

CONSTITUTION 101

A Citizen's Guide to Understanding
Key Sections of the 1999 Constitution
of the Federal Republic of Nigeria
(as amended)

OFFICE OF THE CITIZEN OF THE FEDERAL REPUBLIC OF NIGERIA



National Prayer

O God of creation,
direct our noble cause.
Guide our leaders right,
help our youths the truth to know.
In love and honesty to grow
and living just and true.
Great lofty heights attain.
To build a nation where peace
and justice shall reign.

- 2nd Stanza of National Anthem

This guide is a publication of **Enough is Enough (EiE) Nigeria** - a network of individuals and organizations committed to instituting a culture of good governance and public accountability in Nigeria through active citizenship.

Partners include Channels TV, TVC, Chocolate City Group, Empire Mates Entertainment (EME), Reclaim Naija, Co-Creation Hub (CcHub), BudgIT and YNaija!

Our goal is to break down the Constitution and make it accessible and comprehensible to citizens to improve the quality of Nigeria's democracy. The idea for this project was conceptualized in 2014 and we commenced work after the *New Media, Citizens and Governance Conference (NMCG)* in October 2016 with funding from Facebook, Google and Luminate (formerly part of Omidyar Network).

The 1st phase of the project has involved transcribing the constitution from legalese to every day or layman English. The 2nd phase thereafter translated the transcribed version into Hausa, Igbo and Yoruba. For the 3rd phase, we are identifying the most essential sections of the constitution.

Constitution 101 contains essential sections of the Nigerian 1999 Constitution (as amended) every citizen needs to be aware of in activating the **#OfficeOfTheCitizen** – a campaign started by EiE in 2015 during its 5th anniversary to educate Nigerians on their rights and responsibilities.

The underlying principle is that the **"Office of the Citizen" is the highest office in the land**.

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Chapter I
General Provisions

Part II

S.7 The Local Government System

(1) The local government system by popularly elected local government councils is protected by this constitution; therefore, the Government of every State must protect their presence in a Law that provides for the creation, structure, contents, funding and duties of such councils.

(2) The person allowed by law to specify the area that a local government council can have control over will - (a) define such area as clearly as possible; and
(b) as much as possible make sure that in defining that area they look at - (i) the general interest of the people in the area;
(ii) Local association of the people; and
(iii) The ease of running it.

(3) It will be the duty of a local government council within the State to join in economic planning and growth of the area mentioned in above, therefore, an economic planning board will be set up by a Law passed by the House of Assembly of the State.

(4) The Government of a State must make sure that everyone who has a right to vote or be voted for at an election to House of Assembly will have that right at an election to a local government council.

(5) The duties placed by law on the local government council include those listed in the Fourth Schedule* to this Constitution.

(6) Depending on the words of this Constitution -
(a) The National Assembly will make allowance for lawful sharing of public moneys to local government councils in Nigeria; and
(b) The House of Assembly of a State will make allowance for sharing of public moneys to local government councils within the State.

S.10 Prohibition of State Religion
The Government of Nigeria or of a State must not take any religion as Public Religion.

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Chapter II

Fundamental Objectives and Directive Principles of State Policy

S.13 Fundamental Obligations of the Government
It will be the duty of all arms of government, and of all leaders and people (Lawmakers, decision makers or the courts) to obey, take note of and use the provisions of this Chapter of this Constitution.

Objectives of State
S.15 Political Objectives
(1) The motto of Nigeria will be Unity and Faith, Peace and Progress.

(2) Therefore, national relations will be actively encouraged, and bias based on place of birth, gender, belief, rank, local or language link will not be allowed.

(3) In order to promote national relations, it will be the duty of the State to:
(a) Provide enough facilities for and encourage free movement of people, goods and services all over the Country. (b) Protect full housing rights for every Nigerian in all parts of the Country.
(c) Encourage marriage among people from different places of birth, or different faith, local or language links; and
(d) Help or support the creation of groups made up of people from different local, language, religious or other group.

(4) The Government will raise a feeling of home and participation among different people in the country, so that they will be loyal to Nigeria before any other groups.

(5) The Government will stop all immoral actions and abuse of power.

S.16 Economic Objectives
(1) based on the values and purpose of words of this Constitution the State shall,
(a) Use the resources of the country and help national wealth and a working, active and independent economy;
(b) Control Nigerian economy in a way that secures the greater good, freedom and happiness of every citizen based on public fairness, equal status and chance;
(c) Direct and control the main sectors of the economy in addition to its right to direct or control the main parts of the economy,
(d) Protect the right of every citizen to take part in other economic activities without affecting their right to take part in the main sector of the economy,

(2) The Country will focus its plan to ensure:
(a) The rise of a planned and equal economic growth;
(b) That the physical resources of the country are combined and shared as much as possible to serve the overall good; (c) that the economic system is not run in a way that wealth or tools of production are in hands of few people or a group; and
(d) Provide proper and good shelter, food, national minimum living pay, old age care and retirement income, and unemployment, sick benefits and welfare of the physically challenged for all citizens.

(3) A group will be set up by a National Assembly Law with power;
(a) To regularly review the ownership and control of money-making businesses working in Nigeria and make suggestions to the President; and
(b) To manage any law that regulates the ownership and control of such businesses.

(4) Under subsection (1) of this section -
(a) "Major sectors of the economy" talks about economic activities which are listed in the agreement of each House of the National Assembly from time to be controlled and run only by the Government of the Country. And until a different agreement is made by the National Assembly, it also consist of economic activities that are being carried out by only the Government of the Country whether directly or through the agencies of a statutory or other corporation or company on the date before the day this section became law;
(b) "Economic activities" consist of activities focused on travel or the making, delivery and exchange of goods and services; and
(c) "Participate" consist of the providing services and supplying of goods.

S.17 Social Objectives
(1) The general order of the State is founded on morals of Freedom, Equal opportunity and Fairness.

(2) To reach this social order-
(a) Every Nigerian will have equal rights, duties and chances before the law;
(b) The value of the human being will be respected and human pride will be maintained and built;
(c) The actions of government will be kind;
(d) abuse of human or natural resources in any form and for reasons that are be bad to the community will be stopped; and
(e) Freedom, fairness, honesty and easy access to courts of law will be protected and kept.

(3) The Government will plan towards ensuring that -

(a) All Nigerians and Nigerian groups will not be treated unfairly when it comes to a chance to get a good source of income and proper job;
(b) People work under fair and good conditions, and that there are enough facilities for rest and for social, religious and ethnic life;
(c) The health, safety and good of all persons working are protected and not threatened or abused;
(d) there are enough health facilities for all persons:
(e) People are paid the same amount of money for the same amount of work and nobody is treated unfairly because of gender or any other reason.
(f) children, young persons and the old persons are protected from any abuse, moral and physical lack of care;
(g) people in need of community help in real cases or other conditions of need are provided for; and
(h) The growth and promotion of family life is encouraged.

S.18 Educational Objectives
(1) Government will plan towards ensuring that everyone has equal and enough opportunity to go to school at all levels.

(2) Government will support science and technology

(3) Government will try to destroy illiteracy by providing the following as and when possible:
(a) Free, necessary and general primary education;
(b) Free secondary education;
(c) Free university education; and
(d) Free learning plan for grown up people.

S.24 Duties of the Citizen

All Nigerians must -
(a) Obey this Constitution, respect what it stands for, its bodies, the National Flag, the National Anthem, the National Pledge, and lawful leaders;
(b) Help to increase the power, respect and good name of Nigeria, protect Nigeria and provide national service when needed;
(c) Respect the pride, rights and good of other Nigerians and live in unity and peace and as one people;
(d) play a good and useful role to the success, progress and good in the place where he lives;
(e) Help proper and lawful bodies in keeping law and order; and
(f) State openly how much money he earns to proper and lawful bodies and pay also his tax on time.

Chapter III

Citizenship

S.25
(1) you can become a citizen of Nigeria by birth if:
a) You were born in Nigeria before October 1st 1960, and your mother or father or grandmother or grandfather is an indigene of any community in Nigeria. But this will not apply to you if none of your parents or grandparents was born in Nigeria.
b) You were born in Nigeria after October 1, 1960, and your mother or father or grandmother or grandfather is a citizen of Nigeria.
c) You were born outside Nigeria, but your father or mother is a citizen of Nigeria.

S.26
(1) You can become a citizen of Nigeria by registration but before registration can be done, the following conditions must be met:
a) You must be a person of good behaviour;
b) You must show that you wish to live in Nigeria;
c) You must swear an oath to abide by the Constitution and to defend it.

(2) This section will apply to you if:
a) You are a woman married to a citizen of Nigeria
b) You are an adult born outside Nigeria but your grandmother or grandfather is a citizen of Nigeria.

S.27
(1) You can become a citizen of Nigeria by adoption if you qualify; you can apply for citizenship through the grant of Certificate of adoption by the President.

(2)You cannot apply to become a citizen by adoption unless you satisfy the President that:
a) You are an adult of the age of 18 years and above;
b) You are a person of good character;
c) You have shown clearly that you wish to live in Nigeria;
d) By the assessment of the Governor of the state where you wish to reside, you are acceptable to the local community and have become used to the way of life of the people in the area where you want to live.
e) You are capable of making or have already made useful contribution to the progress and welfare of Nigeria;
f) You have sworn by oath to abide by the Constitution and defend it.

g) Immediately before your application, you have either lived in Nigeria for 15 years or you have lived in Nigeria continuously for at least 12 months and within a period of 20 years before your application, you have lived in Nigeria up to 15 years altogether.

S.28
(1) You will no longer be a Nigerian citizen if you were not a citizen by birth, and you acquire citizenship or nationality of another country by registration or adoption.

(2) If you are not a citizen of another country by birth and you apply to become a citizen of Nigeria by registration or adoption, your Nigerian citizenship will be conditional and temporary until you renounce your citizenship of the other country and you must do so within 12 months from when you become a citizen of Nigeria by registration or adoption.

S.29
(1) Any adult (from 18 years) citizen of Nigeria who no longer wants to be a Nigerian citizen must declare this intention in the manner provided.

(2)The President will have the declaration in (1) above to be registered and once the declaration is registered, the person who made the declaration will cease to be a citizen of Nigeria.

(3)The President may not register the declaration if:
a) The declaration is made during war involving Nigeria or
b) If he thinks it is against the public good for the declaration to be registered.

(4) Full age in section 29(1) means 18 years and above
b) A married woman will be taken to be an adult, 18 years and above.

S.30
(1) The President may refuse for a person to continue to be a citizen of Nigeria where his citizenship is not by birth if the President is satisfied that within a period of 7 years after adoption, the person has been sentenced to imprisonment for not less than 3 years.

(2) The President shall refuse for a person to continue to be a citizen of Nigeria, where his citizenship is not by birth, if the President is satisfied that from the record of proceedings of court or other tribunals, or after due investigation based on regulations, the person has shown himself by conduct or speech, to be disloyal towards Nigeria or the person has during war involving Nigeria, had dealings with the enemy unlawfully to Nigeria's disadvantage.

S.31
(1) In this chapter of the Constitution, a parent or grandparent of a person will be considered as a citizen of Nigeria, if at the time they were born, they would have been citizens by birth, if they were alive on October 1, 1960.

Chapter IV
Fundamental Rights

S.33
(1) Everybody has the right to live and no one's life should be taken except that person was sentenced to death by a court for a wrong he has done and has been found guilty of in Nigeria.

(2) Anybody who dies shall not be regarded as having been deprived of his life if he was killed because some measure of force was applied to him as allowed by law:
a) To prevent violence against another person or property
b) To arrest him or prevent him from escaping lawful detention
c) To contain a riot or revolution.

S.34
(1) Everybody ought to be respected as a person and therefore:
(a) Nobody shall be tortured or treated wickedly
(b) Nobody shall be kept as a slave
(c) Nobody shall be expected to do compulsory labour against his or her will

(2) Under this section, forced labour does not cover:
(a) Any labour that is a result of a court sentence or order;
(b) Any labour that members of the armed forces are expected to do as a result of their duty;
(c) Any labour required by persons who do not wish to serve in the armed forces instead of such service;
(d) Any labour that is necessary because of an emergency or life threatening situation or welfare of the community or;
(e) Any labour or service that forms part of:
i) Normal community obligations for the welfare of the community
ii) Compulsory national service in the armed forces of the country as it may be provided by an act of the National Assembly
iii) Any compulsory national service which is part of the education and training of citizens of Nigeria as the National Assembly may provide by law.

S.35
(1) Everybody shall be entitled to personal freedom and nobody should be deprived of that liberty, except in the following cases and where the law allows:
a) In carrying out court sentences or orders on someone who has been found guilty of a wrong;

b) For failure to comply with court order or to ensure that an obligation imposed by law is achieved.
c) To bring the person before a court in carrying out order of court or where the person is suspected to have committed a crime or to prevent him from committing a crime;
d) For the welfare and education of a person who is less than 18 years;
e) For the purpose of taking care of someone who is suffering from infection or transferable disease , madness, drug addiction or to protect the community;
f) To stop unlawful entry of someone into Nigeria or to send out any person who has unlawfully entered Nigeria or to take action relating to such unlawful entry or lawful removal;
on the condition that a person who is answerable for a crime and who was kept in cell or prison while waiting for trial shall not continue to be kept in that cell or prison for more than the period the law prescribes as punishment for the crime committed.

2) Anybody who is arrested or detained shall have right to be quiet or avoid answering any question until he has spoken with a lawyer or any other person he chooses to speak with.

3) Anybody who is arrested or detained must be told the reason why he was arrested or detained in writing within 24 hours in a language he can understand.

4) Anybody who is arrested or detained for committing a crime or for being a suspect must be taken to court within a reasonable time, and if he is not taken to court, to be tried within a period of:
a) 2 months after the day he was arrested or detained where he is not entitled to conditional release.
b) 3 months after the day he was arrested or detained, where he has been released conditionally, he shall be released without condition or any conditions that will be necessary to make him appear in court for any trial later.

(5) In (4) the expression "reasonable time" means:
a) one day, where the nearest court is 40 km from the place of arrest or detention.
b) two days in any other case or such period as the court may think reasonable.

(6) Anybody who is arrested or detained outside what the law allows shall be entitled to compensation and public apology from the authority or person specified by law.

(7) Nothing in this section shall be interpreted:
a) In relation to this (4) of this section as applying where a person is arrested or detained upon reasonable suspicion of having committed a capital offence; and
b) as rendering any law ineffective for the single reason that it authorises detention for

a period not more than three months of the members of the armed forces of the Federation or Police in carrying out a sentence imposed by an armed forces or Police officer in respect of an offence that ought to be punished by such detention of which he is guilty.

S.36
(1) In deciding on anybody's rights and responsibilities, as a citizen, everybody shall be entitled to an opportunity to state his case within a reasonable time by the court or any other tribunal.

(2) Nevertheless, a law shall not be rendered ineffective only because it gives a government or authority power to decide questions arising from the administration of a law that affects or may affect civil rights and responsibilities of anybody if such law:
(a) Gives the person whose rights and obligation may be affected, a chance to present his case before the authority makes decision affecting that person; and
(b) Contains no provision that makes the decision of the administering authority final or conclusive.

3) The process of hearing in relation to matters mentioned in this section whether by court or by tribunal including the announcement of the decision reached shall be held in public and not secretly.

4) Whenever any person is taken to court for a crime, that person shall have the right to present his own case in public within a reasonable time on the following conditions:
(a) The court may not allow persons who have nothing to do with the case or the lawyers of those who are directly affected, if it will not be good for public safety, order, public uprightness or the welfare of people below 18 years, the protection of life of those directly involved or any other reason that may be seen as necessary and just in the matter.
(b) If in any court process, either a minister of Federal Government or Commissioner of State Government satisfies the court or tribunal that it will not be in the public interest for a matter to be tried in public, the court / tribunal shall make arrangement for evidence to be given in private and also take any necessary steps to prevent publicity of the matter.

5) Everybody who is taken to court for a criminal case will be considered innocent until it has been shown that he actually committed the offence. The condition for this is that nothing in this section shall make ineffective any law simply because that law makes the person bear the burden of proving some specific facts.

6) Every person who is charged with a criminal offence shall have the right to:

(a) Be told on time, in the language he understands and in detail the nature of the offence.
(b) Be given enough time and services to prepare his side of the case
(c) Present his case by himself or through his lawyer
(d) Call persons who know of his case to tell the court what they know about it and also ask anybody brought to court to speak against his innocence questions.
(e) Have access to an interpreter free of charge if he cannot understand the language used in court.

7) When anybody is tried for any criminal offence, the court or tribunal shall keep a record of what took place in court and the accused person or anybody he authorises shall have a right to get to get copies of the judgement in the case within 7 days from the day the case ended.

8) Nobody shall be guilty of a crime because of something he did or did not do, if at that time, what he did or did not do was not an offence and no punishment shall be given for any criminal offence which is heavier than the penalty that was in force at the time the offence committed.

9) Nobody who shows that he has been tried by a competent court or tribunal for a criminal offence and either punished or set free shall be tried again for the same offence except a superior court orders so.

10) Nobody who shows that he has been pardoned for a criminal offence shall again be tried for that same offence.

11) Nobody who is tried for a criminal offence shall be forced to state what happened in court.

12) Except as allowed by this constitution, nobody shall be convicted of a criminal offence.

S.37
Every Nigerian citizen is hereby assured of protection of their privacy, privacy of their home and all forms of communication whether by letters, phone or telegraph.

S.38
(1) Everybody has right to freely think in a particular way or hold a particular view, freely identify with a religion and change his religion or believe and to practice (show) his religion and promote it either alone or with other people in the form of preaching, teaching, practice or observance.

2) Nobody in any place of education shall be expected to receive religious instruction or take part or attend any religious ceremony or observance, if such instruction, ceremony or observance does not relate to his own religion or the religion approved by his parents or guardian.

3) No religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any place of education maintained wholly by that community or denomination.

4) Nobody has right to take part in the activity or be a member of any secret society because of this section.

S.39
(1) Everybody has the right to express himself and hold views and receive and pass on ideas and information without being stopped.

2) Despite the provision of this section, everybody has the right to set up and operate any outfit for distributing information, ideas, and opinion on the condition that: Nobody except the Federal or State Government or any other person or body authorised by the President following condition laid down by law shall own, set up or operate a television or wireless broadcasting station for any purpose.

3) Nothing in this section shall render ineffective a law that is reasonably justifiable in a democratic society.
(a) For the purpose of preventing the disclosure of confidential information, maintain the authority and independence of courts on regulating telephone, wireless broadcasting, television, or showing films or
(b) Imposing restrictions on persons holding office under the government of the Federation or of a state, members of the Armed forces or members of the Nigerian Police or other government security services or agencies established by law.

S.40
Everybody shall have right to assemble freely and identify with other persons and in particular form or belong to any political party, trade union or any other association for the protection of their interest. The condition for this is that the provisions of this section shall not deviate from the powers given by this constitution to The Independent National Electoral Commission (INEC) with respect to political parties which it does not recognise.

S.41
(1) Every Nigerian citizen has the right to freely move around Nigeria and to reside in

any part of Nigeria and no citizen shall be sent out of Nigeria or refused entry into Nigeria or exit from Nigeria.

2) Nothing in (1) above shall render ineffective any law that is reasonably justifiable in a democratic society which -
a) Imposes restrictions on the residents or movement of any person who has committed or is reasonably suspected to have committed a crime in order to prevent him from leaving Nigeria.
b) Provides for the removal of any person from Nigeria to any other country:
(i) To be tried outside Nigeria for any criminal offence or
(ii) Undergo imprisonment outside Nigeria in carrying out the decision of a court of law in respect of an offence for which he has been found guilty on the condition that it is a two-way agreement between Nigeria and such country in relation to such matter.

S.42
(1) A citizen of Nigeria shall not because of ethnic group, place of origin, sex, religion, political opinion be:
a) Subjected to any restriction or disability in any form or manner to which other citizens of Nigeria, of other communities, ethnic groups, places of origin, sex, religion or other political opinions are not subjected to.
b) Given any better treatment in any manner over people of their communities, ethnic group, places of origin, sex, religion or political opinions.

2) No citizen of Nigeria shall be subjected to any disability or deprivation because of the condition he was born in.

(3) Nothing in sub-section (1) of this section shall render ineffective any law simply because that law imposes restrictions with respect to the appointment of any person to any office under the state or as a member of the armed forces of the federation or a member of the Nigerian police force or to an office in the service of a body corporate established directly by any law in force in Nigeria.

S.43
Subject to the provision of this constitution, every citizen of Nigeria shall have the right to buy and own immovable property anywhere in Nigeria.

S.44
(1) No moveable property or any interest in an immovable property shall be taken away from the owner compulsorily and no right over or interest in any such property shall be acquired compulsorily in any part of Nigeria except in the manner and for the purposes provided by a law that, among other things-

(a) Requires the prompt payment of compensation therefor; and
(b) gives to any person claiming such compensation a right of access for the determination of his interest in the property and the amount of compensation to a court of law or tribunal or body having jurisdiction in that part of Nigeria.

(2) Nothing in subsection (1) of this section shall be interpreted as affecting any general law-
(a) For the imposition or enforcement of any tax, rate or duty;
(b) For the imposition of penalties of forfeitures for the breach of any law, whether under civil process or after conviction for any offence;
(c) Relating to leases, tenancies, loans, charges, bill off sale or any other right or obligation arising out of contracts
(d) Relating to the vesting and administration of the property of person considered or otherwise declared broke and of corporate or unincorporated bodies in the course of being wound-up;
(e) Relating to the carrying out of judgement or orders of court;
(f) Providing for the taking of possession of property that is in a dangerous state or is injurious to the health of human beings, plant or animals,
(g) Relating to enemy property;
(h) Relating to trust and trustees;
(i) Relating to limitation of actions;
(j) Relating to property vested in bodies corporate directly established by any law in force in Nigeria
(k) Relating to the temporary taking of possession of property for the purpose of any examination, investigation or enquiry;
(i) Providing for the carrying out of work on land for the purpose of soil-conservation; or
(m) subject to prompt payment of compensation for damage to buildings, economic tree or crops, providing for any authority or person to enter, survey or dig any land, or to lay, install or erect poles, cables, wires, pipes, or other conductors or structures on any land, in order to provide or maintain the supply or distribution of energy, fuel, water, sewage, telecommunication service or other public facilities or public utilities.

(3) Despite the provisions of this section, the entire property in and control of all minerals, minerals oil and natural gas in, under or upon any land in Nigeria or in, under or upon the rivers and the exclusive economic zone of Nigeria shall belong to the government of the federation and shall be managed in such manner as may be prescribed by the National Assembly

S.45
(1) Nothing in Sections 37,38,39,40 and 41 of this constitution shall render ineffective

any law that is reasonably showing to be just or right 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 right and freedom of other persons

(2) An act of the national Assembly shall not be rendered ineffective simply because it provides for the taking, during periods of emergency, of measures that deviate from the provisions of section 33 or 35 of this constitution; but no such measures can be taken in pursuance of any such act during any period of emergency except if those measures are reasonably justifiable for the purpose of dealing with the situation that exists during that period of emergency.

This is on the condition that nothing in this section shall authorise any deviation from the provision of section 33 of this constitution except in respect of death resulting from acts of war or authority any deviation from the provision of section 36(8) of this constitution.

(3) in this section, a "period of emergency" means any period during which there is in force a declaration of a state of emergency by the president in exercise of the power given to him under section 305 of this constitution.

Chapter V
The Legislature

Part 1

National Assembly

A - Composition and Staff of National Assembly
S.47
There shall be a National Assembly for Nigeria made up of a Senate and a House of Representatives.

B - Procedure for Summoning and Dissolution of National Assembly

Declaration of Assets
S.52
(1) Every member of the Senate or the House of Representatives shall, before taking his/her seat, declare his/her assets and liabilities as prescribed in this Constitution and after that, take the Oath of Allegiance and the oath of membership as directed in the Seventh Schedule to this Constitution before the President of the Senate or, as the case may be, the Speaker of the House of Representatives, but a member may before taking the oaths take part in the election of a President and a Deputy President of the Senate, as the case may be, or a Speaker and a Deputy Speaker of the House of Representatives.

(2) The President and Deputy President of the Senate and the Speaker and the Deputy Speaker of the House of Representatives shall declare their assets and liabilities as prescribed in this Constitution and then after that take and subscribe the Oath of Allegiance and the oath of membership as directed before the Clerk of the National Assembly.

Qualifications for Elections and Sundry matters
S.65
(1) Unless section 66 of this Constitution dictates otherwise, a person shall be qualified for election as a member of:
(a) The Senate, if he/she is a citizen of Nigeria and has reached the age of 35 years; and
(b) The House of Representatives, if he/she is a citizen of Nigeria and has reached the age of 30 years;

(2) A person shall be qualified for election under subsection (1) of this section if:

(a) he/she has been educated up to at least School Certificate level or its equivalent; and
(b) he/she is a member of a political party and is sponsored by that party.

S.66
(1) No person shall be qualified for election to the Senate or the House of Representatives if:
(a) Unless section 28 of this Constitution dictates, he/she has willingly taken 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) Under any law in force in any part of Nigeria, he/she is adjudged to be a lunatic or otherwise declared to be of unsound mind;
(c) he/she has been sentenced to death by any competent court of law or tribunal in Nigeria or a sentence of imprisonment or fine for an offence involving dishonesty or fraud (by whatever name called) or any other offence imposed on him/her by such a court or tribunal or substituted by a competent authority for any other sentence imposed on him/her by such a court;
(d) Within less than 10 years before the date of an election to a legislative house, he/she has been convicted and sentenced for an offence involving dishonesty or he/she has been found guilty of a contravention of the Code of Conduct;
(e) he/she is an undischarged bankrupt, having been adjudged or declared bankrupt under any law in force in any part of Nigeria;
(f) he/she is a person employed in the public service of the Federation or of any State and has not resigned, withdrawn or retired from such employment 30 days before the date of election;
(g) he/she is a member of a secret society;
(h) he/she has been indicted for embezzlement or fraud by Judicial Commission of Inquiry or an Administrative Panel of Inquiry or a Tribunal set up under the Tribunals of Inquiry Act, a Tribunals of Inquiry Law or any other law by the Federal or State Government which indictment has been accepted by the Federal or State Governments respectively; or.
(I) he/she has presented a forged certificate to the Independent National Electoral Commission.

(2) Where any person has been-
(a) Adjudged to be a lunatic;
(b) Declared to be of unsound mind;
(c) Sentenced to death or imprisonment; or
(d) Adjudged or declared bankrupt,
and appeal against the decision is pending in any court of law in accordance with any

law in force in Nigeria, subsection (1) of the section shall not apply during a period beginning from the date when such appeal is lodged and ending on the date when the appeal is finally decided, as the case may be, the appeal lapses or is abandoned, whichever is happens earlier.

(3) For the purposes of subsection (2) of this section "appeal" includes any application for an injunction or an order certiorari, mandamus, prohibition or habeas corpus, or any appeal from any such application.

S.67
(1) The President may attend any joint meeting of the National Assembly or any meeting of either House of the National Assembly, either to deliver an address on national affairs including economic measures, or to make such statement on the policy of government as he/she considers to be of national importance.

(2) A Minister of the Government of the Federation may attend either House of the National Assembly if invited to explain to the House, the conduct of his/her Ministry, and in particular when the affairs of that Ministry are under discussion.

(3) Nothing in this section shall enable any person who is not a member of the Senate or of the House of Representatives to vote in that House or in any of its committees.

S.68
(1) A member of the Senate or of the House of Representatives shall vacate his/her seat in the House of which he/she is a member if -
(a) he/she becomes a member of another legislative house.
(b) Any other thing happens that, if he/she were not a member of the Senate or the House of Representatives, would cause him/her to be disqualified for election as a member;
(c) he/she ceases to be a citizen of Nigeria;
(d) he/she becomes President, Vice-President, Governor, Deputy Governor or a Minister of the Government of the Federation or a Commissioner of the Government of a State or a Special Adviser.
(e) Unless otherwise prescribed by this Constitution, he/she becomes a member of a commission or other body established by this Constitution or by any other law.
(f) without just cause, he/she is absent from meetings of the House of which he/she is a member for a period amounting to the total of more than one-third of the total number of days during which the House meets in any one year;
(g) being a person whose election to the House was sponsored by a political party, he/she becomes a member of another political party before the end of the period for which that House was elected; Provided that his/her membership of the latter political

party is not as a result of a division in the political party of which he/she was previously a member or of a merger of two or more political parties or factions by one of which he/she was previously sponsored; or
(h) the President of the Senate or, as the case may be, the Speaker of the House of Representatives receives a certificate signed by the Chairman of the Independent National Electoral Commission stating that the provisions of section 69 of this Constitution have been complied with in respect of the recall of that member.

(2) The President of the Senate or the Speaker of the House of Representatives, as the case may be, shall give effect to the provisions of subsection (1) of this section, however, the President of the Senate or the Speaker of the House of Representatives or a member shall first present evidence satisfactory to the House concerned that any of the provisions of that subsection has become applicable in respect of that member.

(3) A member of the Senate or of the House of Representatives shall be taken to be absent without good reason from a meeting of the House of which he/she is a member, unless the person chairing the meeting certifies in writing that he/she is satisfied that the absence of the member from the meeting was for a good reason.

S.69
A member of the Senate or of the House Representatives may be recalled as such a member if -
(a) the Chairman of the Independent National Electoral Commission is presented with a petition for the member's recall signed by more than one-half of the persons registered to vote in that member's constituency alleging their loss of confidence in that member; and
(b) the petition is thereafter, in a referendum conducted by the Independent National Electoral Commission within ninety days of the date of receipt of the petition, approved by a simple majority of the votes of the persons registered to vote in that member's constituency.

S.70
A member of the Senate or of the House of Representatives shall receive such salary and other allowances as Revenue Mobilisation Allocation and Fiscal Commission may decide

Senatorial Districts
S.71
Unless section 72 of this Constitution dictates otherwise, the Independent National Electoral Commission shall -
(a) Divide each State of the Federation into three Senatorial districts for purposes of

elections to the Senate; and
(b) Unless Section 49 of this Constitution says otherwise, divide Nigeria into three hundred and sixty Federal constituencies for purposes of elections to the House of Representatives.

S.72
No Senatorial district or Federal constituency spread across more than one State, and the boundaries of each district or constituency shall be such that the number of inhabitants in each of them is as nearly equal to the population quota as is reasonably possible.

S.73
(1) The Independent National Electoral Commission shall review the division of States and of the Federation into Senatorial districts and Federal constituencies from time to time but not less than every ten years, and may alter the districts or constituencies in accordance with the provisions of this section to as they see fit based on the review.

(2) Notwithstanding subsection (1) of this section, the Independent National Electoral Commission may at any time carry out such a review and alter the districts or constituencies in accordance with the provisions of this section as it considers necessary, due to any amendment to section 8 of this Constitution or any provision replacing that section, or by reason of the holding of a census of the population, or in line with an Act of the National Assembly.

S.74
Where the boundaries of any Senatorial district or Federal constituency established under section 71 of this Constitution are altered in line with Section 73 hereof, the alteration shall come into effect after it has been approved by each House of the National Assembly and after the current life of the Senate (in the case of an alteration to the boundaries of a Senatorial district) or the House of s (in the case of an alteration to the boundaries of a Federal constituency).

S.75
For the purposes of Section 72 of this Constitution, the number of inhabitants of Nigeria or any part thereof shall be ascertained by referring to the 1991 census of the population of Nigeria or the latest census held in line of an Act of the National Assembly after the provisions of this Part of this Chapter of this Constitution come into effect.

S.76
(1) Elections to each House of the National Assembly shall be held on a date to be

decided by the Independent National Electoral Commission.
(2) The date mentioned in subsection (1) of this section shall not be earlier than sixty days before and not later than the date on which the House stands dissolved, or where the election to fill a vacancy occurs more than three months before such date; not later than one month after the vacancy occurred.

S.77 (1) Subject to the provisions of this Constitution, every Senatorial district or Federal constituency established in line with this Part of this Chapter shall have a member who shall be directly elected to the Senate or the House of Representatives in such manner prescribed by an act of the National Assembly.

(2) Every citizen of Nigeria, who has attained the age of eighteen years and who lives in Nigeria at the time of the registration of voters for election to a legislative house, shall be entitled to be registered as a voter for that election.

S.78
The registration of voters and the conduct of elections shall be directed and supervised by the Independent National Electoral Commission.

Revenue of Federal Government
S.80
(1) All revenues or other moneys raised or received by the Federation (not being revenues or other moneys payable under this Constitution or any Act of the National Assembly into any other public fund of Nigeria established for a specific purpose) shall be paid into and form one Consolidated Revenue Fund of Nigeria.

(2) No moneys shall be withdrawn from the Consolidated Revenue Fund of Nigeria except to meet expenses that are charged to the fund by this Constitution or where the issue of those moneys has been authorised by an Appropriation Act, Supplementary Appropriation Act or an Act passed in line with section 81 of this Constitution.

(3) No moneys shall be withdrawn from any public fund of Nigeria, other than the Consolidated Revenue Fund of Nigeria, unless the issue of those moneys has been authorised by an Act of the National Assembly.

(4) No moneys shall be withdrawn from the Consolidated Revenue Fund or any other public fund of the Federation, except in the manner set out by the National Assembly.

S.81
(1) The President must prepare and send each House of the National Assembly at any time in each financial year estimates of the revenues and expenses of the Federation

for the next financial year.

(2) The heads of expenses contained in the estimates (other than expenditure charged upon the Consolidated Revenue Fund of the Federation by this Constitution) shall be included in a bill, to be known as an Appropriation Bill, providing for the issue from the Consolidated Revenue Fund of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified therein.

(3) Any amount to be aid to the judiciary in the Consolidated Revenue Fund of Nigeria shall be paid directly to the National Judicial Council for the heads of the courts established for the Federation and the State under section 6 of this Constitution.

(4) If in respect of any financial year it is found that -
(a) The amount appropriated by the Appropriation Act for any purpose is not enough; or
(b) A need comes up for expenses for a purpose for which no amount has been allocated by the Act,
A supplementary estimate showing the amounts of money required shall be sent to each House of the National Assembly and the heads of any such expenditure shall be included in a Supplementary Appropriation Bill.

S.82
If the Appropriation Bill in respect of any financial year has not been passed into law by the beginning of the financial year, the President may authorise the withdrawal of moneys in the Consolidated Revenue Fund of the Federation for the purpose of meeting expenses necessary to carry on the services of the Government of the Federation for a period not exceeding six months or until the coming into operation of the Appropriate Act, whichever is the earlier:

As long as the withdrawal in such period shall not be more than the amount allowed to be withdrawn from the Consolidated Revenue Fund of Nigeria under the of the Appropriation Act passed by the National Assembly for the same period in the last financial year, being an amount proportionate to the total amount authorised for last financial year.

S.83
(1) The National Assembly may by law make provisions for the establishment of a Contingencies Fund for Nigeria and for authorising the President, if he/she is satisfied that there is an urgent and unforeseen need for expenditure for which no other provision exists, to take money from the Fund to meet the need.

(2) Where any money is taken from the Fund in line with this section, a Supplementary Estimate shall be presented and a Supplementary Appropriation Bill shall be tabled at the National Assembly as soon as possible for the purpose of replacing the amount of money taken from the Fund.

Part 2

House of Assembly
S.90
There shall be a House of Assembly for each of the States of the Federation.

Declaration of Assets
S.94
(1) Every person elected to a House of Assembly shall before taking his/her seat in that House, declare his/her assets and liabilities in the way stated in this Constitution and then take before the Speaker of the House, the Oath of Allegiance and oath of membership stated in the Seventh Schedule to this Constitution, but a member may, before taking the oaths, take part in the election of the Speaker and Deputy Speaker of the House of Assembly.

(2) The Speaker and Deputy Speaker of a House of Assembly shall declare their assets and liabilities in the way stated by this Constitution and then take the Oath of Allegiance and the oath of membership as already stated before the Clerk of the House of Assembly.

Qualification
S.106
Unless otherwise stated by section 107 of this Constitution, a person shall be qualified for election as a member of a House of Assembly if –
(a) he/she is a citizen of Nigeria;
(b) he/she has attained the age of thirty years;
(c) he/she has been educated up to at least the School Certificate level or its equivalent; and
(d) he/she is a member of a political party and is sponsored by that party.

S.107
(1) No person shall be qualified for election to a House of Assembly if -
(a) unless stated otherwise by Section 28 of this Constitution, he/she has willingly taken up the citizenship of a country other than Nigeria or, unless in some cases as may be set by the National Assembly, has made a declaration of allegiance to such a country;

(b) Under any law existing in any part of Nigeria, he/she is adjudged to be a lunatic or declared to be of unsound mind;
(c) he/she is under a sentence of death given by any competent court of law or tribunal in Nigeria or a sentence of imprisonment or fine for an offence involving dishonesty or fraud (by whatever name called) or any other offence given to him/her by such a court or tribunal substituted by a competent authority for any other sentence imposed on him/her by such a court or tribunal;
(d) within less than ten years before the date of an election to the House of Assembly, he/she has been convicted and sentenced for an offence involving dishonesty or he/she has been found guilty of a violating the Code of Conduct;
(e) he/she is an undischarged bankrupt, having been declared bankrupt under any law existing in any part of Nigeria;
(f) he/she is a person employed in the public service of Nigeria or of any State and he/she has not resigned, withdrawn or retired from such employment thirty days before the date of election;
(g) he/she is a member of any secret society;
(h) he/she has been indicted for embezzlement or fraud by a Judicial Commission of Inquiry or an Administrative Panel of Inquiry or a Tribunal set up under the Tribunals of Inquiry Act, a Tribunals of Inquiry Law or any other law by the Federal and State Government and if the indictment has been accepted by the Federal or State Government, respectively; or
(I) he/she has presented a forged certificate to the Independent National Electoral Commission.
(II) Where in respect of any person who has been -
(a) Adjudged to be a lunatic;
(b) Declared to be of unsound mind;
(c) Sentenced to death or imprisonment; or
(d) Adjudged or declared bankrupt,
any appeal against the decision is pending in any court of law in line with any law in force in Nigeria, subsection (1) of this section shall not apply during a period beginning from the date when such appeal is lodged and ending on the date when the appeal is finally determined or, as the case may be, the appeal lapses or is abandoned, whichever is earlier.

(3) For the purposes of subsection (2) of this section, an "appeal" includes any application for an injunction or an order of certiorari, mandamus, prohibition or habeas corpus, or any appeal from any such application.

S.108
(1) The Governor of a State may attend a meeting of a House of Assembly of the State either to deliver an address on State affairs or to make such statement on the policy of

government as he/she may consider to be of importance to the State.

(2) A Commissioner of the Government of a State shall attend the House of Assembly of the State if invited to explain to the House of Assembly the conduct of his/her Ministry, and in particular when the affairs of that Ministry are under discussion.

(3) Nothing in this section shall enable any person who is not a member of a House of Assembly to vote in that House or in any of its committees.

S.109

(1) A member of a House of Assembly shall vacate his/her seat in the House if -
(a) he/she becomes a member of another legislative house;
(b) any other circumstances arise that, if he/she were not a member of that House, would cause him/her to be disqualified for election as such a member;
(c) he/she is no longer a citizen of Nigeria;
(d) he/she becomes President, Vice-President, Governor, Deputy Governor or a Minister of the Government of the Federation or a Commissioner of the Government of a State or a Special Adviser;
(e) Unless otherwise stated by this Constitution, he/she becomes a member of a commission or other body established by this Constitution or by any other law;
(f) without good reason he/she is absent from meetings of the House of Assembly for a period totaling more than one-third of the total number of days during which the House meets in any one year;
(g) As a person whose election to the House of Assembly was sponsored by a political party, he/she becomes a member of another political party before the end of the period for which that House was elected:

As long as his/her membership of the latter political party is not as a result of a division in the political party of which he/she was previously a member or of a merger of two or more political parties or factions by one of which he/she was previously sponsored; or

(h) The Speaker of the House of Assembly receives a certificate under the hand of the Chairman of the Independent National Electoral Commission stating that the provisions of section 110 of this Constitution have been complied with in respect of the recall of the member.

(2) The Speaker of the House of Assembly shall give effect to subsection (1) of this section, however the Speaker or a member shall first present evidence satisfactory to the House that any of the provisions of that subsection has become applicable in respect of the member.

(3) A member of a House of Assembly shall be deemed to be absent without just cause from a meeting of the House of Assembly unless the person chairing the meeting states in writing that he/she is satisfied that the absence of the member from the meeting was for a good reason.

S.110
A member of the House of Assembly may be recalled as such a member if -
(a) there is presented to the Chairman of the Independent National Electoral Commission a petition for recall of the member, signed by more than half of the persons registered to vote in that member's constituency alleging their loss of confidence in that member; and
(b) the petition is thereafter, in a vote conducted by the Independent National Electoral Commission within ninety days of the date of receiving the petition, approved by a simple majority of the votes of the persons registered to vote in that member's constituency.

Election into a House of Assembly
S.112
Unless stated otherwise by sections 91 and 113 of this Constitution, the Independent National Electoral Commission shall divide every state in Nigeria into any number of state constituencies that is equal to three or four times the number of Federal constituencies within that state.

S.116
(1) Elections to a House of Assembly shall be held on a date to be set by the Independent National Electoral Commission.

(2) The date mentioned in subsection (1) of this section shall not be earlier than sixty days before and not later than the date on which the House of Assembly stands dissolved, or where the election is to fill a vacancy that has occurred more than three months before such date, not later than one month after the vacancy occurred.

S.117
(1) Unless stated otherwise by this Constitution, every State constituency established in line with this part of this Chapter shall directly elect one member to a House of Assembly in a way as may be set by an Act of the National Assembly.

(2) Every citizen of Nigeria, who has reached the age of eighteen years and who resides in Nigeria at the time of the registration of voters for the election to any legislative house, shall be entitled to be registered as a voter for that election.

States' Funds

S.120
(1) All revenues or other moneys raised or received by a State (apart from revenues or other moneys payable under this Constitution or any Law of a House of Assembly into any other public fund of the State established for a specific purpose) shall be paid into and form one Consolidated Revenue Fund of the State.

(2) No moneys shall be withdrawn from the Consolidated Revenue Fund of the State except to meet expenditure that is to be taken from the Fund as stated by this Constitution or where the issue of those moneys has been authorised by an Appropriation Law, Supplementary Appropriation Law or Law passed in line of section 121 of this Constitution.

(3) No moneys shall be withdrawn from any public fund of the State, other than the Consolidated Revenue Fund of the State, unless the issue of those moneys has been authorised by a Law of the House of Assembly of the State.

(4) No moneys shall be withdrawn from the Consolidated Revenue Fund of the State or any other public fund of the State except in the manner prescribed by the House of Assembly.

S.121
(1) The Governor shall cause to be prepared and laid before the House of Assembly at any time before the start of each financial year, estimates of the revenues and expenditure of the State for the next following financial year.

(2) The heads of expenditure contained in the estimates, other than expenditure charged upon the Consolidated Revenue Fund of the State by this Constitution, shall be included in a bill, to be known as an Appropriation Bill, providing for the issue from the Consolidated Revenue Fund of the State of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified in the bill.

(3) Any amount that should be credited to the judiciary in the Consolidated Revenue Fund of the State shall be paid directly to the heads of the courts concerned.

(4) If in respect of any financial year, it is found that -
(a) The amount appropriated by the Appropriation Law for any purpose is insufficient; or
(b) A need has arisen for expenditure for a purpose for which no amount has been appropriated by the Law, a supplementary estimate showing the sums required shall

be laid before the House of Assembly and the heads of any such expenditure shall be included in a Supplementary Appropriation Bill.

S.122
If the Appropriation Bill in respect of any financial year has not been passed into Law by the beginning of the financial year, the Governor may authorise the withdrawal of moneys from the Consolidated Revenue Fund of the State for the purpose of meeting expenditure necessary to carry on the services of the government for a period not more than six months or until the coming into operation of the Law, whichever happens first:

So long as the withdrawal during any such period shall not exceed the amount authorised to be withdrawn from the Consolidated Revenue Fund of the State under the provisions of the Appropriation Law passed by the House of Assembly for the corresponding period in the immediately past financial year, being an amount proportionate to the total amount so authorised for the immediately past financial year.

S.123
(1) A House of Assembly may by Law make provisions for the establishment of a Contingencies Fund for the State and for authorising the Governor, 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 line with the provisions of this section, 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 advanced.

Fourth Schedule

Functions of a Local Government Council

1. The main functions of a local government council are as follows:

(a) the consideration and the making of recommendations to a State commission on economic planning or any similar body on -

(i) the economic development of the State, particularly in so far as the areas of authority of the council and of the State are affected, and

(ii) proposals made by the said commission or body;

(b) collection of rates, radio and television licences;

(c) establishment and maintenance of cemeteries, burial grounds and homes for the destitute or infirm;

(d) licensing of bicycles, trucks (other than mechanically propelled trucks), canoes, wheel barrows and carts;

(e) establishment, maintenance and regulation of slaughter houses, slaughter slabs, markets, motor parks and public conveniences;

(f) construction and maintenance of roads, streets, street lightings, drains and other public highways, parks, gardens, open spaces, or such public facilities as may be prescribed from time to time by the House of Assembly of a State;

(g) naming of roads and streets and numbering of houses;

(h) provision and maintenance of public conveniences, sewage and refuse disposal;

(i) registration of all births, deaths and marriages;

(j) assessment of privately owned houses or tenements for the purpose of levying such rates as may be prescribed by the House of Assembly of a State; and

(k) control and regulation of -

(i) out-door advertising and hoarding,

(ii) movement and keeping of pets of all description,

(iii) shops and kiosks,

(iv) restaurants, bakeries and other places for sale of food to the public,

(v) laundries, and

(vi) licensing, regulation and control of the sale of liquor.

2. The functions of a local government council shall include participation of such council in the Government of a State as respects the following matters -

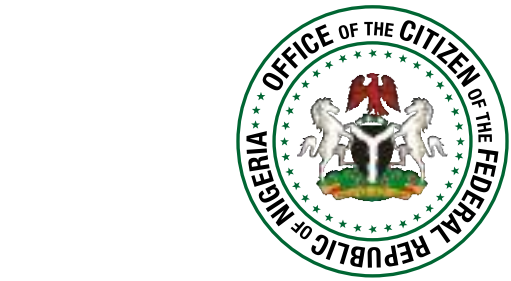
the provision and maintenance of primary, adult and vocational education;

(b) the development of agriculture and natural resources, other than the exploitation of materials

(c) the provision and maintenance of health services; and

(d) such other functions as may be conferred on a local government council by the House of Assembly of the State.

EiE At A Glance





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- Events e.g. Social Media Week



ACTION

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- Help citizens get justice
- Tech Tools e.g. ReVoDa
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- Tafawa Balewa

(Nigeria's First Prime Minister)

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