Assignment Title: constitution is important for the democracy. However, the making of Nigerians constitutions has been under two political dispensations that have anti-democracy tendencies, and this has been great impediment to democratic governance in Nigerian. Examine some of the loopholes in Nigerians constitution over the years that have affected democracy in Nigerian.

Course Title: political sciences

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Answer:

Firstly, constitution can be defined as a body of fundamental principles or established precedents according to which a state or the other organization is acknowledged to be governed. While constitutionalism is an adherence to a constitutional system of government. It is a ‘’compound of ideas, attitudes, and patterns of behaviour elaborating the principles that authority of government derives from and is limited by a body of fundamental law.

1: Constitution exist because they lay certain rules for the principal system. The constitution is thus a document that governs the government.

2: A constitution consists of the basics norms which the people settings up the polity have accented to with the aim of establishing the kind of government that want and setting up the rules that guides it.

3: the constitution is the supreme law of the country and as such no law is higher than its and can contradicts its.

4: historical, constitution is traceable to the 18th century. The USA has the first written constitution in 1787 and Frances in 1789.

Why is the purpose of constitution important?

The purpose of constitution is important because:

1: it helps legitimize administration

2: protection of freedom and rights

3: the empowerment of state

4: provisions of government stability.

Types of constitutions

1: written constitutions

2: unwritten constitutions

3: rigid constitutions

4: monarchical, republican, federal, unitary, presidential, parliamentary

1: Written constitutions:

A written constitution is a formal document defining the nature of the constitutional settlement, the nature of the constitutional settlement, the rules that govern the political system and the right of citizen and government in a codified form.

The UK constitution is not written in a single document, but derives from a number of sources that are part written and part unwritten. Including accumulated conventions. works of authority, act of parliament, the common law, and EU law

2: unwritten constitution:

Unwritten constitution is one that in which most of the principles of the government have never been enacted in form of laws. Its consists of customs, conventions, traditions, and some written laws bearing differ dates.

Differences between written constitutions and unwritten constitutions

1: A written constitution is one which is found in one or more than one legal document duly enacted in the forms of law. It is precise, definite and systematic.it is the result of the conscious and deliberate efforts of the people.it is framed by a representative body duly elected by the people at a particular period in history.

It is always promulgated on a specific date in history. The constitutions of India, for examples, is a written constutions.it was framed by a representative’s constituents’ assembly and was promulgated on a defines date, i.e.,26th January 1950.

A written constitution is generally rigid and a procedure separate from that of enacting ordinary law is provided for its amendment or revision.in other words a distinction between constitutional law and ordinary law is maintained. A written constitution may also be termed as an enacted constitution.

Modern written constitutions owe their origin to the charter of liberty granted by the kings in the middle ages. But the first written constitutions owe their origins to the charters of liberty granted by the kings in middle ages. But the first written constitutions framed by a representative’s constituents’ assembly was that of the united states of American. This examples were followed by France. During the 19th century a number of states framed their constitutions, all of which were written exceptions of the constitutions of England.

Unwritten constitutions

An unwritten constitution is one in which most of the principles of the government have never been enacted in the form of law. its consists of customs, conventions, traditions and some written laws bearing different date. It is an unsystematic, indefinite an un-precise. Such a constitution is not the results of conscious and deliberate efforts of the people.

It is generally the result of historical development.it is never made by a representative’s constituents assembly at a definite stage of history, nor is it promulgated on a particular date. It is, therefore sometimes called am evolved or cumulative constitutions. The constitutions of England are a classic example of an unwritten constitutions. It is mainly the results of historical growth.

Rigid constitutions:

Rigid constitutions are a constitution which stands above the other law of the country.it is a constitution that is not easily changed. There may be a process for its but it is generally burdensome or perhaps simply cannot be changed at all.

Flexible constitutions:

A flexible constitution is a constitution that is not defined or a set apart in a distinct document and that is not distinguished from other law in the way in which its terms can be legislatively altered.

In a flexible constitution there is no distinctions between ordinary law and constitutional law. Both the law is constitutional law and constitutional law and are enacted in the same manner and their sources is also same.in this type, the constitutions may be written or mainly based on agreement.

Merit of flexible constitutions:

1: A flexible constitution can be amended with the same ease and facility with which ordinary laws are altrred.it make possible the adjustment of the constitutions to the changing needs of the society.

2: a flexible constitution can easily adopt the needs of people with the change of time because of its elasticity. When the demands of people are fulfilled by the three constitution there is hardly change of revolutions.

Demerit of flexible constitutions

The constitutions may be changed just too Due to its flexible nature the constitutions keep on satisfy the people who are in majority ignoring the welfare of minority.

Its fails to provide a stable system in administration, which result in the poor performance of the government.

Demerit of rigid constitutions

1: Sometimes changes in the constitutions become inevitable but a rigid constitution cannot be amended easily.

2: the farmers of constitutions have hardly foreseen the future. A rigid constitution is not suitable for a progressive nation where charges take place frequently.

Merit of rigid constitutions:

1: a rigid constitution safeguards legislative; violation contusion should not be plaything in the hands of legislative.

2: a rigid constitutions safeguard fundamental right effectively. Fundamental rights are part of constitutions. No legislature can tamper, because they are superior to ordinary law.

Monarchical

A monarchical is a form of government in which a person, the monarchical, is head of state for life or until abdication. The legitimation and governing power of the monarch may vary from purely symbolic, to restricted, to fully autocratic, combining executives legislative and judicial power.

The three main characterises of a constitution are:

1: a constitution is the supreme law of the land

2: a constitution is a framework for government

3: a constitution is legitimate way to grant and limit powers of government officials

Constitution under era:

Clifford constitution of 1922:

the Clifford constitution of 1922 disposed the Nigerian council of lord lugard (1914) and set up a new legislative council for the southern protectorate. the memberships of the Clifford legislative were forty-six

the main feature of the Clifford constitution in 1922 is that sir Clifford introduced the first formal constitution for the country. The main features of the constitutions were the introduction of the first elective principle in Nigerian and in west Africa. Similar elective principles were introduced in Gold cast (Ghana)in 1952 and Sierra-Leone in 1924

demerit of Clifford:

1: African were excluded from executive council

2: whites dominated the legislative council

3: legislative council was only advisory governor enjoying unlimited power

Merit of Clifford /achievement of Clifford of 1922

1: the constitution abolished Nigerian council which was non-elective.it established a new executive council for the whole country.

2: its gave Nigerians the opportunity for the first time to vote for their representative and have a say in national government.

Richard constitution of 1946.

Sir author Richard introduced the Richards constution of 1946.the main essences of Richard constitution was to promote unity in Nigeria and to ensure greater participation of Nigerian in discussion of their own affairs. The constitution came into operation in January 1 1947.

Features of the Richard constitution of 1946

1: Integration of Nigeria under one council

2: each region had its own regional council

3: bi-cameral legislature in the north but unis-cameral for the east and west.

4:an executive council of official to assist the governor

The author Richard constitution of 1946 was designed to last for nine years. Richard constitutions of 1946 replaced the Clifford constitution of 1922.

The differences between Clifford and Richard constitution are:

Richard constitution retained the limited franchise principles of Clifford constitution (1992), but this was removed in the Macpherson constitution. Unlike Richard constitution, MacPherson constitution created central executive’s council and appointed the natives as minsters.

The aim/objectives of Richard constitution were-

1:to promote the unity of Nigerian

2:to provide within that desire for the diverse element which make up the country

3:to secure greater participation by African in the discussion of their own affairs.

Macpherson constitution:

As governor, Macpherson was responsible for the introduction of the 1951 constitution (unofficially known as the Macpherson constitutions.), which provided for “semi-responsible government ‘’. He was also accelerated the Africanization of Nigerian public services.

The weaknesses of the Macpherson constitution

1: it was not able to clearly determine whether the country was to have a bicameral legislature or a unicameral legislature

Why did the MacPherson constitution break??

the Macpherson constitution of 1951 broke due to the following reason

1: there was no country wide political party commanding a majority of all the three region.

2: three different political parties were in power in each region.

Features of Macpherson constitution

1: the governor could sometimes take decision or act, without, or against the advice of the council of ministers, if he thought that was the best in the public interest.

2:in all executive council, decision was by majority vote. The presiding governor in Lagos or the lieutenant-governors in each of the region cast vote only when there was a tie.

3: there was a bicameral legislature in the northern and western regions the house of chiefs and the house of assembly, while there was unicameral legislature in the eastern region, having only the house of assembly.

The regional legislatures were empowered to make law on certain subjects, subject to the approvals of the central council of Lagos.

4:in Lagos as in the regions; the executive council dominated by Nigerian were the principal policy making body

5:in all executive’s council’s decisions were by majority vote. The presiding governors in Lagos or the lieutenant-governor in each of the region cast votes only when there was tie.

6:in the north, only male tax-payer voted, while in the west and east, both sexes voted.

7: the central legislative council was renamed the house of representatives.it consisted of 149 members. The governor was the president with six ex-officio or official members, six special nominees by the governor to represent some interest or communities, and 136 representatives, the north having 68 members while the west and east having 38 members.

8: the central executive’s councils, later called councils of minster was presided over by the governor and consisted of six ex-officio or official’s members and twelve ministers who had no executive’s responsibilities were appointed by the governor, as advised by the regional legislature.

Merit of MacPherson

1: the constitution started as a system of revenue sharing between the central and regional government in Nigerian.

2: for the first time, Nigerian were appointed ministered at both the central and regional government.

3: Nigerians at all level, up to the village and district, were consulted in the making of the constitution. And so it was largely a people of constitution

4:it promoted and spread democracy by giving Nigerian all over the country the opportunity to elect their member to the legislative house

5: the constitution shared a system of revenue sharing between the central and regional government in Nigerian.

Demerit of Macpherson

1: with the British controlling over executive power, the constitution failed to transfer power to Nigerian or to allow them participate adequately in governance

2: mass participation was hindered in the north because only male tax payer was allowed to vote

3: the regional division worsened the problem of ethnicity and mutual district in Nigerian politics

4: the central governor also had too much power for he could act without or against the advice of the executive’s councils

Ministered supervised only one or more issue and acted in the legislature as spokesmen of their ministered to be elected by the regional legislature’s which is against the principle of universal suffrage

Problems of constitution

One definition of democracy which has been universal and unambiguous is that provided by Abraham Lincoln ‘’government of the people, by the people, for the people ‘.

The main problem with constitution-making in Nigerian is that one that derives from the structures of the society itself. If the definition of the nation as an entity that comprises a people with common ancestry, common culture and a common language is anything to go by, then Nigerian does not qualify to be called a nation. However, Nigerian is a country that own design, amalgamated nations of different peoples into a country that owes its origin to British empire-builder who, for their own single entity.

2: greedy politicians feed on mass illiteracy and societal poverty. The level of political education and participation in Nigeria is rather low, even when its press is arguably y one of the most vibrant in the world. Not many are aware of the bills being debated in the various in the world. A member of the federal house of representative when asked why legislator were demanding increased constituents the people expected to be fed. He went on the enumerate the market prices of ram and that of bag of rice and that itself, speak volumes about the Nigerian society.

How has constitution helped us today?????

the constitution has helped us today in some ways and the ways which constitution has helped us are

1: the constitution protects the right of minorities against the tyranny of the majority

2: free speech and free press are protected especially in the class of public figures and political speech (e.g. what might be libellous against a private person is often allowed against politicians)

3: the separation of powers prevents the government from becoming too powerful or acting too rashly

4: the establishment clause of the constitution prevents religious doctrine or law from being imposed the government

5: the autonomy of state and local jurisdiction allows issues to be handled at the lowest appropriate level, presumably allowing different result for different regions

Some disadvantages

1. in most state, incumbent politicians have too much influenced over voter are included in their districts.
2. Special interest has disproportionate influenced with the government; financial contribution are not sufficiently