

## **Topic: Post-Independence Constitutions**

### Republican Constitution of 1963

#### **Features:**

1. The queen ceased to be the head of state of Nigeria.
2. The name of governor-general was changed to president
3. Emergency powers conferred on the federal government were retained
4. The Supreme court was given the power of judicial review
5. Fundamental human rights were guaranteed by the constitution

#### **Merits of Republican Constitution of 1963**

1. Nigeria became a republic and was accorded full political independence.
2. The supreme court in Nigeria became the highest court in the country.
3. Emergency powers conferred on the federal government were retained
4. Fundamental human rights were protected
5. The constitutional provided an acceptable revenue allocation formula

#### **Demerits of Republican Constitution of 1963**

1. The constitution did not provide for independence of the judiciary
2. There was no complete separation of power among the organs of government

### **Second Republic Constitution of 1979**

The first elections under the 1979 constitution were held on schedule in July and August 1979, and the FMG handed over power to a new civilian government under President Shehu Shagari on October 1, 1979. Nigeria's Second Republic was born amid great expectations. Oil prices were high and revenues were on the increase. It appeared that unlimited development was possible. Unfortunately, the euphoria was short-lived, and the Second Republic did not survive its infancy.

Five major parties competed for power in the first elections in 1979. As might be expected, there was some continuity between the old parties of the First Republic

and the new parties of the Second Republic. The National Party of Nigeria (NPN), for example, inherited the mantle of the Northern People's Congress, although the NPN differed from the NPC in that it obtained significant support in the non-Igbo states of southeastern Nigeria. The United Party of Nigeria (UPN) was the successor to the Action Group, with Awolowo as its head. Its support was almost entirely in the Yoruba states.

The Nigerian People's Party (NPP), the successor to the NCNC, was predominantly Igbo and had Azikiwe as its leader. An attempt to forge an alliance with non-Hausa-Fulani northern elements collapsed in the end, and a breakaway party with strong support in parts of the north emerged from the failed alliance. This northern party was known as the Great Nigerian People's Party under the leadership of Waziri Ibrahim of Borno. Finally, the People's Redemption Party was the successor to the Northern Elements Progressive Union and had Aminu Kano as its head.

### **Feature of Second Republic Constitution of 1979**

- A. Introduction of federal structure
- B. Introduction of unicameralism into Nigeria
- C. Departure from the parliamentary to the presidential system of government
- D. Preservation and entrenchment of republicanism

### **Merits of Second Republic Constitution of 1979**

- It removed the imperial basis of the Nigerian Constitution.
- The Nigerian Federal Parliament enacted the Constitution of the Federal Act, 1963 which repealed the Nigerian Independence Act of 1960.
- It made the Supreme Court the Highest court for all cases in Nigeria.

### **Demerits of Second Republic Constitution of 1979**

- The constitution made it more difficult to create new states, thereby making one of the regions larger than the three others put together.
  - It failed to remove Nigeria totally from the strong influence of Britain by allowing Nigeria's continued membership of the British Commonwealth.

## **Differences between the 1963 and the 1979 Constitution**

It is pertinent to identify the major differences between the 1963 and the the 1979 republican constitutions because of their significant influence on the Nigeria's constitutional development. These differences are highlighted below.

1. The British Parliamentary or Cabinet System or " West Minister Model " was followed in the 1963 constitution while in the 1979 constitution; the " American Presidential system " was adopted
2. Ceremonial President as the Head of State and Commander -in – Chief of the Armed Forces was provided for in the 1963 constitution While in the 1979 constitution , authorities were vested in the Executive President.
3. The President was selected by the joint meeting of both houses of Parliament as there was no provision for special election in the 1963 constitution. However, in the 1979 constitution, the President would at a general election.
- 4.The 1963 constitution had the executive and the legislature largely combined , while the 1979 constitution clearly separated the two.