

**CLASS: SS2**

**SUBJECT: GOVIC**

**TOPIC: Constitutional Development of Nigeria I – Pre-Independence Constitutions II**

**WEEK: 8**

**TERM: THIRD TERM**

## **THE MACPHERSON CONSTITUTION 1951(Quasi-Federalism)**

### **Background to the 1951 Macpherson Constitution**

Sir Arthur Richards' constitution had several defects and the defects attracted criticisms from Africans who had become increasingly politically conscious. The objective of the MacPherson's constitution therefore was to overcome the flops in the Richards constitution of 1946 and to accelerate the forward march towards democratic self-rule. This followed the increased and intensified agitations of nationalists.

Unlike sir Arthur Richard who drew up the 1946 constitution alone, John Macpherson had a strategy of involving the Africans in the preparation of the 1951 constitution. Thus he set up various specialized committees to study the constitution. He summoned divisional meetings in which divisional representatives were present, and finally a regional conference.

### **Basic Features of the 1951 Macpherson Constitution**

The Following Are The Basic Features Of The Macpherson Constitution Of 1951:

1. The constitution established for the first time, a Legislative Council for the whole country called "**The House of Representatives**". It was made up of **149 members** as follows: President (appointed from outside the house by the governor), 6 Ex-officio members, 136 Representatives selected by the Regional Houses of Assembly and Chiefs, and 6 Special members appointed by the government to represent interests and communities not adequately represented in the house.
2. The constitution established a **Bicameral Legislature** for the northern and western regions, that is, a house of chiefs and a house of assembly for each and a unicameral legislature for the eastern region, i.e. a house of assembly only.
3. The constitution also established a **central executive council** known as the "**Council of Ministers**" and regional executive council. The executive council comprised of 19 members – the governor who was president, 6 ex-officio members and 12 unofficial members. The latter (the regional executive), consisting of the lieutenant governor, 5 official members and 9 ministers, was created for each of the regions of the country.

4. The constitution provided for a **legislative list for the central government at Lagos and the regional legislatures**. Hence the regional legislatures were empowered to make laws for the peace, order, and government of the regions in respect of agriculture, animal, health, fishing, forestry, education, etc. however, the central legislature had the power to veto a regional bill before it was assented to by the regional governor.
5. A **Public service commission** for the appointment, dismissal and other disciplinary control of public officers was established in Nigeria.
6. A **Revenue Allocation Formula**, based on the **principles of derivation, need and national interest**, was introduced. The constitution provided that the central government would return to the regional governments all the taxes that their citizens had paid. To achieve this, it was agreed that half of the revenue from taxes on tobacco and cigarettes should be given to the regions with respect to their respective consumption. This in effect, meant that the tobacco consumed in cities like Kano, Lagos and Port Harcourt which formed one half of the taxes on the citizens, be given to the Northern, Western and Eastern regions.
7. **The principle of needs**: this meant that grants be related to the needs of the people in each region without regard to the output or consumption of the region. To achieve this, the central government would make a substantial grant to regions in respect of every adult male tax payer in each region.
8. **The principle of national interest**: this meant that revenue should be spent for the purposes of national importance. To give effect to this, it was agreed that education should be given hundred per cent grant because it was considered of national importance. Because of differences in the rate of education among the three regions, the Northern region had a lion share of the grants on education.
9. The constitution was a principal instrument of policy due to the appointment of majority of the members of the council of ministers from the House of Representatives and the Regional Executive Councils. This helped to remove to an extent, **autocratic powers** of the governor and lieutenant governors.

### **Merits of the Macpherson Constitution**

1. It Increased The Level Of Participation Of Indigenous People In The Government. For The First Time, The Number of Unofficial Members in the House of Representatives was overwhelming. It is significant to note that the number of Elected Unofficial Members was far greater than that of the Unofficial Nominated Members.
2. The constitution provided an opportunity for Nigerian nationalists to learn the art of constitution making.
3. It made for Nigerian, a quasi-federalism.
4. Direct election was introduced for both the federal and regional legislatures.
5. There was the extension of a bicameral legislature to the west.

6. The offices of speaker and deputy speaker of the legislative houses were created for the first time.
7. Nigerians were appointed as ministers for the first time.
8. Full legislative powers were given to both the central and regional legislatures.
9. The central legislature became known as the House of Representatives.

### **Demerits of the Macpherson Constitution**

1. The introduction of regionalism had the effect of artificially dividing the country – a division which was beneficial to the colonial masters because the regions were given greater autonomy.
2. The principle of indirect election and the inclusion of special interests in the legislature were bitterly criticized by the nationalist leaders. The Nationalist Leaders wanted the abolition of special interests.
3. The N.C.N.C leaders wanted direct elections so as to give the electorate the opportunity to participate in the selection of their representatives.
4. The ministers in the central executive council were not in control of government departments but were in charge of specific government business. This made the government in the centre not responsible. Since the ministers were regionally selected, they were regional conscious instead of being national conscious.
5. The constitution made no provision for the appointment of a prime minister in the centre, and on account of this, the cabinet did not perform as a team. Each of the ministers received instructions from their respective regions.
6. None of the political leaders of the three major political parties was in either the House of Representatives or in the Central Executive Council.
7. The constitution was undemocratic in the sense that it was the Governor that provided questions whose answers formed the constitution. The constitution made no provision for the establishment of a second chamber in the centre and it did not provide for the house of chiefs in the eastern region.
8. The retention of official members in the centre and in the regions was also a defect.
9. Also, the constitution did not provide for a uniform electoral system, for in the northern region there was an indirect election while in both the eastern and western regions there was direct election.
10. The constitution also retained both reserved, veto powers and the governor might even legislate for the whole country in the interest of good government.

## LYTTLETON CONSTITUTION OF 1954(True Federalism)

### Features of the Lyttleton Constitution of 1954

The following are the features of the Lyttleton Constitution of 1954:

1. For the first time in Nigeria, true federalism was adopted where power was shared to the central and regional government by the constitution i.e. the **Exclusive list and the Residual list**.
2. The **lieutenant-governors** in the regions became known as governors.
3. The governor of the country became known as **Governor-General**.
4. The regional Houses of Assembly were given **residual powers** to pass bills into laws without the approval from the central government.
5. It provided for the post of a **Premier** as the leader of government in the regions. The leader of the political party with a majority in the regional assembly became Premier – Nnamdi Azikiwe, Premier for the East, Ahmadu Bello, Premier for the North and Obafemi Awolowo, Premier for the West.
6. There was regionalization of the **Civil Service**. Thus, the regions now had their civil service and judiciary.
7. Lagos was removed from the Western region and was made a federal capital territory.
8. The constitution also made provisions for a **federal supreme court** for the country.
9. The regional governors were to appoint ministers based on the advice of the premiers.

### Merits of the Lyttleton Constitution of 1954

The following are the merits of the Lyttleton Constitution of 1954:

1. It provided a federal system of government for Nigeria.
2. A Federal Supreme Court replaced the West African Court of Appeal, and High Courts were provided for regions, including Southern Cameroon and Lagos.
3. More autonomy was granted the regions. For instance the regional executives were responsible for the formulation and execution of policies for their regions, except matters related to the Exclusive List.
4. Ministers were given portfolios.
5. It granted real law making powers to the regional legislatures.
6. It recognized the need for gradual integration of the various groups in Nigeria by passing power to the regions. Regional governments were given greater responsibility.
7. It paved way for regional self-government.

8. Separate elections were allowed into the regional and central legislative houses, unlike before where one was an electoral college of the other.
9. Ministers were given greater responsibility.
10. It retained the bi-cameral legislature for both the North and West, and a unicameral for the East.

### **Demerits of the Lyttleton Constitution of 1954**

The following are the demerits of the Lyttleton Constitution of 1954:

1. It made no provision for a second chamber at the centre and the East.
2. The post of Prime Minister was not provided for.
3. It did not provide for a unified electoral system throughout the country as only adult males voted in the North.
4. The Governor-General (head of state) and governors still retained their veto powers. It introduced a revenue allocation formula which over-emphasized derivation as against need and national interest.
5. Even though the Supreme Court was established, it had no power to entertain appellate cases in Nigeria. Also, it was not made the highest court in the country.

### **Assignment**

**Copy into your notebook and Fill the blank spaces.**

1. The Macpherson constitution was introduced in 19\_\_\_\_\_
2. The constitution created a House of Representative with \_\_\_\_\_members.
3. Bicameral Legislature for the northern and western regions known as \_\_\_\_\_ and \_\_\_\_\_
4. Unicameral Legislature was created for the Eastern Region known as \_\_\_\_\_
5. The constitution also established a central executive council known as the \_\_\_\_\_ with \_\_\_\_\_ members.
6. True federalism was introduced by the \_\_\_\_\_ constitution in 19\_\_\_\_\_
7. The regional Houses of Assembly were given \_\_\_\_\_ powers, while the central House of Representative had the \_\_\_\_\_ powers.
8. \_\_\_\_\_ was the Premier for the East, \_\_\_\_\_ was the Premier for the North and \_\_\_\_\_ was the Premier for the West.
9. The Macpherson Revenue Allocation Formula was based on \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_
10. \_\_\_\_\_ for the appointment, dismissal and other disciplinary control of public officers was established in Nigeria.