

CLASS: SS2

SUBJECT: GOVIC

TOPIC: Constitutional Development of Nigeria --Independence & Republican Const.

WEEK: 9

TERM: THIRD TERM

Background to the 1960 Independence Constitution

In preparation for Nigeria's independence, constitutional conferences were held to discuss the timing of self-government and other issues affecting Nigeria. There were resolutions from these conferences. These resolutions which included the following were later included into the 1960 Independence constitution:

1. A House of Chiefs for the East.
2. A bicameral legislature at the centre comprising of the Senate and the House of Representatives.
3. The creation of the office of Prime Minister.
4. A list of Fundamental Human Rights.

Main Features of the 1960 Independence Constitution

The following are the features of the 1960 Independence Constitution:

1. The governor-general, a representative of the Queen of England, became the Head of State while the Prime Minister, who would be elected, became Head of Government.
2. A national bicameral parliament was created, consisting of the Senate with **44** nominated members and the House of Representatives with **305** elected members.
3. The constitution made the Judicial Committee of the Privy Council in London, the highest/final Court of Appeal.
4. The powers of government were to be shared between the regional and federal governments. (Exclusive, concurrent and residual lists)
5. Provision was made for judges of the Supreme Court whose decisions were subject to confirmation by the Judicial Committee of the Privy Council in Britain.
6. Procedures for amending the constitution were laid down.
7. It laid down the procedure for creating new regions. E.g. the Mid-western region was created in 1963.
8. Fundamental Human Rights were entrenched in the Constitution.
9. It created the Judicial Service Commission for the central government and the regions.

Merits of the Independence Constitution of 1960

The following are the merits of the 1960 Independence Constitution:

1. The Queen of England was head of the Nigeria government, but was represented by a Nigerian Governor-General, Dr. Nnamdi Azikiwe.
2. Nigeria became a full-fledged federation with three regions.
3. There was now a bi-cameral legislature for the three regions.
4. Fundamental human rights were entrenched in the constitution.
5. Emergency powers were conferred on the federal government, which it could exercise to declare a state of emergency.
6. The office of the Prime Minister was created at the centre.
7. The leader of the majority party in the House of Representatives, Sir Tafawa Balewa of the (NPC) was appointed the first prime minister of Nigeria.

Demerits of the Independence Constitution of 1960

The following are the demerits of the 1960 Independence Constitution:

1. The queen of England still acted as head of state for Nigeria. This speaks volumes of partial independence for Nigeria.
2. The governor general was rendered powerless. He was practically only a figure head.
3. Members of the Senate were appointed, instead of being elected.
4. Even though there was a supreme court in the country, it had no power over appellate cases. Nigerians could only appeal to the Judicial Committee of the Privy Council in London.

THE 1963 REPUBLICAN CONSTITUTION

Background to the 1963 Republican Constitution

Like other previous constitutions, the 1960 constitution has its defects. After Nigeria's independence two years later, political crises began to rear its ugly head in the Western Region.

In the Western region, crises eventually led to the split of the Action Group into two factions, the one led by Chief Obafemi Awolowo, and the other led by his deputy, Chief Samuel L. Akintola. However, there was a general consensus of political opinion, especially among all the political parties, that every trace of external interference in the

political affairs of Nigeria by the monarch in Britain is wiped out. Thus, a constitutional conference was held in Lagos on 2th and 26th July, 1963. It was also resolved that the Privy Council in Britain be replaced by the Supreme Court of Nigeria as the final and highest court of the land. All these finally led to the 1963 Republican constitution of Nigeria.

Features of the 1963 Republican Constitution

The following are the main features of the 1963 Republican Constitution:

1. It established a federal republican government for Nigeria.
2. The Queen ceased to be the Head of State of Nigeria.
3. The abolition of the Judicial Service Commission and the empowerment of the President to appoint judges of the Supreme Court on the advice of the Prime Minister.
4. The Supreme Court and not the Privy Council became the final court of appeal in Nigeria and it had the power of judicial review.
5. The constitution laid down the process for the creation of new regions and revenue allocation formula.
6. The president, as a ceremonial head, replaced the Governor-General.
7. The president of Nigeria was to be elected through the secret ballot for a period of five years by the Senate and the House of Representatives sitting together.
8. The head of government was the prime minister.
9. The number of members of the Senate and the House of Representatives increased to **56 and 312** respectively.
10. Revenue allocation was no longer based on the policy of derivation but on need, national interest and even development.
11. The President was given the power to appoint the Chief Justice of Nigeria, judges of the Supreme Court, judges of the high court based on the advice of the prime minister, instead of the Judicial Service Commission.
12. It led to the creation of a fourth region, i.e. the Mid-west region.

Merits of the Republican Constitution

The following are the merits of the 1963 Republican Constitution:

1. It abolished all forms of representation from Britain i.e. the Queen was no longer represented by the President.
2. It made possible the creation of a fourth region which was long overdue – the Mid-west region.

3. It made Nigeria a full-fledged republic.
4. It made the Supreme Court the highest court for all cases in Nigeria.
5. It encouraged team work through the collective responsibility of ministers.

Demerits of the Republican Constitution

The following are the demerits of the 1963 Republican Constitution:

1. The constitution was not supreme, rather **parliament** was supreme.
2. The prime minister was accountable to **parliament** and not to the people.
3. The supremacy of parliament culminated in arbitrary use of power by legislators.
4. The **president** was not popularly elected by the **electorate** of Nigeria.
5. Independence of the judiciary was not provided for as the Judicial Service Commission no longer had the power to appoint judges.
6. The constitution regionalized politics.
7. Lobbying or bribery and corruption characterized the election of the presidency by the National Assembly.
8. The constitution made it more **difficult to create new states**, thereby making one of the regions larger than the three others put together.
9. There was no separation but **fusion of powers**. The executive and the legislature were both fused. It did not make for effective performance.
10. **Carpet-crossing** was the common feature of the First Republic. Politicians were shifting party allegiance for some rewards.

Assignment

Copy into your notebook and fill the blank spaces below:

1. One of the disadvantages of the republican constitution was that the constitution was not supreme but the _____
2. The 1960 independence constitution created national bicameral parliament, consisting of the Senate with _____ nominated members and the House of Representatives with _____ elected members.
3. The number of members of the Senate and the House of Representatives in the Republican constitution increased to _____ and _____ respectively.
4. The Queen ceased to be the Head of State of Nigeria in the _____ constitution.
5. The fourth region was created in the _____ constitution, and it called the _____
6. The highest court before the 1963 Republican constitution was the _____

7. The 1960 and 1963 constitutions showed that Nigeria was practicing the _____ system of government.
8. Carpet-crossing is the _____

9. In the independent constitution, the _____ was appointed, while the _____ was elected by the parliament.
10. In the 1960, the Prime Minister was _____ and the President or Governor General was _____