

Summarized Provisions of the 1999 Constitution of the Federal Republic of Nigeria (As Amended)



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Schedules To The Constitution

THE 1999 CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA (AS AMENDED) is divided into Eight Chapters as follows:



Chapter 01

01

General Provisions (Section 1 To 12)

This chapter establishes the constitution as the supreme law of the country, it establishes the tiers of government into Federal State, and Local Government Areas, while the arms of government made up of the executive arm, legislative arm and judiciary is established, and their individual powers expressly provided for distributes.

Worthy of note is Section 10 which prohibits the imposition of a religion in the country or a state.



Chapter 02

02

Fundamental Objectives And Directive Principles Of State Policy (Section 13 To 24)

This chapter contains the Fundamental Objectives and Directive Principles of State Policy. The section provides that the Fed. Republic of Nigeria shall be a state based on the principles of democracy and social justice. The Fundamental Objectives and Directive Principles of State policy include:

- Political Objectives (Section 15). Sub paragraph 1 Provides “The motto of the Federal Republic of Nigeria shall be Unity and Faith, Peace and Progress.

The Political Objectives amongst others prohibits any form of discrimination based on place of origin, sex, religion, status ethnic or linguistic association.

- Economic Objectives, (Section 16). Sub paragraph 1 provides “The state 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... The Economic Objectives generally directs the control of national economy so as to secure the maximum welfare, freedom and happiness of every citizen on the basis of social justice and equality of status and opportunity.

- Social Objectives, (Section 17) The section provides that “The state social order is founded on ideals of freedom, equality and justice”. This Objective makes provision to ensure humane actions by government, including encouraging impartiality of the judiciary, discouraging discrimination, safeguarding the health, safety and welfare of all person in employment, and the protection of children, young and aged against exploitation.
- Educational Objectives, (Section 18) which urges government to direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels.

Others are the foreign policy objectives (Section 19), which aims towards the promotion and protection of national interest.

- Environmental objectives, (Section 20) which provides for the protection and improvement of the environment and safeguard water air and land, forest and wildlife.
- Directive on Nigerian cultures provides for the protection and preservation of Nigerian Cultures.
- Obligation of the Mass media (Section 22), makes provisions that guarantees freedom of press in upholding these objectives, and the responsibility and accountability of the government to the people.
- Section 24 also provides for the duties of every citizen. First of which is the duty to “abide by this constitution, respect its ideals and its institutions, the National Flag, the National Anthem, the National Pledge, and legitimate authorities.

Chapter 03

03

Section 25 To 32 (Citizenship)

The section defines who a Nigerian Citizen is, how a person can be registered as a citizen and also how a persons may renounce their Citizenship.

It is worthy of note that Nigerian Citizenship can be gotten in one of the following ways

- a. By Birth (Section 25);
- b. By Registration (Section 26);
- c. By Naturalization (Section 27).



Chapter 04



Section 33 to 46 (Fundamental Rights)

These sections make provisions for the rights every citizen is entitled to, the extent of those rights and the remedy available to a citizen when these rights are violated. A few worth mentioning are:

- i. Right to life (Section 33) the section guarantees the life of every citizen except where a person has been sentenced to death by a court.
- ii. Right to personal liberty (Section 35), This section guarantees the personal liberty of every citizen and prohibits any form of unlawful detention.
- iii. Right to fair hearing (section 36) The section ensures that no person is condemned without first being given an opportunity to present his/her case or defend an accusation made against them, in manner that ensures justice is done.
- iv. Right to private and family life (Section 37). This section protects privacy of every citizen, their homes and communication.

- v. Right to freedom of thought, conscience and religion (Section 38) This section ensures no one is forced to adopt a religion against their wishes or that of their parents in case of a minor.
- vi. Right to freedom of expression and press (section 39), the right guarantees press freedom in Nigerian. Every citizen is entitled to the freedom of expression and to hold opinions.
- vii. Right to peaceful assembly and association (section 40) This right ensures that all citizens are allowed to associate freely, form and join any organization, trade union political party or other lawful association.
- viii. Right to freedom of movement (Section 41) guarantees the right of every citizen to move freely throughout Nigeria and reside in any part of the country without hindrance.
- ix. Right to freedom from discrimination (section 42) all forms of discrimination against a citizen is prohibited especially owing to the persons ethnic group, place of origin, sex, religion or political opinion. The provision ensures equality of all citizens.
- x. Right to acquire and own immovable property anywhere in Nigeria (Section 43). The right of citizens to own property in any part of the country irrespective of their origin is guaranteed.
- xi. Special jurisdiction of the High Court and legal aid (Section 46) The constitution makes provision on how a citizen whose rights has been violated, is being violated or is likely to be contravened may apply to the court for redress.



Chapter 05

05

Sections 47 to Sections 129 - The Legislature

This Chapter is divided into Two Parts

- i. **Part one deals with the National Assembly while**
- ii. **Part two deals with the House of Assembly of States**

The chapter deals generally with the composition of the Legislative arm of government, their powers, their procedure and processes, how members are elected into the National Assembly or State Assembly and their power in controlling public funds.

- The National Assembly is made up of the Senate and the House of Representatives (Section 47)
- While the Senate shall consist of Three Senators from each state and one from FCT, the House of Representatives is composed of Three Hundred and Sixty Members representing various constituencies. (Section 48 & 49).
- The leadership of both the Senate headed by the President of the Senate and Deputy President of the Senate; and that of the House of Representative headed by Speaker and a deputy Speaker of the House of Representatives is provided under Section 50.
- Section 54 provides that that the quorum of both the Senate and the House of Representatives shall be one-third of all members of the house.
- Decision of the House is determined by a simple majority vote of members (section 56 (2)).

- ii. Part II – Section 90 to 120 covers all issues relating to State houses of assembly. The said sections made provision for the composition of the Houses of Assembly, the procedure for summoning and dissolving of the House of Assembly of a state, Quorum, decision making (which is by a simple majority after a vote).
- iii. There are also provisions as to the qualification of person who can be elected into the house of Assembly, (Section 107); the tenure of member of the house of Assembly, very important is also the procedure on how a member of the House of Assembly may be recalled by a members constituency (section 110);
- iv. Section 120 to 123 make provisions on the powers of the house of Assembly to control public funds of the state.



Chapter 06

06

Section 130 to Section 152 (The Executive)

This Chapter is divided into Two Parts

- i. **Part one deals with Federal Executive**
- ii. **Part two deals with State Executive**

Part one of this chapter establishes the office of the President and Vice President, the powers of the office, the qualification to get to the office, the tenure, disqualification criteria, How the president is elected and how a president can be removed from office.

It also provides for the Ministers of the Federation and their responsibilities, Provides for the office of the Attorney General of the Federation, and Special Advisers.

The chapter also establishes several Commissions such as Code of Conduct Bureau; Federal Civil Service Commission, Independent National Electoral Commission (INEC), National Economic Council (NEC), National Judicial Council (NJC), National Population Commission (NPC) etc.

The section provides for the appointment, qualification of members, powers, Tenure and procedure of the various executive bodies established. (Section 152 to 160)

In addition, it establishes the Nigerian Police Force, Armed Forces of the Federation, and makes provisions for Political parties, their rights, powers and finances etc.

Section 162, expressly provides for a Federation Account, and allocation of revenues.



Section 162 (1) provides **“The Federation shall maintain a special account to be called “the Federation Account” into which shall be paid all revenues collected by the Government of the Federation, ...”**

It further establishes the Public Service of the Federation.

Section 174 (1) makes provisions for the power of the Attorney General of the federation which include:

- i. Power to institute and undertake criminal proceedings against any person before any court;
- ii. Take over and continue criminal proceedings instituted by any other authority or person; and
- iii. Discontinue at any stage before judgment is delivered any such criminal proceedings instated or undertaken by him or any other authority.

Section 175 – (1) makes provision for the prerogative of mercy.

By this section, the President may grant any person concerned with or convicted of any offence created by an act of the National Assembly a pardon either totally or subject to lawful conditions, grant respite for any punishment imposed on that person for an offence, substitute a less severe for any punishment imposed on that person for a lesser one.

Part two (Section 176 to 212) makes similar provisions with respect to State Executive.

- i. The section makes provision for qualification to stand for election as a governor, which include
- ii. Section 177 – A person shall be qualified for election to the office of Governor if –

- **He is a citizen of Nigeria by Birth;**
- **He has attained the age of thirty-five years; and**
- **He has been educated up to at least school Certificate level or its equivalent.**

Other provisions are as to the Tenure of the Governor, his powers, how a governor or Deputy Governor may be removed from office.

- iii. Section 192 makes provisions for the offices of Commissioners of the Government of a State, and spells out the executive responsibilities of the Commissioners.
- iv. Section 195 – provides for the Attorney General for each state with similar powers as those of the Attorney General of the Federation.

v. Section 197 makes provisions for and establishes the following bodies:

**A.
State Civil
Service
Commission;**

**B.
State
Independent
Electoral
Commission**

**C.
State Judicial
Service
Commission.**



Chapter 07

07

Section 230 to 296 (the Judicature)

This chapter makes provisions with respect to the judicial arm of government. It is divided into four parts.

- i. **Part one deals with Federal Courts**
- ii. **Part two deals with State Courts**
- iii. **Part Three deals with Election Tribunals**
- iv. **Part four deals with general provisions as it affects the judiciary.**

For the Federal Courts Part one establishes

1. The Supreme Court

- **Section 230 provides:** There shall be a Supreme Court of Nigeria.
- **Section Section 232 (1):** the Supreme Court shall have original jurisdiction in any dispute between the federation and a state or between states.
- **Section 233 (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 Court of appeal

2. The Court of Appeal

- **Section 237 (1):** There shall be a Court of Appeal
- **Section 239 (1):** Subject to the provision of this Constitution, the Court of Appeal shall, to the exclusion of any other court of law in Nigeria, have original jurisdiction to hear and determine any question as to whether (a) any person has been validly elected to the office of President or Vice-president under this constitution; or (b) the term of office of the President or Vice-President has ceased; or (c) the office of the President or Vice-President has become vacant.
- **Section 240:** subject to the provisions of this Constitution, the Court of Appeal shall have jurisdiction to the exclusion of any other court of law in Nigeria to hear and determine appeals from the Federal High Court, the National Industrial Court, High Court of the FCT, Abuja, High Court of a State, Sharia Court of Appeals, Customary courts of appeals, and from Court martials or other tribunal as may be prescribed by an Act of the National Assembly.

3. The Federal High Court

- **Section 249 (1):** provides that “There shall be a Federal High Court.
Apart from the specific jurisdictions conferred on the Federal High Court by Section 251 (1) of the Constitution, Generally the jurisdiction of the Federal High Court is activated when there is a controversy the administration or the management and control of the Federal Government or any of its agencies, dispute involving the Federal Government or any of its agencies.

4. The National Industrial Court

- **Section 245A (1):** There shall be a National Industrial Court of Nigeria.
- **Section 254 C (1):** generally provides for the jurisdiction of the National Industrial court. The jurisdiction of the court generally covers any matter relating to or connected with any labour, employment, trade unions,

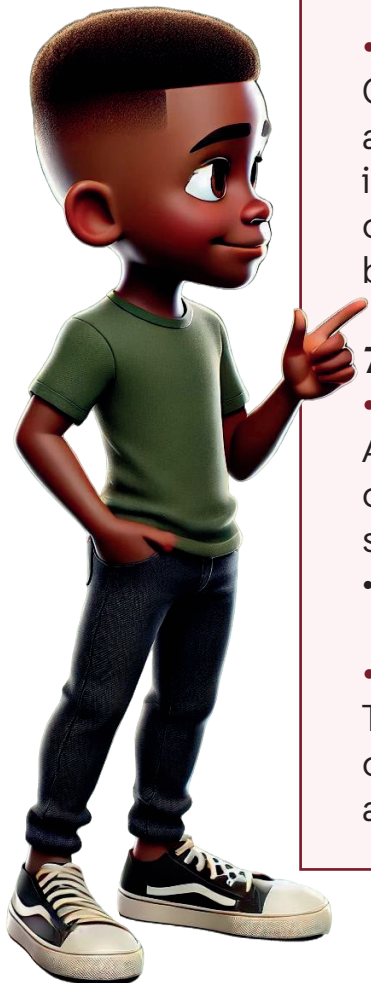
industrial relations and matters arising from workplace, the conditions of service, including health, safety, welfare of labour, employee, worker and matters incidental thereto or connected therewith;

6. The High Court of the Federal Capital Territory

- **Section 255 (1)** Establishes the High court of the Federal Capital Territory Abuja
- **Section 257 (1)** provides for the jurisdiction of the court, where it provides that “The High Court of the Federal Capital Territory, Abuja shall have unlimited 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 offence committed by any person.

7. The Sharia Court of Appeal of the Federal Capital Territory

- **Section 260 (1)** – There shall be a Sharia Court of Appeal of the Federal Capital Territory Abuja
 - o The Jurisdiction of the Sharia Court of appeal is generally to exercise appellate and supervisory jurisdiction in civil proceedings involving questions of Islamic personal law.
- The Customary Court of Appeal of the Federal Capital Territory
- **Section 265** provides that “there shall be a customary court of Appeal of the Federal Capital Territory Abuja.
 - o The jurisdiction of the court is provided for in section 267, which is basically to exercise appellate and supervisory jurisdiction in civil proceedings involving questions of Customary law.



State Courts

i. High Court of a State

- This is established by section 270 (1) which provides that “There shall be a High Court for each State of the Federation”
- The jurisdiction for the High court of States is provided under section 272 (1) – which provides that the High Court of a State 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.
- Just like in the case with the FCT and with similar jurisdiction, but covering only the state, the constitution also establishes Sharia Court of Appeal of a State (Section 275); and
- Customary Court of Appeal of a State (Section 280).

Election Petition Tribunals

- Section 285 established The National and State Houses of Assembly Election Tribunal which is bestowed with jurisdiction to hear and determine petition as to whether:
 - Any person has been validly elected as a member of the National Assembly; and
 - Any person has been validly elected as a member of the house of Assembly of a state;
- Section 285 (2) Establishes for each state, an election tribunal to be known as the Governorship Election Tribunal whose jurisdiction is to hear and determine petitions as to whether any person has been validly

elected to the office of Governor or Deputy Governor of a State.

iii. Section 285 (6) and (7) make provisions for the timelines for election petitions. While an Election tribunal shall deliver its judgment in writing within 180 days from the date of the filing of the petition, (7) An appeal from such a decision of an election tribunal or court of appeal in an election matter shall be heard and disposed of within 60 days from the date of the delivery of judgment of the tribunal or Court of Appeal.

iv. Section 285 (9) makes provisions dealing with pre-election matters. Which must be filed within 14 days from the date of the event complaint of, the timelines of pre-election matters, and appeals arising therefrom.



Chapter 08



Federal Capital Territory & Miscellaneous Provisions (Section 297-318)

i. Part 1 consisting of Sections 297 to section 304, makes provisions for the establishment of the Federal Capital Territory as follow: “There shall be a Federal Capital Territory, Abuja the boundaries which are as defined in part II of the First Schedule to this Constitution (2) The ownership of all lands comprised in the Federal Capital Territory, Abuja shall best in the Government of the Federal Republic of Nigeria”.

ii. Sections 305 to 308 are miscellaneous provisions:

iii. 305 makes provisions on the procedure and power of the President to impose a state of emergency in the country or any state of the country.

iv. Section 318 contains the interpretation section. Here peculiar words and phrases used in the constitution are defined and explained for better understanding and appreciation of the constitution.

Schedules To The Constitution

1. **First schedule Part 1 – Lists the states in the federation**
 - a. First Schedule Part 2 – provides for the area councils of the FCT
2. **Second schedule provides for the:**
 - a. Part one – Exclusive Legislative list
 - b. Part two – concurrent Legislative list
 - c. Part three – supplementary provisions and interpretation
3. **Third Schedule makes provision for the establishment of:**
 - a. Federal Executive bodies
 - b. State Executive bodies
 - c. Federal Capital Territory
4. **Fourth schedule provides for functions of local government councils**
5. **Fifth Schedule contains the code of conduct for public officers**
6. **Sixth Schedule makes provisions for the composition and appointment of members of the election petition tribunals**
7. **Oaths taken by political and public officers.**





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