an Act of the National Assembly.

**Article 93: Deputy Prime Minister**

1. The Deputy Prime Minister so appointed and designated shall be responsible to the Prime Minister.
2. The Deputy Prime Minister shall:
  - (a) Carry out responsibilities that may include the supervision of a span of Ministries, Agencies and Departments which shall be specifically entrusted by the Prime Minister;
  - (b) Act on behalf of the Prime Minister in his absence.

**Article 94: The Council of Ministers**

- (1) There shall be a Council of Ministers, whose function shall be to work with the Prime Minister in the running of the government and in all affairs of the Federation.

- (2) The Council of Ministers shall comprise single digit number of members. Government Ministries shall be rationalised and configured in compliance with this stipulation.
- (3) An increase beyond the single digit stipulation has to be made only vide a special request by the Prime Minister for approval by a resolution of the National Assembly through a vote of not less than four-fifths of all elected members.
- (4) All other subordinate appointments and designations below Ministers shall be made from the ranks of civil servants with permanent tenure in the public service.
- (3) Approval of additional Ministerial appointments granted under this Article shall lapse with the subsisting administration unless subsequently renewed by the succeeding National Assembly.
- (4) The Council of Ministers shall consist of the Prime Minister, the Deputy Prime Minister and the Ministers as approved by the National Assembly.
- (5) In all its decisions, the Council of Ministers is severally and collectively responsible to the National Assembly.
- (6) A person appointed as a member of the Council of Ministers shall vacate his position in the Council if

he/she ceases to be a Minister of the Government of the Federation or if the Prime Minister, acting in accordance with the advice of his colleagues, so directs.

- (7) Unless disqualified as a result of infringements to any law that is validly enacted, a Minister shall continue to be a member of the National Assembly, notwithstanding his vacation of his position or removal from the Council of Ministers.

**Article 95: Powers and Functions of the Council of Ministers**

- (1) The Council of Ministers ensures the implementation of laws and decisions adopted by the National Assembly.
- (2) The Council of Minister shall rely entirely on the Civil Service for all Technical advice and support; thereby precluding the proliferation of any other parallel bureaucracy in the form of advisers.
- (3) It shall decide on the organizational structure of Ministries and other organs of government responsible to it; it shall coordinate their activities and provide leadership.
- (4) It shall draw up the Multiple Yearly Plans and then Annual Budgets in pursuance to the plans for approval by the National Assembly.

- (5) It shall ensure the proper execution of financial and monetary policies of the country; it shall administer the National Central Bank, decide on the printing of money and minting of coins, borrow money from domestic and external sources, and regulate foreign exchange matters.
- (6) It shall formulate and implement economic, social and development policies and strategies.
- (7) It shall formulate the country's foreign policy and exercise overall supervision over its implementation.
- (8) It shall ensure the observance of law and order.
- (9) It shall submit draft laws to the National Assembly on any matter falling within its competence, including draft laws on a declaration of war.

**Article 96: Delegation of Executive Authorities of a Region**

- (1) The Premier of a Region may, with consent of the Prime Minister, entrust either conditionally or unconditionally to the Prime Minister or to any officer or authority of the Federation functions in relation to any matter to which the executives of the Region extends.
- (2) A law enacted by the House of Representatives of a Region may include provision conferring powers or

imposing duties, or authorizing the conferring of powers or the imposition of duties, upon the Prime Minister or any officer or authority of the Federation: Provided that no provision made in pursuance of this sub-section shall have effect unless the Prime Minister has consented to its having effect.

**Article 97: Delegation of Executive Authority of the Federation**

- (1) The Prime Minister may, when necessary and with the consent of the Premier of a Region, entrust and delegate either conditionally or unconditionally to the Premier or to any officer or authority of that Region functions in relation to any matter in the powers and functions granted to it by **Article 93** of this Constitution and to which the executive authority of the Federation extends falling to be performed within that Region, provided that the consent of the Premier shall not be required during any such period;

**Article 98: Allocation of Portfolio to Ministers**

- (1) The Prime Minister may assign to himself or any other Minister of the Government of the Federation responsibility for any business of the Government of the Federation, including the administration of

any department of government; with allocation and designations subject to the prior consent of the National Assembly.

**Article 99: Collective Responsibility of Government Officers**

- (1) The Council of Ministers shall be collectively responsible to the National Assembly for any advice to the Prime Minister by or under the general authority of the Council and for all things done by or under the authority of any Minister of the Government of the Federation in the execution of his office.
- (2) The provisions of this Article shall not apply in relation to: -
  - (a) the appointment and removal from office of Ministers of the Government of the Federation, members of the Council of Ministers and Parliamentary Secretaries to Ministers, the assignment of portfolios to Ministers or the authorization of another member of the Council of Ministers to perform the functions of the Prime Minister;
  - (b) the dissolution of the National Assembly; or
  - (c) the control of the Nigerian Police Service;
  - (d) the exercise of the powers conferred on the Attorney-General of the Federation in

connection with the Police Service Commission.

## **Chapter 12: The Federal Judiciary**

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### **Article 100: Independence of the Judiciary**

- (1) An independent judiciary is established by this Constitution.
- (2) It shall regulate its affairs and issue practice directions, for the compliance of all judicial officers in pursuant to the sacred goal of giving justice without fear or favour to everyone
- (3) Supreme Federal judicial authority is vested in the Federal Supreme Court. The National Assembly may, by two-thirds (67%) majority vote, establish in the Regions, or in some parts of the country only, the Federal High Court and First-Instance Courts it deems necessary. Unless decided in this manner, the jurisdictions of the Federal High Court and of the First-Instance Courts are hereby delegated to the State High Courts.
- (4) Regions shall establish Regional Supreme, High and First-Instance Courts. The particulars of these

courts shall be determined by laws enacted for the purpose by the Regional House of Representatives.

- (5) Special or *ad hoc* courts which take judicial powers away from the regular courts or institutions legally empowered to exercise judicial functions and which do not follow legally prescribed procedures shall not be established.
- (6) Except as it pertains to the Federal Capital Territory, the National Assembly shall not establish or give official recognition to any form religious and customary courts.

#### **Article 101: Judicial Powers**

1. Judicial Powers, both at Federal and Regional levels, are vested in the courts.
2. Courts of any level shall be free from any interference or influence of any governmental body, government official or from any other source.
3. Judges shall exercise their functions in full independence and shall be directed solely by the law.
4. No judge shall be removed from his duties before he/she reaches the retirement age determined by law except under the following conditions:

- a) When the Federal Judicial Council decides to remove him for violation of disciplinary rules or on grounds of gross incompetence or inefficiency; or
- b) When the Judicial Council decides that a judge can no longer carry out his responsibilities on account of illness; and
- c) When the National Assembly or the concerned House of Representatives approves by a majority vote the decisions of the Federal Judicial Council.
- d) The retirement of judges may not be extended beyond the retirement age determined by law.
- e) The Federal Supreme Court shall draw up and submit to the National Assembly for approval the budget of the Federal courts, and upon approval, administer the budget.
- f) Budgets of Regional courts shall be determined by the respective House of Representatives. The National Assembly shall allocate compensatory budgets for Regions whose Regional Supreme and High courts concurrently exercise the jurisdiction of the Federal High Court and Federal First-Instance Courts.

## **Article 102: Original Jurisdictions**

- (1) The Federal Supreme Court shall, to the exclusion of any other Court, have original jurisdiction in any dispute between the Federation and a Region in so far as that dispute involves any question (whether of law or fact) on which the existence or extent of a legal right depends.
- (2) In addition to the jurisdiction conferred upon it, the Federal Supreme Court shall have such original jurisdiction as may be conferred upon it by any Act of the National Assembly.
- (3) Provided that no original jurisdiction shall be conferred upon the Supreme Court with respect to any criminal matter.

## **Article 103: Concurrent Jurisdiction of Courts**

- (1) The Federal Supreme Court shall have the highest and final judicial power over Federal matters.
- (2) Regional Supreme Courts shall have the highest and final judicial power over Regional and State matters. They shall also exercise the Jurisdiction of the Federal High Court.
- (3) Notwithstanding the Provisions of sub-Articles 1 and 2 of this Article;

- (a) The Federal Supreme Court has a power of cessation over any final court decision containing a basic error of law. Particulars shall be determined by law.
- (b) The Regional Supreme Court has power of cessation over any final court decision on Regional and State matters which contains a basic error of law. Particulars shall be determined by law.
- (4) State High Courts shall, in addition to State jurisdiction, exercise the jurisdiction of the Federal First-Instance Court.
- (5) Decisions rendered by a State High Court exercising the jurisdiction of the Federal First-Instance Court are appealable to the Regional supreme Court.
- (6) Decisions rendered by a Regional Supreme Court on Federal matters only are appealable to the Federal Supreme Court.
- (7) For the avoidance of doubt, all electoral matters shall terminate at the Regional Supreme Court.

**Article 104: The Federal Supreme Court**

- (1) There shall be a Federal Supreme Court of Nigeria.
- (2) The Supreme Court of Nigeria shall consist of: –

- (a) the Chief Justice of Nigeria; and
  - (b) such number of Justices of the Supreme Court, not exceeding thirteen, as may be prescribed by an Act of the National Assembly.
- (3) For the purpose of exercising any jurisdiction conferred upon it by this Constitution or any Law, the Federal Supreme Court shall be duly constituted if it consists of not less than five Justices of the Court: Provided that where the Federal Supreme Court is sitting to consider an appeal brought under Article 119(2)(b) or (c) of this Constitution, or to exercise its original jurisdiction in accordance with Article 113 of this Constitution, the Court shall be constituted by seven Justices.

**Article 105: The Federal High Court**

- (1) There shall be a Federal High Court in the Capital City of each Region and in the Federal Capital Territory
- (2) The Federal High Court shall consist of: –
  - (a) a Chief Judge of the Federal High Court; and
  - (b) such number of Judges of the Federal High Court as may be prescribed by the an Act of the National Assembly.

## **Article 106: Jurisdiction of Federal High Court**

- (1) Notwithstanding anything contained in this Constitution and in addition to such other jurisdiction as may be conferred upon it by an Act of the National Assembly, the Federal High Court shall have and exercise jurisdiction to the exclusion of any other Court in civil causes and matters:
  - (a) relating to the revenue of the Government of the Federation in which the said Government or any organ thereof or a person suing or being sued on behalf of the said Government is a party;
  - (b) connected with or pertaining to the taxation of companies and other bodies established or carrying on business in Nigeria and all other persons subject to Federal taxation;
  - (c) connected with or pertaining to customs and excise duties and export duties, including any claim by or against the Nigeria Customs Service or any member or officer thereof, arising from the performance of any duty imposed under any regulation relating to customs and excise duties and export duties;
  - (d) connected with or pertaining to banking, banks, other financial institutions, including any action between one bank and another,

any action by or against the Central Bank of Nigeria arising from banking, foreign exchange, coinage, legal tender, bills of exchange, letters of credit, promissory notes and other fiscal measures: *Provided that this paragraph shall not apply to any dispute between an individual customer and his bank in respect of transactions between the individual customer and the bank;*

- (e) arising from the operation of the Companies and Allied Matters Act or any other enactment replacing the Act or regulating the operation of companies incorporated under the Companies and Allied Matters Act;
- (f) any Federal enactment relating to copyright, patent, designs, trade marks and passing-off, industrial designs and merchandise marks, business names, commercial and industrial monopolies, combines and trusts, standards of goods and commodities and industrial standards;
- (g) any admiralty jurisdiction, including shipping and navigation on the River Niger or River Benue and their effluents and on such other inland waterway as may be designated by any enactment to be an

- international waterway, all Federal ports, (including the constitution and powers of the ports authorities for Federal ports) and carriage by sea;
- (h) diplomatic, consular and trade representation;
  - (i) citizenship, naturalization and aliens, deportation of persons who are not citizens of Nigeria, extradition, immigration into and emigration from Nigeria, passports and visas;
  - (j) bankruptcy and insolvency;
  - (k) aviation and safety of aircraft.
  - (l) arms, ammunition and explosives;
  - (m) drugs and poisons;
  - (n) mines and minerals (including oil fields, oil mining, geological surveys and natural gas);
  - (o) weights and measures;
  - (p) the administration or the management and control of the Federal Government or any of its agencies;
  - (q) subject to the provisions of this Constitution, the operation and interpretation of this Constitution in so far as it affects the Federal Government or any of its agencies;

- (r) any action or proceeding for a declaration or injunction affecting the validity of any executive or administrative action or decision by the Federal Government or any of its agencies; and
  - (s) such other jurisdiction civil or criminal and whether to the exclusion of any other court or not as may be conferred upon it by an Act of the National Assembly: Provided that nothing in the provisions of paragraphs (p), (q) and
  - (r) of this subsection shall prevent a person from seeking redress against the Federal Government or any of its agencies in an action for damages, injunction or specific performance where the action is based on any enactment, law or equity.
- (2) The Federal High Court shall have and exercise jurisdiction and powers in respect of treason, treasonable felony and allied offences.
  - (3) The Federal High Court shall also have and exercise jurisdiction and powers in respect of criminal causes and matters in respect of which jurisdiction is conferred by Article 112.
  - (4) For the purpose of exercising any jurisdiction conferred upon it by this Constitution or as may be

conferred by an Act of the National Assembly, the Federal High Court shall have all the powers of the High Court of a state.

- (5) Notwithstanding Article 112 of this Section, the National Assembly may by law make provisions conferring upon the Federal high Court powers additional to those conferred by this Section as may appear necessary or desirable for enabling the Court more effectively to exercise its jurisdiction.
- (6) The Federal High Court shall be duly constituted if it consists of at least one Judge of that Court.
- (7) Subject to the provisions of any Act of the National Assembly, the Chief Judge of the Federal High Court may make rules for regulating the practice and procedure of the Federal High Court.

**Article 107: The High Court of the Federal Capital Territory**

- (1) There shall be a High Court of the Federal Capital Territory.
- (2) The High Court of the Federal Capital Territory, Abuja shall consist of: -
  - (a) a Chief Judge of the High Court of the Federal Capital Territory, Abuja; and

- (b) such number of Judges of the High Court as may be prescribed by an Act of the National Assembly.
- (3) The appointment of a person to the office of Chief Judge of the High Court of the Federal Capital Territory, Abuja shall be made by the Prime Minister in Council on the recommendation of the Federal Judicial Council, subject to confirmation of such appointment by the National Assembly.
- (4) The appointment of a person to the office of a Judge of the High Court of the Federal Capital Territory, Abuja shall be made by the Prime Minister in Council on the recommendation of the Federal Judicial Council.
- (5) A person shall not be qualified to hold the office of a Chief Judge or a Judge of the High Court of the Federation Capital Territory, Abuja unless he/she is qualified to practice as a legal practitioner in Nigeria and has been so qualified for a period of not less than ten years.
- (6) If the office of the Chief Judge of the High Court of the Federal Capital Territory, Abuja is vacant or if the person holding the office is for any reason unable to perform the functions of the office, then until a person has been appointed to and has assumed the functions of that office until the person

holding the office has resumed those functions, the Prime Minister in Council shall appoint the most senior Judge of the High Court of the Federal Capital Territory, Abuja, to perform those functions.

- (7) Except on the recommendation of the Federal Judicial Council, an appointment pursuant to the provisions of sub-section (4) of this Article 117 shall cease to have effect after the expiration of three months from the date of such appointment and the Prime Minister in Council shall not re-appoint a person whose appointment has lapsed.
- (8) Subject to the provisions of Article 116(8) and any other provisions of this Constitution and in addition to such other jurisdiction as may be conferred upon it by law, the High Court of the Federal Capital Territory, Abuja shall have jurisdiction to hear and determine any civil proceedings in which the existence or extent of a legal right, power, duty, liability privilege, interest, obligation or claim is in issue or to hear and determine any criminal proceedings involving or relating to any penalty, forfeiture, punishment or other liability in respect of an offence committed by any person.
- (9) The reference to civil or criminal proceedings in this section includes a reference to the proceedings which originate in the High Court of the Federal

Capital Territory, Abuja and those which are brought before the High Court of the Federal Capital Territory, Abuja to be dealt with by the Court in the exercise of its appellate or supervisory jurisdiction.

- (10) The High Court of the Federal Capital Territory, Abuja shall be duly constituted if it consists of at least one Judge of that court.
- (10) Subject to the provisions of any Act of the National Assembly, the Chief Judge of the High Court of the Federal Capital Territory, Abuja may make rules for regulating the practice and procedure of the High Court of the Federal Capital Territory, Abuja.

**Article 108: Establishment of Further Courts and Tribunals**

- (1) The National Assembly may establish courts of law for the Federation in addition to the Supreme Court and Federal High Court provided that nothing in this section shall:
  - (a) preclude the legislature of a Region or State from establishing Courts of law for that Region or State including Regional or State High Courts and Regional Supreme Court.
  - (b) confer upon the National Assembly powers to make provision with respect to the jurisdiction of any Court established under

this Article additional to those conferred by the other provisions of this Constitution.

**Article 109: Appellate Jurisdictions**

- (1) The Supreme Court shall have jurisdiction, to the exclusion of any other court of law in Nigeria, to hear and determine appeals from the Regional Supreme Court.
- (2) An appeal shall lie from decisions of the Regional Supreme Court to the Federal Supreme Court as of right in the following cases: -
  - (a) where the ground of appeal involves questions of law alone, decisions in any civil or criminal proceedings before the Regional Supreme Court;
  - (b) decisions in any civil or criminal proceedings on questions as to the interpretation or application of this constitution,
  - (c) decisions in any civil or criminal proceedings on questions as to whether any of the provisions of Section 5 of this Constitution has been, is being or is likely to be, contravened in relation to any person;
  - (d) decisions in any criminal proceedings in which any person has been sentenced to

death by the Regional Supreme Court or in which the Regional Supreme Court has affirmed a sentence of death imposed by any other court;

- (e) decisions on any question: -
  - (i) whether any person has been validly elected to the office of President or Prime Minister under this Constitution,
  - (ii) whether the term of office of office of President or Prime Minister has ceased,
  - (iii) whether the office of President or Prime Minister has become vacant; and
  - (iv) such other cases as may be an Act of the National Assembly.
- (3) Subject to the provisions of sub-section (2) of this Article, an appeal shall lie from the decisions of the Regional Supreme Court to the Supreme Court with the leave of the Court of Appeal or the Federal Supreme Court.
- (4) The Federal Supreme Court may dispose of any application for leave to appeal from any decision of the Regional Supreme Court in respect of any civil or criminal proceedings in the record of the proceedings if the Federal Supreme Court is of opinion that the interests of justice do not require an oral hearing of the application.

- (5) Any right of appeal to the Federal Supreme Court from the decisions of the Regional Supreme Court conferred by this Article shall be exercisable in the Case of Civil proceedings at the instance of a party thereto, or with the leave of the Regional Supreme Court or the Federal Supreme Court at the instance of an person having an interest in the matter, and in the case of criminal proceedings at the instance of an accused person, or subject to the provisions of this Constitution and any powers conferred upon the Attorney-General of the Federation or the Attorney-General of a Regional or State to take over and continue or to discontinue such proceedings, at the instance of such other authorities or persons as may be prescribed.
- (6) Any Right of Appeal to the Federal Supreme Court from the decisions of the Regional Supreme Court conferred by this Article shall, subject to Article 137 of this Constitution, be exercised in accordance with any Act of the National Assembly and Rules of Court for the time being in force regulating the powers, practice and procedure of the Federal Supreme Court.
- (7) Without prejudice to the powers of the Prime Minister, the Premier of a Region or Governor of a State with respect to prerogative of mercy, no

appeal shall lie to any other body or person from any determination of the Federal Supreme Court.

- (8) Any right of appeal to the Regional Supreme Court from the decisions of the Federal High Court or a High Court conferred by this Constitution shall be:
- (a) exercisable in the case of civil proceedings at the instance of a party thereto, or with the leave of the Federal High Court or High Court or the Regional Supreme Court at the instance of any other person having an interest in the matter, and in the case of criminal proceedings at the instance of an accused person or, subject to the provisions of this Constitution and any powers conferred upon the Attorney-General of the Federation or the Attorney-General of a state to take over and continue or to discontinue such proceedings, at the instance of such other authorities or persons as may be prescribed;
  - (b) exercised in accordance with any Act of the National Assembly and rules of Court for the time being in force regulating the powers, practice and procedure of the Regional Supreme Court.

- (9) The National Assembly may confer jurisdiction upon the Regional Supreme Court to hear and determine appeals from any decision of any other court of law or tribunal established by the National Assembly.
- (10) The decisions of the Regional Supreme Court in respect of appeals arising from election petitions shall be final.

**Article 110: Appeals as of Right**

- (1) An appeal shall lie from decisions of the Federal High Court or a High Court to the Regional Supreme Court as of right in the following cases: -
  - (a) Final decisions in any civil or criminal proceedings before the Federal High Court or a High Court sitting at first instance;
  - (b) where the ground of appeal involves questions of law alone, decisions in any civil or criminal proceedings;
  - (c) decisions in any civil or criminal proceedings on questions as to the interpretation or application of this Constitution;
  - (d) decisions in any civil or criminal proceedings on questions as to whether any of the provisions of Chapter IV of this

- Constitution has been, is being or is likely to be, contravened in relation to any person;
- (e) decisions in any criminal proceedings in which the Federal High Court or a High Court has imposed a sentence of death;
  - (f) decisions made or given by the Federal High Court or a High Court: -
    - (i) where the liberty of a person or the custody of an infant is concerned,
    - (ii) where an injunction or the appointment of a receiver is granted or refused,
    - (iii) in the case of a decision determining the case of a creditor or the liability of a contributory or other officer under any enactment relating to companies in respect of misfeasance or otherwise,
    - (iv) in the case of a decree nisi in a matrimonial cause or a decision in an admiralty action determining liability, and
    - (v) in such other cases as may be prescribed by any law in force in Nigeria.
- (2) Nothing in this section shall confer any of appeal: –

- (a) from a decision of the Federal High Court or any High Court granting unconditional leave to defend an action;
  - (b) from an order absolute for the dissolution or nullity of marriage in favour of any party who, having had time and opportunity to appeal from the decree nisi on which the order was founded, has not appealed from that decree nisi; and
  - (c) without the leave of the Federal High Court or a High Court or of Appeal, from a decision of the Federal High Court High Court made with the consent of the parties or as to costs only.
- (3) An appeal shall lie from decisions of a Sharia Court of Appeal (wherever established in any Region) to the Regional Supreme Court as of right in any civil proceedings before the Sharia Court of Appeal with respect to any question of Islamic personal law which the Sharia Court of Appeal is competent to decide.
- (4) Any right of appeal to the Regional Supreme Court from the decisions of a Sharia Court of Appeal (wherever established in any Region) conferred by this section shall be: -

- (a) exercisable at the instance of a party thereto or, with the leave of the Sharia Court of Appeal or of the Regional Supreme Court , at the instance of any other person having an interest in the matter; and
  - (b) exercised in accordance with an Act of the National Assembly and rules of court for the time being in force regulating the powers, practice and procedure of the Regional Supreme Court.
- (5) An appeal shall lie from decisions of a Customary Court of Appeal (wherever established in any Region) to the Regional Supreme Court as of right in any civil proceedings before the Customary Court of Appeal with respect to any question of Customary law and such other matters as may be prescribed by an Act of the Region.
- (6) Any right of appeal to the Regional Supreme Court from the decisions of a Customary Court of Appeal conferred by this section shall be: -
  - (a) exercisable at the instance of a party thereto or, with the leave of the Customary Court of Appeal or of the Regional Supreme Court, at the instance of any other person having an interest in the matter;

- (b) exercised in accordance with any Act of the National Assembly and rules of court for the time being in force regulating the powers, practice and procedure of the Regional Supreme Court.
- (7) An appeal to the Regional Supreme Court shall lie as of right from: -
- (a) decisions of the Code of Conduct Tribunal established in the Fourth Schedule to this Constitution;
  - (b) decisions of the National Assembly Election Tribunals and Governorship and Legislative Houses Election Tribunals on any question as to whether: -
    - (i) any person has been validly elected as a member of the National Assembly or of a House of Representatives of a Region or a House of Assembly of a State under this Constitution,
    - (ii) any person has been validly elected to the office of a Premier or Deputy Premier for a Region; Governor or Deputy Governor for a State, or

- (iii) the term of office of any person has ceased or the seat of any such person has become vacant.
- (c) The decisions of the Regional Supreme Court in respect of appeals arising from election petitions shall be final.

**Article 111: Appeals with Leave**

- (1) Subject to the provisions of Article 120 of this Constitution, an appeal shall lie from decisions of the Federal High Court or a High Court to the Regional Supreme Court with the leave of the Federal High Court or that High Court or the Court of Appeal.
- (2) The Regional Supreme Court may dispose of any application for leave to appeal from any decision of the Federal High Court or a High Court in respect of any civil or criminal proceedings in which an appeal has been brought to the Federal High Court or a High Court from any other court after consideration of the record of the proceedings, if the Regional Supreme Court is of the opinion that the interests of justice do not require an oral hearing of the application.

**Article 112: Advisory of Jurisdiction of Federal Supreme Court**

(1) The National Assembly, Regional House of Representatives or State Houses of Assembly may confer jurisdiction upon the Federal Supreme Court:

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- (a) to consider and advise upon any question which the Prime Minister desires the assistance of the Court for the purpose of deciding whether or not any of the powers vested in him by Article 95 (17) of this Constitution should be exercised; or
- (b) to consider and advise upon any question which the Premier/Governor of a Region or State desires the assistance of the Court for the purpose of deciding whether or not any of the powers vested in him by the constitution of that Region or State with respect to the exercise of the prerogative of mercy should be exercised.

**Article 113: Appointment of Federal Judges**

(1) The appointment of a person to the office of Chief Justice of the Federal Supreme Court and the Chief Judge of the Federal High Court shall be made by the Prime Minister in Council on the

recommendation of the Federal Judicial Council, subject to confirmation of such appointment by the National Assembly.

- (2) A person shall not be qualified to hold the office of Chief Justice of the Federal Supreme Court and the Chief Judge of the Federal High Court unless he/she is qualified to practice as a legal practitioner in Nigeria and has been so qualified for a period of not less than fifteen (15) years.
- (3) The appointment of a person to the office of a Justice of the Federal Supreme Courts and a Judge of the Federal High Court shall be made by the Prime Minister in Council on the recommendation of the Federal Judicial Council.
- (4) A person shall not be qualified to hold the office of a Justice of the Federal Supreme Courts and a Judge of the Federal High Court unless he/she is qualified to practice as a legal practitioner in Nigeria and has been so qualified for a period of not less than ten (10) years
- (5) If the office of Chief Justice of the Federal Supreme Court and or the Chief Judge of the Federal High Court is vacant or if the person holding the office is for any reason unable to perform the functions of the office, then, until a person has been appointed to

and has assumed those functions of that office until the person holding the office has resumed those functions the Prime Minister in Council shall appoint the most senior Judge of the Federal High Court to perform those functions.

- (6) Except on the recommendation of the Federal Judicial Council, an appointment pursuant to the provisions of sub-section (3) of this Article shall cease to have effect after the expiration of three months from the date of such appointment and the Prime Minister in Council shall not re-appoint a person whose appointment has lapsed.
- (7) Regarding other Federal judges, the Prime Minister shall submit to the National Assembly for appointment candidates selected by the Federal Judicial Council. not be qualified to hold the office of Chief Judge of the Federal High Court unless he/she is qualified to practice as a legal practitioner in Nigeria and has been so qualified for a period of not less than ten years.

**Article 114: Appointment of the President Regional Supreme Court**

- (1) The Regional House of Representatives shall, upon recommendation by the Premier, appoint the President of the Regional Supreme Court.

- (2) Regional Supreme and High Court judges shall, upon recommendation by the Regional Judicial Council, be appointed by the Regional House of Representatives. The Regional Judicial Council, before submitting nominations to the House of Representatives, has the responsibility to solicit and obtain the views of the Federal Judicial Council on the nominees and to forward those views along with its recommendations. If the Federal Judicial Council does not submit its views within three (3) months, the House of Representatives may grant the appointments.
- (3) Judges of State First-Instance Courts shall, upon recommendation by the Regional Judicial Council, be appointed by the House of Representatives.
- (4) Matters of code of professional conduct and discipline as well as transfer of judges of any court shall be determined by the concerned Judicial Council at Federal and Regional levels.

**Article 115: Powers, Practice and Procedure of the Supreme Courts**

- (1) Subject to the provisions of any Act of the National Assembly, the Chief Justice of Nigeria may make rules for regulating the practice and procedure of the Federal Supreme Court.

**Article 116: Supplemental Provisions on the Judiciary**

- (1) Subject to the provisions of this Constitution:-
  - (a) where by the Law of a Regional or State jurisdiction is conferred upon any Court for the hearing and determination of Civil causes and of appeals arising out of such causes, the Court shall have like jurisdiction with respect to the hearing and determination of Federal causes and of appeals arising out of such causes:
  - (b) where by the Law of a Regional or State jurisdiction is conferred upon any Court for the investigation, inquiry into, or trial of persons accused of offences against the Laws of the Regional or State and with respect to the hearing and determination of appeals arising out of any such trial or out of any proceedings connected therewith, the Court shall have like jurisdiction with respect to the investigation, inquiry into, or trial of persons for Federal offences and the hearing and determination of appeals arising out of the trial or proceedings; and
  - (c) the jurisdiction conferred on a Court of a Regional or State pursuant to the provisions of this Article shall be exercised in

conformity with the practice and procedure for the time being prescribed in relation to its jurisdiction over Civil or Criminal causes other than Federal causes.

- (2) Nothing in the provisions of this Article shall be construed, except in so far as other provisions have been made by the operation of **Article 61(4)(6)** of this Constitution, as conferring jurisdiction as respects Federal causes or Federal offences upon a Court presided over by a person who is not or has not been qualified to practice as a legal practitioner in Nigeria.
- (3) In this section, unless the context otherwise requires: –
  - (a) "causes" includes matter;
  - (b) "Federal cause" means civil or criminal cause relating to provisions of the National Assembly has power to make laws; and
  - (c) "Federal offence" means an offence contrary to the provisions of Act of the National Assembly or any law having effect as if so enacted.
- (4) The decisions of the Federal Supreme Court shall be enforced in any part of the Federation by all authorities and persons, and by courts with

subordinate jurisdiction to that of the Federal Supreme Court.

- (5) The decisions of the Regional Supreme Court shall be enforced in any part of the Federation by all authorities and persons, and by courts with subordinate jurisdiction to that of the Regional Supreme Court.
- (6) The decisions of the Federal High Court, a High Court and of all other Courts established by this Constitution shall be enforced in any part of the Federation by all authorities and persons, and by other Courts of law with subordinate jurisdiction to that of the Federal High Court, a High Court and those other Courts, respectively.
- (7)
  - (a) A person appointed to any judicial office shall not begin to perform the functions of that office until he/she has declared his assets and liabilities as prescribed under this Constitution and has subsequently taken and subscribed the Oath of Allegiance and the Judicial Oath prescribed in the Fourth Schedule to this Constitution.
  - (b) The Oaths aforesaid shall be administered by the person for the time being authorized by law to administer such oaths.

(8) (a) A judicial officer appointed to the Federal Supreme Court or the Federal High Court may retire when he/she attains the age of sixty-five years and he/she shall cease to hold office when he/she attains the age of seventy years.

(b) A judicial officer appointed to any other court, other than those specified in Article 131 above may retire when he/she attains the age of sixty years and shall cease to hold office when he/she attains the age of sixty-five years.

(c) Any person who has held office as a judicial officer: -

(i) for a period of not less than fifteen years shall, if he/she retires at or after the age of sixty-five years in the case of the Chief Justice of Nigeria, a Justice of the Supreme Court, the Chief Judge of the Federal High Court or a Justice of the Regional Supreme Court or at or after the age of sixty years in any other case, be entitled to pension for life at a rate equivalent to his last annual salary and all his allowances in addition to any other retirement benefits to which he/she may be entitled;

- (ii) for a period of less than fifteen years shall, if he/she retires at or after the age of sixty-five years or sixty years, as the case may be, be entitled to pension for life at a rate as in paragraph (a) of this sub-section pro rata the number of years he/she served as a judicial officer in relation to the period of fifteen years, and all his allowances in addition to other retirement benefits to which he/she may be entitled under his terms and conditions of service; and
- (iii) in any case, shall be entitled to such pension and other retirement benefits as may be regulated by an Act of the National Assembly or by a Law of a Regional House of Representative or State House of Assembly.
- (iv) Nothing in this Article or elsewhere in this Constitution shall preclude the application of the provisions of any other law that provides for pensions, gratuities and other retirement benefits for persons in the public service of the Federation or a Regional or State.

### **Article 117: Structure of the Council of Constitutional Inquiry**

- (1) The Council of Constitutional Inquiry is established by this Constitution.
- (2) The Council of Constitutional Inquiry shall have eleven members comprising:
- (3) The Chief Justice of the Federal Supreme Court, who shall serve as its President;
- (4) Six legal experts, appointed by the President of the Nigeria on recommendation by the National Assembly, who shall have proven professional competence and high moral standing;
- (5) Three persons designated by the National Assembly from among its members.
- (6) The Council of Constitutional Inquiry shall establish organizational structure which can ensure expeditious execution of its responsibilities.

### **Article 118: Interpretation of the Constitution**

- (1) All constitutional disputes shall be decided by the National Assembly.
- (2) The National Assembly shall, within thirty days of receipt, decide a constitutional dispute submitted to it by the Council of Constitutional Inquiry.

## **Article 119: Powers and Functions of the Council of Constitutional Inquiry**

- (1) The Council of Constitutional Inquiry shall have powers to investigate constitutional disputes. Should the Council, upon consideration of the matter, find it necessary to interpret the Constitution, it shall submit its recommendations thereon to the National Assembly.
- (2) Where any Federal or Regional law is contested as being unconstitutional and such a dispute is submitted to it by any court or interested party, the Council shall consider the matter and submit it to the National Assembly for a final decision.
- (3) When issues of constitutional interpretation arise in the courts, the Council shall:
  - (a) Remand the case to the concerned court if it finds there is no need for constitutional interpretation; the interested party, if dissatisfied with the decision of the Council, may appeal to the National Assembly.
  - (b) Submit its recommendations to the National Assembly for a final decision if it believes there is a need for constitutional interpretation.
  - (c) The Council shall draft its rules of procedure and submit them to the National Assembly; and implement them upon approval.

## **Chapter 11: The Armed Forces**

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### **Article 120: Establishment and Composition of the Armed Forces of the Federation**

- (1) There shall be an Armed Forces that shall consist of an army, a navy, an Air Force and such other branches of the Armed Forces of the Federation as may be established by an Act of National Assembly.
- (2) The Federation shall, subject to an Act of the National Assembly made in that behalf, equip and maintain the Armed Forces as may be considered adequate and effective for the purpose of: -
  - (a) defending Nigeria from external aggression;
  - (b) maintaining its territorial integrity and securing its borders from violation on land, sea or air;
  - (c) suppressing insurrection and acting in aid of civil authorities to restore order when called upon to do so by the Prime Minister upon the request of the Premier of a Region, but subject to such conditions as may be prescribed by an Act of the National Assembly; and

- (d) performance of such other functions as may be prescribed by an Act of the National Assembly.
- (3) The composition of the officer corps and other ranks of the Armed Forces shall be by Regional Territorial configuration, such that the Armed Forces stationed in each Region shall in respect of the other ranks be exclusively composed of the citizens of that territory, while the officer Corps may for the purpose of technical speciality and operational cohesion admit up to 20% of citizens from other Regions, provided that the Head of such Regional Command shall be an indigene of that Region.
- (4) The Headship of the Army, Navy and Air force shall be rotated amongst the Regions and no one Region shall head more than one Arm of these Forces concurrently.

**Article 121: Establishment of Armed Forces Joint Defence**

- (1) There shall be a Board for each Arm of the Armed Forces.
- (2) Each of the Boards shall consist of representative officers equally drawn from each of the Regions of the Nigeria Federation.

- (3) There shall be a Joint Defence Board that shall be made up of the Chiefs of the services under the most senior Chairperson of the Joint Defence Board that shall be styled the 'Joint Chief of Defence Staff.'

**Article 122: Command and Operational Use of the Armed Forces**

- (1) The powers of the Prime Minister as the Commander-in-Chief of the Armed Forces of the Federation shall include power to determine the operational use of the armed forces of the Federation as advised by the Joint Defence Board.
- (2) The powers conferred on the Prime Minister by subsection (1) hereof shall include power to appoint the Chief of Defence staff, the Chief of Army Staff, the Chief of Naval Staff, the Chief of Air Staff and Heads of any other branches of the Armed Forces of the Federation as may be established by an Act of the National Assembly.
- (3) The Prime Minister may by directions in writing and subject to such conditions as he/she thinks fit, delegate to any member of the Armed Forces of the Federation his powers relating to the operational use of the Armed Forces of the Federation.

- (4) The National Assembly shall have power to make laws for the regulation of:
  - (a) the powers exercisable by the Prime Minister as Commander-in-Chief of the Armed Forces of the Federation; and
  - (b) the appointment promotion and disciplinary control of members of the armed forces of the Federation.
- (5) Notwithstanding any other provision in this Constitution there shall be equitable dispersal of Armed Forces, officers, arsenal, and weaponry in the territories of the Nigeria Federating Units.

**Article 123: Establishment of a Body to ensure Compliance with this Chapter**

- (1) The National Assembly shall: -
  - (a) in giving effect to the functions specified in chapter; and
  - (b) with respect to the powers exercisable by the Prime Minister, the National Assembly may, by an Act, establish a Body which shall comprise such members as the National Assembly may determine, so however that there shall be Regional Representatives who shall together control no less than 80% of the Body and which shall have powers to

ensure that the composition of the armed forces of the Federation shall be in the manner prescribed in this chapter of the Constitution.

## **Chapter 12: The Police and Other Security Services**

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### **Article 124: Establishment of the Nigeria Police Service**

- (1) There shall be a Nigeria Police Service of Nigeria
- (2) The Police Service shall be decentralized with the Federal Government, the Regional, States, Local Governments and Communities having the right to set up and maintain their own Police Services such that each Police Service at whatever level of government shall have exclusive jurisdiction and control over its own territory with regards to their respective powers and functions.
- (3) Subject to the provisions of this Constitution, the Nigeria Police Service shall be organized and administered in accordance with such provision as may be made in that behalf by the National Assembly.

- (4) Subject to the provisions of this Constitution, the members of the Federal Police Service shall have such powers and duties as may be conferred upon them by any law in force in Nigeria.
- (5) The National Assembly may make provision for Federal Police Service to form part of the Armed Forces of the Federation for the protection of harbours, waterways, railways and airfields.
- (6) Nothing in this Article shall prevent the House of Representatives of a Region or the House Assembly of a State from making provisions for the establishment and maintenance of any Police Services for any part of that Region, State or Local Government within that area.

**Article 125: Command and Operational Use of the Nigeria Police Service**

- (1) Each Police Service at all levels of Government shall have exclusive jurisdiction on its own territory subject to the following:-
  - (i) that the Federal Police shall be responsible for crimes falling within the exclusive Legislative List
  - (ii) Where there is cross-territorial interest on concurrent powers and functions or conflict, the territories shall jointly resolve such

conflicts failing which the next higher-level authority shall enforce the law with the consent of the parties.

**Article 126: Appointments to Nigeria Police Service**

- (1) Power to appoint persons to hold or act in offices in the Federal Police Service (including power to make appointments on promotion and transfer and to confirm appointments) and to dismiss and to exercise disciplinary control over persons holding or acting in such offices shall vest in the Federal Police Service Commission, provided that the Commission may, with the approval of the Prime Minister and subject to such conditions as it may think fit, delegate any of its powers under this Article to any of its members or to the Inspector-General of the Nigeria Police Service or any other member of the Federal Police Service.
- (2) Before making any appointment to the office of the Inspector-General of the Federal Police Service or removing the Inspector-General from office the Federal Police Service Commission of the Federation shall consult the Prime Minister.
- (3) There shall be an Inspector-General of the Federal Police Service; with a guaranteed non renewable tenure of six (6) years, except through an earlier

resignation and or by removal only on the account of gross misconduct resolution vide a two-thirds (67%) majority vote of elected members of the National Assembly.

- (4) The office of the Inspector General shall be rotated amongst the Regions and the headship of any contingency of the Federal Police Service stationed in any Region shall be by an officer who is a citizen of the Region.
- (5) The Federal Police shall be under the command of the Inspector-General of Police and any contingents of the Federal Police stationed in a Regional or State territory shall be subject to the authority of the Inspector-General of the Federal Police.
- (6) The Inspector General of Police shall at all times act in concert with the Premier of a Region and execute all lawful directives.

**Article 127: Other Security Services**

- (1) The National Assembly shall make provision for the establishment of other Internal Security Services as may be necessary (including Central Security Service and National Intelligence Service) for Public Safety and Public order within the federation.

- (2) Government at all levels shall have powers to establish, maintain and control their own Prison Services.

**Article 128: Organization and Administration**

- (1) The organization and administration of these other Security Services and of other matters relating thereto (not being matters relating to the use and operational control of the services or the appointments, disciplinary control and dismissal of members of the Services) shall be under the supervision of the Board of each of the Services.

**Chapter 13: List of Functions of the Federal and  
Regional Governments**

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**Article 129: The Exclusive and Concurrent Powers and  
Functions of the Federal Government**

- (1) The full details of the Exclusive and Concurrent Federal Legislative List are as contained Schedule II embedded in this Constitution.

**Article 130: Residual Powers and Functions of the Regions**

- (1) All the powers not expressly delegated to the Federal Government by the Constitution, in the exclusive and concurrent list of functions are exclusively reserved to the Regional Governments.

**Article 131: Establishment of Certain Federal Executive Bodies**

- (1) There shall be established for the Federation all those Executive Bodies outlined herein this Constitution.
- (2) The general procedure, composition and powers of each body established by this Article are as contained in Section B, Schedule III of this Constitution.
- (3) The Commissions shall have powers to regulate their own Procedures.
- (4) Except in the case of ex officio members or where other provisions are made in this Constitution, the chairman and members of any of the bodies so established shall, subject to the provisions of this Constitution, be appointed by the Prime Minister and the appointment shall be subject to confirmation by the National Assembly.

- (5) A person who is a member of any of the bodies established as aforesaid shall, subject to the provisions of this Part, remain a member thereof: -
- (a) in the case of an ex officio member, whilst he/she holds the office by virtue of which he/she is a member of the body;
  - (b) in the case of a person who is a member by virtue of his having previously held an office, for the duration of his life; and
  - (c) in the case of a person who is a member otherwise than as ex officio member or otherwise than by virtue of his having previously held an office, for a period of five years from the date of his appointment.
- (6) A member of any of the bodies shall cease to be member if any circumstances arise that, if he/she were not a member of the body, would cause him to be disqualified for appointment as such a member.
- (7) No person shall be qualified for appointment as a member of any of the body's aforesaid if: -
- (a) the person is not qualified or if disqualified for election as a member of the National Assembly or of the Regional House of Representatives;
  - (b) within the preceding ten years, he/she has been removed as a member of any of the

bodies or as the holder of any other office on the ground of misconduct.

- (8) Any person employed in the Public Service of the Federation shall not be disqualified for appointment as Chairperson or member of any of such bodies: Provided that where such person has been duly appointed he/she shall, on his appointment, be deemed to have resigned his former office as from the date of the appointment.
- (9) No person shall be qualified for appointment to any of the bodies aforesaid if, having previously been appointed as a member otherwise than as an ex officio member of that body, he/she has been re-appointed for a further term as a member of the same body.
- (10) Subject to the provisions of sub-section (9) of this Article, a person holding any of the offices to which this section applies may only be removed from that office by the Prime Minister acting on an address supported by two-thirds (67%) majority of the National Assembly praying that he/she be so removed for inability to discharge the functions of the office (whether arising from infirmity of mind or body or any other cause) or for misconduct.
- (11) This section applies to the offices of the Chairperson and members of the Federal Civil

Service Commission, Independent National Electoral Commission, the Federal Judicial Council, the Federal Judicial Service Commission, the Revenue Mobilization Allocation and Fiscal Commission and the Police Service Commission.

- (12) The quorum for a meeting of any of the bodies established in this Constitution shall not be less than one-third of the total number of members of that body at the date of the meeting.
- (13) A member of such a body shall be entitled to one vote, and a decision of the meeting may be taken and any act or thing may be done in the name of that body by a majority of the members present at the meeting.
- (14) Whenever such body is assembled for a meeting, the Chairperson or other person presiding shall, in all matters in which a decision is taken by vote (by whatever name such vote may be called) have a casting as well as a deliberative vote.
- (15) Subject to its rules of procedure, any such body may act or take part in any decision notwithstanding any vacancy in its membership or the absence of any member.
- (16) Any of the bodies may, with the approval of the Prime Minister, by rules or otherwise regulate its

own procedure or confer powers and impose duties on any officer or authority for the purpose of discharging its functions.

- (17) Any of the bodies shall not confer powers or impose duties on any officer or authorities of a Region except with the approval of the Premier of the Region.
- (18) In exercising its power to make appointments or to exercise disciplinary control over persons the Federal Judicial Council, the Federal Civil Service Commission, the Federal Judicial Service Commission and the Independent National Electoral Commission shall not be subject to the direction or control of any other authority or person.
- (19) Federal and Regional Governments shall have powers to establish, maintain and control their own prison services.

## **Chapter 14: Elections and Electoral Bodies**

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### **Article 132: Regulation of Political Parties**

- (1) No association, other than a political party, shall canvass for votes for any candidate at any election

or contribute to the funds of any political party or to the election expenses of any candidate at an election.

- (2) No association by whatever name called shall function as a party in the Federal level, unless:-
- (a) the names and addresses of its national officers are registered with the Independent National Electoral Commission;
  - (b) the membership of the association is open to every citizen of Nigeria irrespective of his place of origin, circumstance of birth, sex, religion or ethnic grouping;
  - (c) a copy of its constitution is registered in the principal office of the Independent National Electoral Commission in such form as may be prescribed by the Independent National Electoral Commission;
  - (d) any alteration in its registered constitution is also registered in the principal office of the Independent National Electoral Commission within thirty days of the making of such alteration
  - (e) the name of the association, its symbol or logo does not contain any ethnic or religious connotation or give the appearance that the activities of the association are confined to a

- part only of the geographical area of Nigeria; and
- (f) the headquarters of the association is situated in the Federal Capital Territory, with branches in at least one city each in all the six (6) Regions.
- (3) The Constitution and rules of a political party shall provide for the periodical election on a democratic basis of the principal officers and members of the executive committee or other governing body of the political party.
- (4) The election of the officers or members of the executive committee of a political party shall be deemed to be periodical only if it is made at regular intervals not exceeding four years; and
- (5) Every political party shall, at such times and in such manner as the independent National Electoral Commission and publish a statement of its assets and liabilities.
- (6) Every political party shall submit to the Independent National Electoral Commission a detailed annual statement and analysis of its sources of funds and other assets together with a similar statement of its expenditure in such form as the Commission may require.

- (7) No political party shall: –
- (a) hold or possess any funds or other assets outside Nigeria; or
  - (b) be entitled to retain any funds or assets remitted or sent to it from outside Nigeria
  - (c) The exception to sub-article 7(b), being in respect of contributions or set party dues remitted by Nigerian citizens who may reside in the diaspora, provided that verifiable records of such transactions shall be maintained.
- (8) The Commission shall have power to give directions to political parties regarding the books or records of financial transactions which they shall keep and, to examine all such books and records.
- (9) The powers conferred on the Commission may be exercised by it through any member of its staff or any person who is an auditor by profession, and who is not a member of a political party.
- (10) The Independent National Electoral commission, shall in every year prepare and submit to the National Assembly a report on the accounts and balance sheet of every political party.
- (11) It shall be the duty of the commission, in preparing its report under this section, to carry out such

investigations as will enable it to form an opinion as to whether proper books of accounts and proper records have been kept by any political party, and if the Commission is of the opinion that proper books of accounts have not been kept by a political party, the Commission shall so report.

- (12) Every member of the Commission or its duly authorised agent shall:-
- (a) have a right of access at all times to the books and accounts and vouchers of all political parties; and
  - (b) be entitled to require from the officers of the political party such information and explanation which to the best of his knowledge and belief are necessary for the purposes of the investigation, the Commission shall state that fact in its report.
- (13) No association shall retain, organise, train or equip any person or group of persons for the purpose of enabling them to be employed for the use or display of physical force or coercion in promoting any political objective or interest or in such manner as to arouse reasonable apprehension that they are organised and trained or equipped for that purpose.
- (14) The National Assembly and or the House of Representatives may by law provide:-

- (a) for the punishment of any person involved in the management or control of any political party found after due inquiry to have contravened any of the provisions in this chapter
  - (b) for the disqualification of any persons from holding public office on the grounds known to validly enacted law, which shall not be applied retroactively;
  - (c) for an annual grant to the Independent National Electoral Commission for disbursement to political parties on a fair and equitable basis to assist them in the discharge of their functions; and
  - (d) for the conferment on the Commission of other powers as may appear to the National Assembly to be necessary or desirable for the purpose of enabling the Commission more effectively to ensure that political parties observe the provisions of this part of this chapter.
- (15) In this Chapter of the Constitution, unless the context otherwise requires:
- (a) "association" means any body of persons corporate or un-incorporate who agree to act together for any commission purpose, and

- includes an association formed for any ethnic, social, cultural, occupational religious purpose; and
- (b) "political party" includes any association whose activities include canvassing for votes in support of a candidate for election to the office of Prime Minister, Premier/Governor, or membership of a Legislative Houses or of a Local Government Council.

## **Chapter 15: Financial Affairs of the Federation**

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### **Article 133: The Consolidated Revenue Fund of the Federation**

- (1) All revenues or other moneys raised or received by the Federation (not being revenue or other moneys payable under this Constitution or any Act of the National Assembly into some other public fund of the Federation established for a specific purpose) shall be paid into and form one Consolidated Revenue Fund.
- (2) No moneys shall be withdrawn from the Consolidated Revenue Fund or any other public

fund of the Federation except in the manner prescribed by the National Assembly.

**Article 134: Authorization of Expenditure from the Consolidated Revenue Fund**

- (1) The Minister of the Government responsible for planning, budget and finance shall cause to be prepared and laid before National Assembly during the second quarter of each financial year estimates of the revenues and expenditure of the Federation for the next following calendar year;
- (2) The yearly budgets referred to in sub-article 1 herein shall be intrinsically predicated upon a 3 year Development Plan as approved by the National Assembly;
- (3) The Heads of Expenditure contained in the Estimates (other than expenditure charged upon the Consolidated Revenue Fund by this Constitution or any Act of the National Assembly) shall be included in a Bill, to be known as an Appropriation Bill, providing for the issue from the Consolidated Revenue Fund of the Federation of the sums necessary to meet that expenditure and the appropriation of those sums for the purpose specified therein.
- (4) If in respect of any financial year it is found:-

- (a) that the amount appropriated by the appropriation Act for any purpose is insufficient or that a need has arisen for expenditure for a purpose for which no amount has been appropriated by the Act; or
- (b) that any moneys have been expended for any purpose in excess of the amount appropriated for the purpose by the appropriation Act or for a purpose for which no amount has been appropriated by the Act, a supplementary estimate showing the sums required or spent shall be laid before the National Assembly and the heads of any such expenditure shall be included in a supplementary Appropriation Bill.

**Article 135: Authorization of Expenditure in Advance of Appropriation**

- (1) The National Assembly may make provision under which, if the appropriation Act in respect of any financial year, has not come into operation by the beginning of that financial year, the Minister of the Government of the Federation responsible for finance may authorize the withdrawal of moneys from the Consolidated Revenue Fund of the Federation for the purpose of meeting expenditure necessary to carry on the services of the

Government until the expiration of two months from the beginning of that financial year or the coming into operation of the Act, whichever is the earlier provided that the withdrawal in respect of any such period shall not exceed 25% of the amount spent under the provision made for that specific Head of Expenditure in the Appropriation Act passed by National Assembly in the previous preceding financial year.

- (2) The National Assembly may make provision for grants and loans from and the imposition of charges upon the Consolidated Revenue Fund or any other public fund of the Federation or for the imposition of charges upon the revenues and assets of the federation for any purpose, notwithstanding that it relates to a matter not included in the legislative list.

**Article 136: Resource Derivation, Control and Revenue Allocation Percentages**

- (1) Constituent Units of Regions shall control and retain all hundred percent (100%) of such resources and revenues falling within its natural jurisdiction but shall only pay both Federal and Regional taxes according to laws;
- (2) For the avoidance of doubt, the entire property in and control of all minerals, mineral oils and natural

gas in, under or upon any land in Nigeria or in, under or upon the territorial waters of Nigeria shall vest in the Government of the Region and the Constituent Units bearing such resource.

**Article 137: Directives on Taxation**

- (1) In exercising their taxing powers, Regions and the Federal Governments shall ensure that any tax is related to the source of revenue taxed and that it is determined following proper considerations.
- (2) They shall ensure that the tax does not adversely affect their relationships and that the rate and amount of taxes shall be commensurate with services the taxes help deliver.
- (3) No Region or the Federal Government shall levy and collect taxes on each other's property unless it is a profit-making enterprise.

**Article 138: Federal Power of Taxation**

- (1) The National Assembly may with the concurrence of Regional House of Representatives make laws for Nigeria or any part thereof with respect to taxes on the income and profits of companies.
- (2) The National Assembly may make laws for Nigeria or any part thereof with respect to taxes on income

and profits other than the income and profits of Companies for the purpose of: -

- (a) implementing any treaty, convention or agreement between the Federation and any other country or any arrangement with or decision of an international organization of which the Federation is a member with respect to taxes on income and profits;
- (b) securing uniform principles for the taxation of income and profits accruing to persons in Nigeria from countries other than Nigeria and of income and profits derived by persons outside Nigeria;
- (c) securing uniform principles for the computation of income and profits of all persons (including members of partnerships) for purpose of assessment of tax and for the treatment of losses, depreciation of assets and contributions to pension or provident funds or schemes;
- (d) regulating the liability to tax of persons within Nigeria by reference to their places of residence or otherwise for the purpose of ensuring that any income or profit does not bear tax under the laws of more than one territory;

- (e) providing, in pursuance of any arrangement in that behalf subsisting between the Government of the Federation and the Government of a Region or State, for the exemption from liability to tax in respect of all or part of the income or profits of any person or class of persons;
  - (f) obtaining information with respect to income or profits from any source and providing for the exchange of information between different tax authorities; and
  - (g) providing, in pursuance of any arrangement in that behalf subsisting between the Government of the Federation and the Government of a Region or State, for the establishment and regulation of authorities empowered to promote uniformity of taxation and to discharge such other functions relating to the taxation of income and profits as may be conferred upon them in pursuance of any such agreements.
- (3) The National Assembly may make laws for Nigeria or any part thereof with respect to taxes on the estates of deceased persons and the succession to their property for the purpose of ensuring that any estate or part thereof does not bear tax under the laws of more than one Region or Zone.

- (4) The powers conferred upon the National Assembly by sub-sections (2) and (3) of this Article shall not extend to the imposition of any tax or penalty or the prescribing of rates of tax or personal allowances and relief.
- (5) Nothing in sub-sections (2) and (3) of this Article shall preclude the legislature of a Region from making laws with respect to the matters referred to in those sub-sections.
- (6) In this Article references to the income and profits of companies are references to the income and profits of any company or other corporation (other than a corporation sole) established by or under any law in force in Nigeria or elsewhere but do not include references:
  - (a) to the income and profits of any body corporate established by the laws of a Region or Federal Capital Territory or Local Government.
  - (b) to the income and profits of any purchasing authority established by the legislature of a Region and empowered to acquire any commodity in that Region or State for export from Nigeria derived from the purchase and sale (whether for purposes of export or otherwise) of that commodity; or

- (c) to the income or profits of any corporation established by the legislature of a Region for the purpose of fostering the economic development of that Region, not being income or profits derived from a trade or business carried on by that Corporation or from any share or other interest possessed by that Corporation in a trade or business in Nigeria carried on by some other person or authority.
- (7) The National Assembly may, for the purpose of implementing any agreement between the Government of the Federation and any person relating to mining or matters connected therewith, provide for exempting that person in whole or part from liability for any tax or rate imposed by a law enacted by the legislature of a Region with respect to any matter not include in the Legislative List, provided that no person shall be granted any exemption in pursuance of this sub-section (7) of this Article without prior consultation between the Government of the Federation and the Government of the Region concerned.
- (8) The Federal Government shall levy and collect custom duties, taxes and other charges on imports

- (9) It shall levy and collect income tax on employees of the Federal Government and international organizations.
- (10) It shall levy and collect income, profit, sales and excise taxes on enterprises owned by the Federal Government.
- (12) It shall levy and collect taxes on the income of air and sea transport services.
- (13) It shall levy and collect taxes on income of houses and properties owned by the Federal Government; it shall fix rents.
- (14) It shall determine and collect fees and charges relating to licenses issued and services rendered by organs of the Federal Government.
- (15) It shall levy and collect taxes on monopolies.
- (16) It shall levy and collect Federal stamp duties.

**Article 139: Concurrent Power of Taxation**

- (1) The Federal Government and the Regions shall jointly levy and collect profit, sales, excise and personal income taxes on enterprises they jointly establish.

- (2) They shall jointly levy and collect taxes on the profits of companies and on dividends due to shareholders.
- (3) They shall jointly levy and collect taxes on incomes derived from large-scale mining and all petroleum and gas operations, and royalties on such operations.

**Article 140: Contingencies Fund and Foreign Reserve**

- (1) The National Assembly may provide for the establishment of a Contingencies Fund for the Federation and for authorizing the Minister of the Government of the Federation responsible for finance if satisfied that there has arisen an urgent and unforeseen need for expenditure for which no other provision exists, to make advances from the Fund to meet that need.
- (2) Where any advance is made in accordance with subsection (1) of this Article, a supplementary estimate shall be presented and a supplementary appropriation bill shall be introduced as soon as possible for the purpose of replacing the amount so incurred; and
- (3) The National Assembly may provide for the establishment of a Foreign Reserves Fund for the Federation and the management, control and

withdrawals therefrom shall be with the approval of the National Assembly.

**Article 141: Public Debts**

- (1) The Public Debt of the Federation shall be secured on the revenues and assets of the Federation.
- (2) In this Article references to the Public Debt of the Federation include references to the interest on that debt, sinking fund payments in respect of that Debt and the costs, charges and expenses incidental to the management of that Debt.

**Article 142: Fiscal Arrangement**

- (1) The Federating Units shall manage all human and material resources to be found within their respective boundaries, consideration being given to such local, regional, national and internationally applicable boundary provisions and only pay taxes as prescribed in this Constitution.
- (2) There shall be a First Line Charge Account which shall be 10% of the total revenue accruing to the Governments of the Federation, (Federal and Regional), which shall consist of:-
  - (a) 8% which shall be applied towards the provision of the basic socio-economic in disadvantaged areas across the country;

- (b) 2% to finance a Special Rehabilitation Fund for past devastations arising from acts and omissions of the Nigeria Nation-State;
- (3) The First Line Charge account shall be administered by a Commission consisting of one member each representing and appointed by each Regional Government and a member representing the Federal Government respectively.
- (4) The balance of 90% shall for the purpose of sharing among the tiers of Government be reckoned as 100% and shall be distributed as follows:-
  - (i) 55% Derivation
  - (ii) 30% to the Distributable Pool Account
  - (iii) 15% to the Federal Government
- (6) Funds accruing to Regions or States from the distributable pool account shall be applied primarily to financing the Regions Capital Expenditure necessary for infrastructure. Recurrent expenditure of Regions or States shall funded from Internally Generated Revenue.
- (6) The Regions or States shall be responsible for the collection of Value Added Tax (VAT) and the revenue derived therefrom shall be retained by the Region or State, but shall pay 10% as tax into the First Line Charge Account.

## **Chapter 16: Compensations & Financial Transparency**

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### **Article 143: Remunerations and Compensations in the public service**

- (1) There shall be a single scale of salaries and allowances for the Federal Public Service of Nigeria to be periodically presented to and approved by the National Assembly.
- (2) For the avoidance of doubt, there shall be no other form or format of remuneration or compensation outside the stipulations of the unified Federal Public Service scale of salaries and wages, unless expressly approved by two-thirds (67%) vote by elected members of the the National Assembly.
- (3) The Regional House of Representatives shall have powers to determine and set the elements of what will be their single scale of salaries and allowances structure for their respective public services.

### **Article 144: Remunerations and Compensations of National Assembly Members**

- (1) National Assembly members are representatives of their respective Regions. Accordingly they shall all be compensated and remunerated through such

provisions as may be authorised by their respective Regional House of Representatives.

- (2) Unless appointed into functional positions such as Ministers, no member shall be granted any form of financial remuneration by the Federal Government or any of its agencies.
- (3) Notwithstanding the stipulations in this Article, a member shall enjoy only one form of financial remuneration from either the Federal, Regional Government or International Body.

**Article 145: Anti-Corruption Measures**

- (1) Government at all levels shall abolish all corrupt practices and abuse of power.
- (2) All public officers' asset declarations shall be available for scrutiny by the public and shall be publishable in the mass media;
- (3) All investments held by every public officer in any profit making enterprise shall be held in a blind trust; while tax clearance certificates of all public officers shall be available for public scrutiny and shall be publishable by the mass media;
- (4) No public officer shall operate a bank account or own any form of movable or immovable asset

outside of Nigeria, unless fully disclosed prior to and after the period of public service;

- (5) All gifts in whatever form made to the public officer and or to his/her blood relations shall immediately be disclosed to the appropriate institution of government that shall be designated by the National Assembly or the Regional/State legislature. Retention or compulsory donation to the State by the public officer shall be at the discretion of such an institution whose decision shall not be interfered with by any other person or body.

**Article 146: Provision for Judicial Adjudication of Corruption and Betrayal of Trust Matters**

- (1) In cases of corrupt practices, criminal breach of public trust, plundering of public funds and resources, with *prima facie* case having been established by the courts of original jurisdiction, the doctrine of the accused being assumed to be guilty until proven innocent shall subsequently apply.
- (2) A determination of *prima facie* case against anyone in accordance to sub-article (1) herein shall serve as the ground for their temporary separation from public office.
- (2) The guilty until proven innocent doctrine being an extraordinary provision to cure an extraordinary

malaise of the times shall expire within the generation of 30 years after the effective date of this constitution.

- (3) For the avoidance of doubt, there shall be no immunity for any person in any position against criminal prosecution.

## **Chapter 17: General and Miscellaneous Provisions**

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### **Article 147: Resignations from Public Office**

- (1) Save as otherwise provided in this section, any person who is appointed, elected or otherwise selected to any office established by this Constitution may resign from that office by writing under his hand addressed to the authority or person by whom he/she was appointed, elected or selected.
- (2) The resignation of any person from any office established by this Constitution shall take effect when the writing signifying the resignation is received by the authority or person to whom it is addressed or by any person authorised by that authority or person to receive it.

- (3) The notice of resignation of the Prime Minister and of Deputy shall respectively be addressed to the Speaker of the House of Representatives.
- (4) The notice of resignation of the Premier/Governor and of the Deputy Premier/Deputy Governor of a Regional or State shall respectively be addressed to the Speaker of the House of Representatives of the Regional or to the House of Assembly of the State respectively.
- (5) The notice of resignation of the Speaker of the House of Representatives shall be addressed to the Clerk of the House of Representatives of the Region, and the notice of resignation of the Speaker of a House of Assembly shall be addressed to the Clerk of the House of Assembly of the State.
- (6) The notice of resignation of a member of a legislative house shall be addressed to the Speaker of the Legislative House in question.

**Article 148: Commencement of the Constitution**

- (1) The provision of this Constitution shall come into force on 1st Day of October 2019.

**Article 149: Citation of the Constitution**

- (1) This Constitution shall be cited as the Constitution of the Federal Republic of Nigeria, 2019.

## **Schedule 1: Transitional Provisions**

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- (1) Prior to the effective date of this constitution, all acts of government or governance based on the present Constitution shall be valid.
- (2) However, during the transition period towards October 1, 2019 the National Assembly shall undertake the following:
  - (a) Codify all Federal laws and enactments that currently subsists and in force
  - (b) Undertake every modifications and amendments to all the existing laws, such as would bring all of them into conformity with the letter and spirit of this Constitution
  - (c) Formulate and manage all schemes and processes towards an inventory and documentation of assets and projects, inclusive of contractual liabilities as may be applicable
  - (d) Design frameworks and enact formulas into for the equitable sharing of all assets and liabilities among and between regions

- (e) Make provisions and enactments to facilitate Federal Staff as may be necessary for their transfer to their respective Regions of choice
- (3) The peoples of the territories designated and referred to as Regions and or States shall immediately commence consultative processes towards ascertaining the wishes of the respective ethnic nationalities on how to live and partner together towards charting the course of self development.
- (4) Where applicable various processes, inclusive of a formal referendum shall be implemented towards arriving at the appropriate political and economic configurations of their territories; regarding the composition of States and or Regions.
- (5) The current Federal Administration and the State Governments as they presently are shall do all that would be necessary towards the effective take off of a newly re-configured government at Federal and Regional Levels on October 01, 2019.

## **Schedule I1: The Legislative List**

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### **A. Exclusive List for the Federal Government**

- (1) Aviation, including airports, safety of aircraft and ancillary transport and other services.
- (2) Bills of exchange and promissory notes.
- (3) Borrowing of moneys outside Nigeria for the purposes of the Federation or of any Region
- (4) Central banking and banking regulations
- (5) Control of capital issues (through the Security Exchange Commission)
- (6) Copyright
- (7) Coordination and regulation of Utilities and Infrastructural development
- (8) Currency, coinage and legal tender
- (9) Customs duties, excluding export duties
- (10) Declaration of war against external aggression
- (11) Defence: Naval, Military and Air Forces; Other security services and departments
- (12) Deportation and compulsory removal of persons from Nigeria
- (13) Designation of securities in which trust funds may be invested.
- (14) Drug control and administration

- (15) Foreign exchange control
- (16) External affairs
- (17) Extradition
- (18) Federal educational and research institutions
- (19) Immigration into and emigration from Nigeria
- (20) Incorporation, regulation and winding-up of bodies corporate, other than co-operative societies, native authorities, local government authorities and bodies corporate established directly by any law enacted by the legislature of a Region.
- (21) Insurance other than insurance undertaken by the Government of a Region or State but including any insurance undertaken by the Government of a Region or State that extends beyond the limits of that Region
- (22) Inter-Regional commerce and foreign trade
- (23) Legal proceedings between the Government of the Federation and any other person or authority or between the Government of Regions
- (24) Maritime shipping and navigation, including:
- (25) Nuclear energy
- (26) Passports and visas
- (27) Pensions, Gratuities and other like benefits payable out of the Consolidated Revenue Fund or any other public fund of the Federation
- (28) The Public Debt of the Federation

- (29) Public Relations of the Federation
- (30) Public Service of the Federation, including the settlement of disputes between the Federation and officers in the public service of the Federation
- (31) Taxes on matters under the Exclusive Legislative List
- (32) Taxes and duties on revenue sources reserved to the Federal Government
- (33) Federal budget.
- (34) Rights of Refugees and of Asylees
- (35) Water from such sources as may be declared by National Assembly to be sources affecting more than one Region

## **B. Concurrent List for the Federal and Regional Government**

- (1) Bankruptcy and Insolvency
- (2) Titles of Honour
- (3) Income Taxes and Excise Duty
- (4) Fingerprints, identification and criminal records.
- (5) Electricity and Gas
- (6) Power to make grants of Money, etc., for any legitimate purposes

- (7) Trades and Commerce
- (8) Authorities empowered to administer Trusts and Estates
- (9) Prerogative of Mercy
- (10) Public Prosecution
- (11) Transportation and its Infrastructure Development
- (12) Ownership and Control of Other Defence and Security Services
- (13) Federal and Regional or State Prison Services
- (14) Borrowing of moneys within Nigeria for the purposes of the Federal and/or Regional or State Governments.
- (15) Census
- (16) Tribunals of inquiry with respect to all or any of the matters mentioned in this list
- (17) Enforcement of the political rights established by the Constitution and electoral laws and procedures
- (18) Development of commercial code

- (19) Railways, including ancillary transport and other services.
- (20) Meteorology
- (21) Information Technology, including Internet Service
- (22) Inter-State commerce
- (23) Weights and measures
- (24) Scientific Research for Human Development
- (25) Promotion of Tourism.

### **C. Residual List for the Regional Government**

- (1) All the powers not expressly delegated to the Federal Government by the Constitution, nor prohibited by it to the Regional Federating Governments are, therefore, exclusively reserved to the Regional Federating Unit.

## **Schedule III: Federal Executive Bodies**

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### **A. Federal Civil Service Commission**

- (1) The Federal Civil Service Commission shall comprise the following members: -
  - (a) a Chairman; to be nominated by the Prime Minister
  - (b) six (6) members, who shall be nominated by the Premier of the respective Regions
- (2) The Commission shall without prejudice to the powers vested in the Prime Minister, the Federal Judicial Council, the Federal Judicial Service Commission, the National Population Commission and the Police Service Commission, have power:
  - (a) to appoint persons to offices in the Federal Civil Service; and
  - (b) to dismiss and exercise disciplinary control over persons holding such offices.
- (3) The Commission shall not exercise any of its powers of appointment, promotion, transfers and discipline under sub-paragraph (2) of this paragraph

in respect of such offices of Heads of Divisions of Ministries or of Departments of the Government of the Federation as may, from time to time, be designated by an Order made by the Prime Minister except after consultation with the Head of the Civil Service of the Federation.

## **B. Independent Federal Electoral Commission**

- (1) The Federal Electoral Commission shall comprise the following members:
  - (a) a Chairman, who shall be the Chief Electoral Commissioner; and
  - (b) other six (6) members to be known as Federal Electoral Commissioners, who shall be persons of unquestionably integrity and not less than forty years of age.
- (2) The Chief Electoral Commissioner shall be nominated by the Prime Minister and confirmed by the National Assembly
- (3) The six Federal Electoral Commissioners shall be nominated by the Premier of the respective Regions subject to the confirmation of the Regional House of Representatives.
- (4) There shall be for each Region of the Federation and the Federal Capital Territory, Abuja, a Resident Federal Electoral Commissioner who shall:

- (a) be elected in like manner as be Chairman;
  - (b) be persons of unquestionable integrity;
  - (c) not be less than forty years of age.
- (5) The Commission shall have power to:
- (a) organise, undertake and supervise all Federal Elections to the National Assembly, but not to the Regional House of Representatives or to the State Houses of Assembly.
  - (b) monitor the organization and operation of the Political Parties, including their finances;
  - (c) arrange for the annual examination and auditing of the funds and accounts of Political Parties, and publish a Report on such Examination and Audit for public information;
  - (d) arrange and conduct the registration of persons qualified to vote and prepare, maintain and revise the register of voters for the purpose of any election under this Constitution;
  - (e) monitor political campaigns and provide rules and regulations that shall govern the political parties;
  - (f) ensure that all Electoral Commissioners, Electoral and Returning Officers take and

- subscribe to the Oath of Office prescribed by law;
- (g) delegate any of its powers to any Resident Electoral Commissioner; and
  - (h) carry out such other functions as may be conferred upon it by an Act of the National Assembly.

### **C. Federal Judicial Service Commission**

- (1) The Federal Judicial Service Commission shall comprise the following members:
  - (a) the Chief Justice of Nigeria, who shall be the Chairman;
  - (b) the Chief Judge of the Federal High Court;
  - (c) the Attorney-General of the Federation;
  - (e) two persons, each of whom has been qualified to practice as a legal practitioner in Nigeria for a period of not less than fifteen years, from a list of not less than four persons so qualified and recommended by the Nigerian Bar Association; and
  - (f) two other persons, not being legal practitioners, who in the opinion of the Prime Minister are of unquestionable integrity.
- (2) The Commission shall have power to:

- (a) advise the Federal Judicial Council in nominating persons for appointment, as respects appointments to the office of: –
  - (I) the Chief Justice of Nigeria;
  - (ii) a Justice of the Supreme Court;
  - (iii) the Chief Judge of the Federal High Court;
  - (iv) a Judge of the Federal High Court: and
  - (v) the Chairman and members of the Code of Conduct Tribunal.
- (b) recommend to the Federal Judicial Council, the removal from office of the judicial officers specified in sub-paragraph (a) of this paragraph; and
- (c) appoint, dismiss and exercise disciplinary control over the Chief Registrars and Deputy Chief Registrars of the Supreme Court, the Federal High Court and all other members of the staff of the judicial service of the Federation not otherwise specified in this Constitution and of the Federal Judicial Service Commission.

#### **D. National Defence and Security Council**

- (1) The National Security Council shall comprise the following members –

- (a) the Prime Minister who shall be the Chairman;
  - (b) the Deputy Prime Minister who shall be the Deputy Chairman;
  - (c) the Chief of Defence Staff
  - (d) the Minister charged with the responsibility for internal affairs.
  - (e) the Minister charged responsibility for defence:
  - (f) the Minister charged with the responsibility for foreign affairs:
  - (g) the National Security Adviser
  - (h) the Inspector-General of Police: and
  - (I) Two other persons as the Prime Minister may in his discretion appoint.
- (2) The Council shall have power to advise the Prime Minister on matters relating to public security including matters relating to any organization or agency established by law for ensuring the security of the Federation.

### **E. Federal Police Service Commission**

- (1) There shall be a Federal Police Service Commission, which shall consist of a chairperson and not more than one member representing each region.

- (2) The Chairman shall be appointed by the Prime Minister, acting in accordance with the advice of the Council of State.
- (3) The six other members shall be nominated by the Premier of the respective Regions subject to the confirmation of the Regional House of Representatives.
- (4) Subject to the provisions of this paragraph, a member of the Federal Police Service Commission shall vacate his Office:-
  - (a) at the expiration of five years from the date of his/her appointment; or
  - (b) if any circumstance arise that, if he/she were not a member of the Commission, would cause him to be disqualified for appointment as such a member.
- (5) A member of the Federal Police Service Commission may be removed from office by the President acting in accordance with the advice of the Prime Minister, with the concurrence of the Regional Premier, for inability to discharge the functions of his/her office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

- (6) A member of the Federal Police Service Commission shall not be removed from office except in accordance with the provision of this section.
- (7) The Commission shall have power to:
  - (a) appoint persons to offices (other than office of the Inspector-General of Police) in the Nigeria Police Service; and
  - (b) dismiss and exercise disciplinary control over persons holding any office referred to in sub-paragraph (a) of this paragraph.

## **F. Nigeria Police Council**

- (1) There shall be a Federal Police Council, which shall consist of: -
  - (a) such Minister of the Government of the Federation, who shall be chairperson, as may for the time being designated in that behalf by the Prime Minister acting in accordance with the advice of the Council of State;
  - (b) such Commissioner of the Government of each Region as may for the time being be designated in that behalf by the Premier/Governor of that Region; and

- (c) the chairperson of the Police Service Commission of the Federation.
- (2) The Inspector-General of the Federal Police Service or such other officer of the Federal Police Service as he/she may designate shall attend the meetings of the Police Council and, save for the purpose of voting, may take part in the proceedings of the Council.
  - (3) The functions of the Nigeria Police Council shall include: -
    - (a) the organisation and administration of the Nigeria Police Service and all other matters relating thereto (not being matters relating to the use and operational control of the Service or the appointment, disciplinary control and dismissal of members of the Service);
    - (b) the general supervision of the Nigeria Police Service; and
    - (c) advising the Prime Minister on the appointment of the Inspector- General of Police.
  - (4) The Prime Minister shall cause the Federal Police Council to be kept fully informed concerning the matters under its supervision and shall cause the Council to be furnished with such information as

the Council may require with respect to any particular matter under its supervision.

- (5) The Federal Police Council may make recommendations to the Government of the Federation with respect to any matter under its supervision, and if in any case the Government acts otherwise than in accordance with any such recommendation it shall cause a statement containing that recommendation and its reasons for acting otherwise than in accordance with that recommendation to be laid before the National Assembly.

## **G. Council of State**

1. The Council of State shall comprise the following persons:-
  - (a) the President, who shall be the Chairman;
  - (b) the Prime Minister, who shall be the Deputy Chairman;
  - (c) all former Presidents and Prime Ministers of the Federation and all former Heads of the Government of the Federation;
  - (d) all former Chief Justices of Nigeria;
  - (e) the Chief Justice of Nigeria;
  - (f) the Speaker, the National Assembly;

- (g) all the Premiers of the Regions of the Federation; and
  - (h) the Minister charged responsibility for Justice.
- (2) The Council shall have power to:-
- (a) advise the Prime Minister in the exercise of his powers with respect to the:-
    - (i) prerogative of mercy;
    - (ii) award of national honours;
    - (iii) the Independent National Electoral Commission (including the appointment of members of that Commission);
    - (iv) the Federal Judicial Council (including the appointment of the members, other than ex-officio members of that Council); and
    - (vi) the National Population Commission (including the appointment of members of that Commission); and
  - (b) advise the President and Prime Minister whenever requested to do so on the maintenance of Public Order within the Federation or any part thereof and on such other matters as the President and Prime Minister may direct.

## **H. National Economic Council**

- (1) The National Economic Council shall comprise the following members: -
  - (a) the Deputy Prime Minister who shall be the Chairman;
  - (b) the Governor of each Region or Zone State the Federation; and
  - (c) the Governor of the Central Bank of Nigeria established under the Central Bank of Nigeria Decree 1991 or any enactment replacing that Decree.
- (2) The National Economic Council shall have power to advise the Prime Minister concerning the economic affairs of the Federation, and in particular on measures necessary for the co-ordination of the economic planning efforts or economic programmes of the various Governments of the Federation.

## **I. Federal Judicial Council**

- (1) The Federal Judicial Council shall comprise the following members: -
  - (a) the Chief Justice of Nigeria who shall be the Chairperson
  - (b) the next most senior Justice of the Supreme Court who shall be the Deputy Chairperson;

- (c) five retired Justices selected by the Chief Justice of Nigeria from the Supreme Court or Court of Appeal;
  - (d) the Chief Judge of the Federal High Court;
  - (e) two Presidents of the Regional Supreme Courts, the Chief Judge of High Court of the Federal Capital Territory, Abuja; all three to serve in rotation to serve for two years;
  - (f) five members of the Nigerian Bar Association who have been qualified to practice for a period of not less than fifteen years, at least one of whom shall be a Senior Advocate of Nigeria, appointed by the Chief Justice of Nigeria on the recommendation of the National Executive Committee of the Nigerian Bar Association to serve for two years and subject to re-appointment: Provided that the five members shall sit in the Council only for the purposes of considering the names of persons for appointment to the superior courts of record; and
  - (g) two persons not being legal practitioners, who in the opinion of the Chief Justice of Nigeria, are of unquestionable integrity.
- (2) The Federal Judicial Council shall have power to: -

- (a) recommend to the Prime Minister from among the list of persons submitted to it by –
- (I) the Federal Judicial Service Commission, persons for appointment to the offices of the Chief Justice of Nigeria, the Justices of the Supreme Court, the Chief Judge and Judges of the Federal High Court, and
  - (ii) the Judicial Service Committee of the Federal Capital Territory, Abuja, persons for appointment to the offices of the Chief Judge and Judges of the High Court of the Federal Capital Territory, Abuja, the Grand Kadi and Kadis of the Sharia Court of Appeal of the Federal Capital Territory, Abuja and the President and Judges of the Customary Court of Appeal of the Federal Capital Territory, Abuja;
- (b) recommend to the Prime Minister the removal from office of the judicial officers specified in sub-paragraph (a) of this paragraph and to exercise disciplinary control over such officers;

- (d) recommend to the Premiers the removal from the office of the judicial officers in sub-paragraph (c) of this paragraph, and to exercise disciplinary control over such officers.
  - (e) collect, control and disburse all moneys, capital and recurrent, for the judiciary;
  - (f) advise the Prime Minister and Premiers on any matter pertaining to the judiciary as may be referred to the Council by the Prime Minister or the Premiers or Governors;
  - (g) appoint, dismiss and exercise disciplinary control over members and staff of the Council;
  - (h) control and disburse all monies, capital and recurrent; for the services of the Council; and
  - (I) deal with all other matters relating to broad issues of policy and administration.
- (3) The Secretary of the Council shall be appointed by the Federal Judicial Council on the recommendation of the Federal Judicial Service Commission and shall be a legal practitioner.

## **J. Judicial Service Committee of the Federal Capital Territory**

- (1) The Judicial Service Committee of the Federal Capital Territory, Abuja shall comprise the following members: -
  - (a) The Chief Judge of the Federal Capital Territory, Abuja who shall be the Chairman;
  - (b) The Attorney-General of the Federation;
  - (c) The Grand Kadi of the Sharia Court of Appeal of the Federal Capital Territory, Abuja;
  - (d) The President of the Customary Court of Appeal of the Federal Capital Territory, Abuja;
  - (e) One person who is a legal practitioner and who has been qualified to practice as a legal practitioner in Nigeria for a period of not less than twelve years; and
  - (f) One other person, not being practitioner, who in the opinion of the Prime Minister is of unquestionable integrity.
- (2) The Committee shall have power: -
  - (a) to recommend to the Federal Judicial Council suitable persons for nomination for appointment to the office of:-
    - (I) the Chief Judge of the Federal Capital Territory, Abuja,

- (ii) a Judge of the High Court of the Federal Capital Territory, Abuja,
  - (iii) the Grand Kadi of the Sharia Court of Appeal of the Federal Capital Territory, Abuja,
  - (iv) the President of the Customary Court of Appeal of the Federal Capital Territory, Abuja,
  - (v) a Kadi of the Sharia Court of Appeal of the Federal Capital Territory, Abuja, (vi) a Judge of the Customary Court of Appeal of the Federal Capital Territory, Abuja.
- (b) Subject to the provisions of this Constitution, to recommend to the National Judicial Council the removal from office of the Judicial Officers specified in subparagraph (a) of this paragraph 2;
- (c) to appoint, promote and exercise disciplinary control over the Chief Registrar and Deputy Chief Registrars of the High Court, the Sharia Court of Appeal and the Customary Court of Appeal of the Federal Capital Territory, Abuja, magistrates, the judges and members of the District and Area Courts of the Federal Capital Territory, Abuja, if any, and all other members of the

staff of the judicial service of the Federal Capital Territory, Abuja not otherwise specified in this Constitution and of the Judicial Service Committee of the Federal Capital Territory, Abuja.

## **K. Federal Revenue Mobilisation, Allocation and Fiscal Commission**

1. The Revenue Mobilisation Allocation and Fiscal Commission shall comprise the following members:

-

- (a) a Chairman; and
- (b) one member from each Region of the Federation and the Federal Capital Territory, Abuja.

2. The Commission shall have power to: -

- (a) monitor the accruals to and disbursement of revenue from the Federation Account;
- (b) review, from time to time, the revenue allocation formulae and principles in operation to ensure conformity with changing realities: Provided that any revenue formula that has been accepted by an Act of the National Assembly shall remain in force for a period of not less than five years from the date of commencement of the Act;

- (c) advise the Federal and Regional Governments on fiscal efficiency and methods by which their revenue can be increased;
- (d) discharge such other functions as are conferred on the Commission by this Constitution or any Act of the National Assembly.