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Analysis of the powers of the national assembly to create a constitution under the 1999 constitution of federal republic of Nigeria (as amended)

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Abstract

In a civilized society like ours where constitutional democracy system of Government is being practiced, power to make, alter, amend or repeal any law are adequately provided for by the relevant provisions of the constitution. Executive, Legislature and Judiciary which are the three arms of Government and the organs which keep Government at all levels functioning are products of the constitution. Their powers are rights to act accordingly and are derived from provisions of the constitution. Where any organ does any act which the constitution had not provided for, such act will be declared illegal, unconstitutional or null and void. Section 4(1) of 1999 constitution of the Federal Republic of Nigeria (As amended) provides that "The legislative powers of the Federal Republic of Nigeria shall be vested in a National Assembly for the Federation which shall consist of a Senate and a House of Representative". Section 4(2) of the same constitution also provides that "The National Assembly shall have power to make laws for the peace, order and good government of the Federation or any part thereof with respect to any matter included in the Executive Legislative list set out in part 1 of the second schedule to this constitution". The combined interpretation of section 4(2) and section 4(3) and other subsections in that section 4 are that "absolute power to make laws for the Nigerians, or alter relevant sections of the constitution as provided by the constitution lies on the powers to any part of the National Assembly". This paper however, analysed relevant sections of 1999 constitution of the Federal Republic of Nigeria (As amended), the powers of the National Assembly to make, alter, amend or provide new constitution to the people of the Federal Republic of Nigeria as

requested by the Nigerian citizens. The paper concluded on the strong notion that unless power to make new Constitution is inserted in this present constitution, National Assembly lacks power to make or give new constitution.

Key words: National, Assembly, Make, New, Constitution,

Introduction

In a general acceptable way, constitution has been defined to mean the ground norm of a particular society. It presents a digest of the underlying normative values upon which the nation's socio-political structure rests. Also, it serves as controlling organ of all departments, parastatals and even defining the responsibilities of the various organs of governments. Accordingly, the privy council in M*inister of Home Affairs vs Fishers* defined constitution as a "legal instrument giving rise, amongst other things to individual rights capable of enforcement in court of law" *In PDP vs INEC*[1] the Supreme Court however, defined constitution to mean the organic law or ground norm of the people. It further defines it to include the book which provide the machinery of government, also bestows rights and imposes obligations on the people it meant to serve.

From the foregoing, constitution could also mean the Alpha and Omega of any day to day activities between the authority and the governed. Power(s) on the other hand, has been defined to means strength which the law has to do things in an acceptable way. Power(s) of the National Assembly to make constitution is therefore their strength to provide new constitution or another book of law which shall have binding forces on all the authorities and persons. This has to come into existence within the purviews of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

The constitution being the cardinal subject of discussion in this paper collates the controlling subject of discussion in this nation's socio – political relationships, the relationship between acknowledged units of the constitutional structures, that is, the government and the people, between the various arms of

[1] (1960) A.C.319 AT 329
(2001) F.W.L.R (Pt3D 2735 at 2776-2777

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government, and in the case of nation like Nigeria, that operates a Federal system of government, the relationship between the various tiers of government. Besides, it also provides the value base for legislation affecting the future socio-economic development of the country, all the three (3) arms of government are slaves of the constitution not in the sense of undergoing servitude or bondage but in the sense of total obeisance and loyalty to it.

This is in recognition of the supremacy of the constitution over and above every statute, be it an act of the National assembly or a law of the House of Assembly of a state.[2]

The National Assembly and their Powers.

As provided by the constitution,[3] the powers to make and to amend laws stated in the constitution is vested in the National Assembly which comprises the senate and the House of representatives. The main power of the legislature is that of law-making purposes or the passing of bills. The constitution[4]provides thus:

> *"The National Assembly shall have power to make laws for the peace, order and good government of the federation or any part thereof with respect to any matter included in the exclusive legislative list set out in part 1 of the second schedule to this constitution."*

This explains the nature of the powers vested in the National Assembly. Thus, the powers to make laws for the stated purposes is the crux of the power – grant to the National assembly, and the scope of the power is delineated further when it is limited "to any matter included in the exclusive legislative list", and as provided for under the various provisions in the constitution. It is important to note at this juncture, that it would be necessary to note some significant constitutional limitation on the power of

[2] Section 1 (1) constitution of Federal Republic of Nigeria 1999 (As amended)
[3] Section 4 (1) constitution of Federal Republic of Nigeria 1999 (As amended)
[4]Section 4 (2) constitution of Federal Republic of Nigeria 1999 (As amended)

the National Assembly to make and amend law. For instance, the constitution[5] provides as follows:

> *"save as otherwise provided by this constitution, the exercise of legislative powers by the National Assembly or by a House of Assembly shall be subject to the jurisdiction of courts of law and judicial tribunals established by law; and accordingly, the national assembly or a House of assembly shall not enact any law that ousts or purports to ousts the jurisdiction of a court of law or of a judicial tribunal established by law."*

Also, as provided by other section of the constitution[6] which states that;

> *……the national assembly or a house of assembly shall not, in relation to any criminal offence whatsoever, have the power to make any law which have retrospective effect.*

These are however constitutional provisions which explicitly limiting the strength and powers of the national assembly or States Houses of Assembly to make law or amend it as the case may be.

As rightly pointed out and as powerful as they are, the question that need answer is "Does the National Assembly have the constitutional power to make new constitution outside constitutional provision? The answer is no. Can National Assembly assume power without having regard to what is contained in section 4(a) and 4(8) of 1999 Constitution of Federal Republic of Nigeria? Does the National Assembly have power to make new constitution? Are there any provision(s) in the 1999 Constitution which is the ground norm to make new constitution? If they embark on such processes, would their action be valid in the light of provision of sections 4(a) and 4(8) of 1999 constitution (as amended). The answer to above questions are not far-fetched, this paper is however, ready to provide answer(s) in the light of several section of the

[5] Section.4 (8) constitution of Federal Republic of Nigeria 1999 (As amended)

[6] Section 4 (8) constitution of Federal Republic of Nigeria 1999 (As amended)

constitution as contained in the 1999 Constitution (As amended) and judicial decision of the courts in these regards.

The Constitutional provisions

The primary concern of the judicial challenge of legislative conduct is to examine the nature and scope of the powers being exercised and to ensure that the constitutional grant enables the legislature to so act. Considering the challenge of the legislative action, it might be useful to examine them in these three groups:

(i) Challenges addressing the nature and scope of the power, and seeking to establish that the conduct in question was based on an enabling provision or ultra vires of such provision;
(ii) Challenges which acknowledge the existence of the power but claim that the legislative had abused or exceeded the discretionary aspect of the power; and
(iii) Challenges which acknowledge the grant of power but claim that there have been non-compliance by the legislature with constitutionally laid down procedure.

Competence of the National Assembly to act as at when due.

Basically, the competence of the National Assembly to act on a matter as they have allegedly done. As with other arms of the governmental structure, the questions of competence raises the issue whether;

(i) There is an enabling constitutional provision(s)
(ii) The nature and scope of the power-grant under the said provision, and
(iii) Whether the exercise of power can properly be fitted into the power granted.

It is pertinent to note however, that if constitution has spelt out the limit which a parliament or the so called National Assembly can go with respect to law making processes, they are bound by the provisions of the constitution which stipulate that, attempt to go beyond that limitation will amount to illegality. The court in *A.G Bendel State v. A.G The Federation*[7] was faced with question – Does the National assembly has the power to delegate its powers

[7] (1982) 3 NCLRI

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to pass a money bill to a joint committee? Was there any constitutional provisions to back the actions of the National assembly? The constitution provided for the power to pass such bills and involvement of the joint committee on finance established under section 58(3) of 1999 constitution of Federal Republic of Nigeria (As amended). While trying to do justice to the case before it, Eso JSC as he then said this:

> *"It is my view that there could be no question of delegation of legislative powers to the committee"*

In his own decision Nnamani JSC explained that:

> *"Parliament in a written constitution which has spelt out the limits of its powers cannot go outside these limits in the exercise of that legislative power. Such parliament cannot go contrary to the constitution which has set down the conditions under which it will make laws."*

The courts in most occasions have insisted that upon the right of the National Assembly to exercise its express and implies powers without interference but National Assembly must have such powers. In *Okitipupa Oil Palm Co. Ltd v Hon. (chief) J. E. Jegede & Ors*[8]. In this case, the Ondo State House of Assembly had set up a special committee of the House to investigate the affairs of the plaintiff company. The plaintiff raised the issue that the House did not have the competence to investigate the company since they were limited by section 20 'to direct or cause to be directed an inquiry or investigate into:-

(a) "Any matter or thing with respect to which it has power to make laws, and …"

The court while referring to item 31 of part 1 of the exclusive legislative list, pointed out that "it is the National Assembly only that have exclusive powers to make laws with respect to companies.[9] The same view was held by the court, also in the case of *Oil Palm Company v. A.G. Bendel State*[10]

Denying the competence of the house to investigate the Oil Palm company regardless of the fact that the chairman and other

[8] (1982) 3 NCLR 509
[9] (1985) 6NCLLR344
[10]Ibid

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members of the company are appointees of the Bendel State government:- The court further held that

> *"whichever way one looks at this matter, the Bendel State House of Assembly cannot investigate the affairs of Limited liability companies, the plaintiff Company, having regards to all I have said above, particularly the fact that the Bendel State House of assembly has no legislative competence to enact laws touching on companies, I am of the opinion that the defendants/respondents have no constitutional powers to conduct an inquiry into the affairs of the plaintiff's company …."*

Therefore, if a legislative body enact any law in respect of any matter which it does not have power or necessary competence to do so, it means it lacks the required or necessary power to deal with the matter decisively and therefore, whatever law or resolution it comes out with, goes to no issue and such actions will be declared unconstitutional. Court reached similar decision in the case of *Anago Amanze v. Federal Electoral Commission*[11]. Where it asked this question – what kind of powers does the state House of Assembly has under constitution?[12] with regards to this process, the court pointed out that "no other power" has been granted to the House of Assembly. Araka CJ, state

> "*It must be emphasized that the state House of Assembly can only exercise such powers as had been granted to it by the constitution. It must be emphasized also that as far as a state commissioner's appointment is concerned the House of Assembly has only powers to confirm or ratify the appointment of that commissioner. The question of the revocation of the appointment of a commissioner or not is completely outside the powers of the House of Assembly."*

Therefore, the attempt by the House to influence the tenure of a commissioner by motion was incompetent, ultra vires and therefore void. It is pertinent here that the legislature must have the constitutional grant of power before it can act on such power,

[11] (1985) 6 NCLR 638
[12]SECTION 192 of constitution of Federal Republic of Nigeria 1999 (As amended)

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otherwise any conduct of the legislature purportedly based on such non-existent grant will be ultra vires, null and void also.

Powers outside the Provisions of the Constitution

Here, the question that arises here is whether in the exercise of these powers, the National Assembly can sometimes go outside its sphere of authority? The answer would appear to be in the affirmative provided which is in consequences of the exercise of its authority to make laws for peace, order and good government in relation to matter at hand –new constitution!

In Canada, the court has been faced at various times with the issue of the nature and scope of this power. In *"Re The Regulation and control of Aeronautics in Canada*[13]". The court held that if a statute made by the Central Dominion Power is substantially covered by powers, it is specifically given by the constitution, any portion not so covered is not necessarily vested in the states, but is covered under authority of the central government to make laws for the peace, order and good government of Canada. That is, the portion do not covered will not be treated as residual powers. *In Attorney General for the Dominion v Attorney General for British Columbia*[14] prohibition of Insurance in Canada unless on license from the minister was held, ultral vires, because it did not fall under "the Regulation of Trade and Commerce" and could not come under its general powers for peace order and good government, but encroached on the powers of the provinces. *In Sunders case*[15], it was held that the Dominion parliament could exercise its powers only in emergency. And to adhere to the constitution that gives the enabling powers to the National Assembly, section 1 and (3) of the constitution of the Federal Republic of Nigeria 1999 (As amended) provides that "this constitution is supreme and its provisions shall binding force on all authorities and persons throughout the Federal Republic of Nigeria"- including the National Assembly in all its legislative business, otherwise, its act shall have be declared unconstitutional by the court. In Canada, it seemed that the general power of the parliament often conflict with the authority of the provinces on concurrent matters. But here in Nigeria, there

[13] (1932)AC54
[14] (1916)AC588
[15] (1925)AC396

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is no provision in the 1999 constitution which gives power to make new constitution to the National Assembly and as such National Assembly cannot exercise or arrogate such power to itself, if it does that, it will amount to constitutional crises and to beheld illegal and unconstitutional.

Limitation to the Powers of the National Assembly
Express Limitation

Despite all the powers granted to the legislation as stated above, the constitution expressly limits these powers First, under the omnibus provision of section 1 (of the Constitution) the provisions of the constitution are binding on all authorities and persons in Nigeria. Further, "any law made which is inconsistent with the provisions of the constitution is to the extent of its inconsistency, null and void and of no effect[16]." The phrase "any law" in the section no doubt encompasses those made by past and present governments at the Federal, State and Local Government levels. It however does not include resolutions of the National Assembly[17].

The word "inconsistent" in the section has been stated to mean:

> *…. mutually repugnant or contradictory, contrary the one to the other so that both cannot stand, but the acceptance…of the one implies the abrogation…of the other.*[18]

According to the court in *Adegbenro v. Attorney General of the Federation*[19], the phrase "shall to the extent of the inconsistency be void" in the subsection[20] implies that a law may be valid in part and void in part vis-a-vis the constitution[21]. Once found inconsistent, there is no need for another law to invalidate it[22]. In Attorney *General of Bendel State v. Attorney General of the*

[16] Chief S.E. Oteri v. Chief J. Awhinwawhi (1982) 2 NCLR, 680
[17] Koening v. Flynn 258 N.Y. 292; 179 OK 1368,56 P.2d 136,137.
[18] Berry v. City of Forthworth. Tex Civ App; 110 S.W. 2d 95, 103
[19] (1962) I.A.N.L.R 431, FSC
[20] That is section 1(3) constitution of Federal Republic of Nigeria 1999 (As amended)
[21] NDIC v. Okem Enterprises Ltd (2004) 50 WRN 1
[22] Government of Imo State v. Greeco Construction and Engineering Ltd (1985) 3 NWLR pt. 11,71.

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Federation[23], the court declared null the Appropriation Bill passed by the National Assembly in a manner contrary to the provisions of the constitution.
In the words of the court in *Balogun v. Attorney General (Lagos State)*[24],

> *Court only has power to strike down a law passed by the House of Assembly of a State (or by the National Assembly for that matter) where the enactment violates commands of the Constitution. The Court has no power to measure constitutionality by its belief that Legislation is arbitrary, capricious or unreasonable or that it is offensive to its own notion of civilized standards of conduct. But where the Constitution itself provides that the validity of a law must be judged or measured by prescribed standards, then it is for the Court first to ascertain the scope and limit of those standards and measure the constitutionality of the law by or against those standards. Laws may be unjust, may be unwise, may be dangerous, may be destructive and yet not be so unconstitutional as to justify the judges in refusing to give them effect.*

In *Akomolafe v. Speaker of Ondo State House Assembly*[25], the court stated that it would not generally interfere with the internal proceedings of the legislative except where there is a breach of the constitution or statue or where they act *ultra vires.* The court noted in that case that it is not within the powers of the legislature or try criminal offences.

More, specifically, section 4 of the constitution provides that the National Assembly or State House of Assembly is subject to the jurisdiction of the courts and judicial tribunals established by law, and shall not oust such jurisdiction under the law[26]. In addition, both levels of government cannot make retrospective

[23] (1982) 2 NCLR 1
[24] Ibid.
[25] Ibid. The judgement of Nassir President of the Federal Court of Appeal in Honourable Edwin *Ume Ezeoke v. Alhaji Isa Aliyu Makarfi* (1982) NCLR 663
[26] Section 4(8) section 4(9) constitution of Federal Republic of Nigeria 1999 (As amended)

'criminal' laws[27]. Thus, the court in *Adikwu v. Federal House of Representatives*[28], recognized the fact that section 4(8) provides for the control of the legislative powers by the courts. As per Eso JSC in *Attorney General of Bendel State v. Attorney General of the Federation*[29].

> *The powers conferred on the Courts by section 4(8) are wider than the inherent powers to interpret the Constitution admittedly vested in the Courts in a Constitutional system such as ours. The express provision of the powers vested in the Courts and the mandatory nature of it indicate, to my mind an intention on the part of the framers of the constitution that the courts should have this power to scrutinize the exercise of legislative power by the National Assembly. The inherent power is provided in section 6(5)(d) and the ultra vires doctrine could be applied in respect of any law which violated section 4(2) and (3) but yet, the Constitution stipulated section 4(8). It seems to be one of the many checks and balances contained in our Constitution. It is also unique among written Constitutions.*

In *Esemode v. Obanor*[30], the court stated, *inter alia,* that it amounts to contempt of court for a House of Assembly to initiate a bill that would frustrate an earlier ruling of the court.
In England, which operates the concept of parliamentary supremacy, the judges have sometimes expressed the opinion that the powers of the Parliament are not necessarily limitless except in relation to its internal proceedings. Thus, for example, in *Bradlaugh v. Gosset*[31], Lord Coleridge CJ said:[32]

> *Cases must be put, cases have been put, in which did they ever arise, it would be the plain duty of the Court at all*

[27] Section 4(8) constitution of Federal Republic of Nigeria 1999 (As amended)
[28] (1982) 3 NCLR, 394 SC
[29] (1981) 10 SC 1.
[30] (1984) 5 NCLR 600, see also *Peacock v. Hotel Presidential* (1984) 5 NCLR 122.
[31] 12 QBD 27.
[32] *Supra* at 274,275

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> *hazards to declare a resolution illegal and no protection to those who acted under it. Such cases might, by possibility occasion unseemly conflicts between the Courts and the Houses. But while I do not deny that as a matter of reasoning such might happen…no doubt, to allow any review of parliamentary privilege by a Court of law may lead. Has led to very grave complications, and might in many supposable cases end in the privilege of the commons being determined by the Lords. But to hold the resolutions of either House absolutely beyond inquiry in a Court of law may land us in conclusions not free from grave complications too.*

Under the United States constitution, apart from the general concept of constitutional supremacy, section 9 of article 1 limits the powers of Congress by prohibiting or denying it certain powers. Thus, for example, the Congress cannot suspend the privacy of the writ of *habeas corpos* unless in the cases of rebellion or invasion[33]. The third clause prohibits bill of attainder or *ex post facto* laws. Bills of attainder are acts of legislature imposing capital punishment for capital offences without conviction in the ordinary course of judicial proceedings, thus amounting to legislative judgement[34]. *Ex post facto* laws are retrospective legislations, and in *Colder v. Bull*[35], The Supreme court held that the section applied only to penal and criminal statutes. The section also prohibits imposition of tax or duty on articles exported from the states. Further, by clause 10 of same article of the United States constitution, the various states are prohibited from engaging in various acts. For example, they cannot enter into treaties, alliance or confederation, coin money, emit bills of credit, grant any title or nobility, and pass any bill of attainder or *ex post* factor law. They cannot also, without the consent of congress keep troops or ships of war in time or peace, or enter into agreement or compact with any state or foreign

[33] *Grasquet v. Lapetre* 242 U.S. 367, (1971).
[34] Story J., Commentaries on the Constitution of the Unites States, Chicago,(Boston Publishing, (1833) and 1838) *Cumming v. Missouri,* 4, Wall (71 U.S) 277, 323 (1867); *Unites States v. Lovett*, 328 U.S. 303, 315 (1946); see also *United States v. Brown* 381 U.S. 437 (1965) where the legislation was directed towards the Communist party.
[35] 3 Dall, U.S 386, 393 (798).

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power, or engage in war unless invaded. No doubt, some of the acts prohibited under the United States constitution would also be prohibited under our laws, but are not as easily ascertainable and can only be got from various sections of the constitution. For example, in Nigeria, states cannot enter into treaties, engage in war with foreign power or coin money, because these are matters under the exclusive legislative authority of the national government.

Implied Limitation

Apart from the above-mentioned express limitations, the courts have also recognized the implied and / or traditional limitations to the grant of legislative powers. One of these is the limitation which arises as a result of conflict between the legislative acts of two separate houses. When there is rigid division of legislative topics, there is no problem of interpretation. However, when there is a joint grant of power, the courts have read the traditional rule of "covering the field" as implied in our constitutional structure, the classical illustration on this was seen in *A.G Ogun State v. A.G Federation*[36] where Fatai William CJA (as he then was) stated:

> *"It is of course, settle law, based on the doctrine of covering the field with which I shall deal in more details later, that if parliament enacts a law in respect of any matter in which both parliament and regional legislative are empowered to make laws, and a regional legislative enacts an identical law on the same subject matter, the law made by parliament shall prevail. That made by the regional legislature, shall become irrelevant and therefore, impliedly repeal".*

Similar provision was provided for in the 1999 constitution which provides: -

> "*If any law enacted by the House of Assembly of a state is inconsistent with any law validly made by the National assembly, the law made by the National Assembly shall*

[36] (1982) 3 NCLR 166

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> *prevail and that other law shall to the extent of the inconsistency by void*"[37]

However, the question that need answer is Does the national assembly have constitutional power to make new constitution since people whom absolute power reside have started clamoring for new constitution? Though, having stated those things which National Assembly has power to make law in respect of and those it does not have power or necessary competence to act on. The constitution[38] only made provision for alteration of any section and it provide thus:-

> "*The National Assembly may, subject to the provisions of this section 9(1), alter any of the provision of the constitution".*

Subsection 2, 3 and 4 of the constitution earlier quoted only provided for mode of altering this present 1999 constitution or any section thereof but not criteria that can bring a new constitution contrary to the statement which preamble to the 1999 constitution contained which say "we the people of Federal Republic of Nigeria" the statements which have generated a lot of criticisms since 1999 when the constitution itself was made and up till now. Attempt was made by 7th Assembly to see whether a new constitution can be made for Nigerians but despite the curiosity of the then members to see whether a new constitution can be made for Nigerians they were restricted by the provisions of the constitution, since they could not find any constitutional provisions to support their plan, the idea was later dropped and abandoned.

The legal implication of not having constitutional provisions is that National Assembly cannot embark on such exercise, what at the end of the day, their actions would amount to illegality. The question that follows is that 'for how long would the doctrine of non-inclusion persist?

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[37] Section 4 (5) constitution of Federal Republic of Nigeria 1999 (As amended)

[38] Section 9 (1) (4) constitution of Federal Republic of Nigeria 1999 (As amended)

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In response to the above question, for the National Assembly to have the necessary competence and power under the 1999 constitution of the Federal Republic of Nigeria to give Nigerians new constitution; they must amend the present constitution to give them the necessary constitutional power to embark on such process otherwise they will forever lack power(s) to give Nigerians new constitution which citizens desired.

Secondly, in an egalitarian society where peoples' opinion is recognized, citizens must have direct or indirect way of expressing their mind in respect of certain issues and to have that, it means referendum must be conducted without delay, doing that will address a lot of issues which are long overdue.

Conclusion

In conclusion, the present National Assembly members must have political will to address the plight of Nigerians to have new constitution. Giving Nigerians new constitution will address a lot of issues and at the same time will bring an end to all lacunars and conflicts which 1999 Constitution (As amended) known for. They must be sensitive enough to do what will not likely plunge Nigeria as a nation into a state of comatose. From the foregoing, it is clear that 1999 constitution of the Federal Republic of Nigeria (As amended) does not have any provisions as regard new constitution but certain sections of the constitution can/may be amended so as to give the National Assembly power(s) to make new constitution.

Recommendations

1) The National Assembly must urgently amend relevant sections of this 1999 constitution of the Federal Republic of Nigeria (As amended) and insert therein sections that will enable it to have power(s) to provide new constitution whenever such is desired.
2) Referendum must be urgently conducted so as to allow this present constitution to reflect the wishes of the people.
3) Citizens of the Federal Republic of Nigeria must demand new constitution and National Assembly must be given target to realize such.

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4) Sovereign National Conference where people from different tribes will be allowed to express their feelings and concerns must be called upon as urgently as possible.
5) Other arms of government such as the Executive and Judiciary must be willing to provide support to the National Assembly to have new constitution.
6) Cumbersome procedure must not be required to amend any sensitive area of the constitution, for example, any area or section that will empower the National Assembly to amend or give new constitution to the people of the Federal Republic of Nigeria must not be too rigid or cumbersome. We need flexible one like that of United Kingdom that can provide for quick or urgent amendment.

Refences

1. Story J., Commentaries on the Constitution of the Unites States, Chicago,(Boston Publishing, (1833) and 1838) *Cumming v. Missouri,* 4, Wall (71 U.S) 277, 323 (1867); *United States v. Lovett*, 328 U.S. 303, 315 (1946); see also *United States v. Brown* 381 U.S. 437 (1965) where the legislation was directed towards the Communist party.
2. 1999 Constitution of the Federal Republic of Nigeria (As amended)
3. *Peacock v. Hotel Presidential* (1984) 5 NCLR 122.
4. *Akomolafe v. Speaker of Ondo State House Assembly* (1982)
5. *Adegbenro v. Attorney General of the Federation,* (1982)
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7. *Attorney General of Bendel State v. Attorney General of the Federation* (1984)
8. *In Attorney General for the Dominion v Attorney General for British Columbia,* (1916)
9. *"Re The Regulation and control of Aeronautics in Canada,* (1932)
10. *Anago Amanze v. Federal Electoral Commission,* (1985)