

CLASS: SS2

SUBJECT: GOVIC

TOPIC: Constitutional Development of Nigeria I – Pre-Independence Constitutions

WEEK: 7

TERM: THIRD TERM

THE HUGH CLIFFORD CONSTITUTION 1922

Meaning of Constitution

A constitution is a body of laws governing a country. No country in the world can function without a constitution. It is a source of authority and it gives function to the three arms of government. It determines the rights and duties of citizens. Constitution can be written or unwritten; rigid or flexible.

In Nigeria, our constitutional development is in two phases. The first phase was the period when Nigeria was under British rule (Colonial rule or pre-independence period) and the second phase was when Nigeria gained independence from British rule (Post Independence Period).

Nigeria fell under British rule in 1861. Lagos was made a crown colony and was directly administered from London.

Nigeria passed through different phases of constitutional development.

In 1914 Lord Lugard, the governor general amalgamated the northern and southern protectorates. Lord Lugard established the **Nigerian Council** that laid the foundation for constitutional development in Nigeria.

Background to the Clifford Constitution of 1922

The 1922 constitution was named after the then governor of Nigeria, Sir Hugh Clifford. It seemed to be a response to the 1920 NCBWA demand for elective principles in West Africa. The NCBWA (National Congress for British West Africa) was a group formed in 1917 by a group of intellectuals from Ghana, Nigeria, Gambia and Sierra Leone. This Congress was dominated by the Ghanians, led by Caseley Hayford, a lawyer from Accra. The objective of the group was to unite Nationalists of these countries for independence.

The Main Features of the Clifford Constitution

The features of the 1922 Clifford Constitution include the following:

1. **The Elective Principle:** The Clifford constitution was important in that it embodied for the first time the principle of election in Nigeria. The condition of election was the residential qualification of one year in any of Lagos or Calabar and a gross annual income of £100 per annum.
2. **The Executive Council:** The Clifford constitution also established an Executive Council to advise the governor. It was not until after 1943 that the first two unofficial Africans were appointed into the Executive Council. Thus, it was an all-European membership based council.
3. **New Legislative Council:** Of the 46 members of the Legislative Council- 27 unofficial and 19 official – four of the unofficial members were elected through limited male adult franchise; three from Lagos and one from Calabar.
4. **Formation of Political Parties:** Another major effect of the constitution was that it stimulated the formation of political organizations in the country such as the Nigerian National Democratic Party (NNDP).
5. **Establishment of Newspapers:** The West African Pilot, Lagos Daily News etc. were introduced to trigger political activities.
6. **Proclamation:** The governor made laws for the Northern provinces through proclamations.
7. This constitution remained operative for 25 years.

Merits of the Clifford Constitution

The following are the merits of the 1922 Clifford Constitution:

1. The constitution introduced a new legislative council, which could only make laws for the southern provinces.
2. It kick-started the process that eventually led to Nigerian independence.
3. The governor retained the power to legislate for Northern Nigeria
4. The elective principle was introduced under this constitution. This gave birth to the formation of political parties and political activities.
5. A single executive council for Nigeria was first created under this constitution. It was composed of 12 members, all of whom were Europeans.
6. More seats were given to Africans in the legislative council than that of 1914.

Demerits of the Clifford Constitution

The following are the demerits of the 1922 Clifford Constitution:

1. It isolated the North from the other parts of Nigeria. In other words, it failed to bring the whole country together in one legislative house, even after the amalgamation. This situation lasted for twenty-four years.

2. A large percentage of Nigerians were disenfranchised by the limitation of franchise (adult male franchise) to Lagos and Calabar. Also, franchise was not extended to the Executive Council
3. The council met very infrequently for about 8 days on the average, every year.
4. The governor had veto power over issues both in the legislative and executive councils.
5. There were many more officials and nominated members than elected members in the legislative council.
6. Illiterates who were in an unofficial capacity dominated the legislative council.

THE ARTHUR RICHARDS CONSTITUTION 1946

Background to the Richards Constitution 1946

At the break of the Second World War (1939 – 1945), the governor of Nigeria was Sir Arthur Richards. He was in office between 1939 and 1944. In 1939, the Northern and Southern protectorates were made **provinces**. Northern Nigeria remained a province and Southern Nigeria was broken into two (eastern and western provinces). At the time of Richards' retirement in 1944, he had almost completed the new constitution, where he proposed **regionalism**. Sir Richards' constitution of 1946 replaced the 1922 Clifford constitution.

Main Features of the Richards Constitution

The following are the features of the 1946 Richards Constitution:

1. The Legislative Council was to legislate for the whole country.
2. The Legislative council now had 44 members, i.e. 28 non-official and 16 official members. The non-official members comprised 4 directly elected members (3 for Lagos, 1 for Calabar), and 24 indirectly elected members to represent the regions.
3. The income qualification of the aspirants was reduced from £100 to £50.
4. Nigeria was **regionalized** into West, East and North.
5. It established regional councils. The North had a regional assembly (House of Assembly) and a House of Chiefs while the East and west had only the House of Assembly.
6. The Governor General was head of the Legislative Council and the Executive Council.
7. Veto power was retained by the Governor General.
8. The Executive Council now had Nigerian members.

Merits of the 1946 Richards Constitution

1. One of the greatest achievements of the Richards Constitution was that it brought the North and the South under a common Legislative Council. It allowed the whole country to meet as a body and deliberate on the affairs of the country. Therefore, the Constitution achieved one of its objectives of promoting the **unity** of the country.

2. The Constitution introduced the concept of **regionalism** into the political history of the country.
3. Provision for few Nigerians in the **Executive Council** was made.
4. Provision of a bicameral legislature for the North (regional assembly and House of Chiefs)
5. The Constitution sharpened nationalism in Nigeria. As a result of the N.C.N.C. tour of the country to explain the deficiencies of the Richards Constitution, many people in the country became politically conscious and even some became members of political parties in order to fight colonialism and imperialism.
6. The Richards Constitution represented a constitutional advancement and paved the way for further rapid constitutional developments in the country. A highly centralized unitary constitution was not suitable for a country of the size and diversity of Nigeria.

Demerits of the 1946 Richards Constitution

1. The constitution was promulgated with the least possible consultation with the Nigerian people.
2. The constitution failed by not giving Nigerians responsibility in the actual administration of their country.
3. The governor still retained his veto powers thereby making a mockery of the Legislative Council.
4. The elective principle was still as restrictive as under the 1922 Constitution.
5. There was widespread dissatisfaction with the constitution which led to its collapse in 1949.
6. The right to vote was limited to people with high income or property.
7. European interests were still represented in the Legislative Council.

The Ibadan All Nigerian Constitutional Conference 1950

Despite the above features and improvements brought about by Richards's constitution of 1922, there were complaints when Sir John Macpherson became Governor of Nigeria in 1948. He initiated moves for Nigerians to agree to constitutional changes. After the debates at local village, province and regional levels, Ibadan general conference came into being in January 1950.

The following decisions were reached at the conference:

1. Increased regional autonomy within a united Nigeria (quasi-federal system).
2. That regional legislative council would be given limited legislative powers compared to 1946 constitution when regional legislative council had no power to make laws.
3. Ministerial responsibility for Nigerians which led to the creation of **councils of ministers** in the constitution.

4. Creation of larger and more representative regional legislature.
5. That the North was to provide 50% or half of the seats in the central legislature in Lagos.
6. More legislative powers to be given to the regions to be in line with their increased autonomy.
7. An independent commission to be appointed for revenue allocation.
8. The central house of representatives to be enlarged.
9. That the ordinances of central administration should override regional laws.

ASSIGNMENT

1. Lagos was annexed in the year _____
2. The Southern and Northern Protectorates was amalgamated in _____
3. NCBWA means _____
4. _____ Clifford constitution of _____
5. _____ Richard constitution of _____
6. NCNC _____ as _____ a _____ political _____ party means _____
7. The Clifford constitution had _____ members of the Legislative Council- _____ unofficial and _____ official – four of the unofficial members were elected through limited male adult franchise; _____ from Lagos and _____ from Calabar.
8. The Legislative in the Richard constitution had _____ members, i.e. _____ non-official and _____ official members.
9. The Clifford Constitution is known for _____
10. The Richard Constitution is known for _____