

An Evaluation of the Incongruities of Local Government Provisions in 1999 Constitution of Federal Republic of Nigeria: a Counterintuitive Approach to Democratic Governance in Nigeria

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Abstract

The constituent of governance regardless of the operative system is the people. Every responsible government must seek to ensure the security welfare of the people across various economic and social classes and this is the primary purpose of the government. Considering that it will be impossible to reach out to every citizen effectively the establishment of a government within various locals was a laudable achievement. Nevertheless, it has been yoked with several constitutional claw-backs which make its functionality, growth and continuity a frustrating process for the local government thereby making it a stooge of state government. This paper examines the various constitutional claw-backs, the functions of the local government and how they have been executed. This paper adopts the doctrinal research methodology. In conclusion the writer makes recommendations on areas of amendment in the constitution to enhance the effectiveness of the constitution.

Keywords: Evaluation, Local government, Constitution, Democratic Governance,

Introduction

Local Government Systems exists in almost every country with variations in its nomenclature, structures and functions. The difficulty in defining local government is a consequence of the varied perspectives on the actual role of local government which differ from one environment to another. Etymologically, "Local" as a term is derived from Latin "Locus", which means "place". This understanding of the etymological meaning of "Local" as "place" can further assist in understanding Local Government as the government of one's immediate "place", be it one's town, group of villages or group of clans. Thus, your local government means the government of your place.^[1]

The local government is a constitutional appendage of the state government to bridge the gap between the people and the government. Its inalienable purpose is to expiate the socio-economic underdevelopment that has bedevilled the society at the grass root level and provide enhanced service delivery to a greater percentage of the citizenry at the grass root. However, scrutinizing Section 7, 3(6), 8(5) & (6) and Schedule IV of the Constitution of the Federal Republic of Nigeria 1999 one cannot but see the incongruity shrouded therein. This incongruity, according to **Ammani**, is the bane of local government administration in Nigeria since 1999.^[2]

The poor performance of Local Government Council in Nigeria is a consequence of an all dominating State Government as well as the persistent interference of the House of Assembly to suit their purpose. There exist multifarious cases of elected local government councils being capriciously dissolved and replaced with unconstitutionally appointed agents of the State Government, captured under various nomenclatures including: "Caretaker Committees", "Management Boards" or "Sole Administrators". The collusion between the State House of Assembly and Governor of the State has led to the empowerment of Governors to dissolve the Local Council thereby making a stooge of the Local Government Council. Against this background the Local Government reforms of The Federal Military Government was seen as a great deliverance when it was entrenched in the constitution. The functions of Local Governments listed in Schedule IV of Constitution Federal Republic Nigeria are compromised due to this interference as most Local Government fail to discharge their duty owing to a conflict of interest and priority between an elected Local Government Council or the Chairman and the State Government/Governor which may lead to the dissolution of the Council. There is even a more serious infraction when there is political party difference between the State Government and the Local Government.

The purview of this paper is to examine the powers of the State Government to dissolve the Local Government Council Committee and appoint a caretaker administration, as well as how the Councils have fulfilled the functions enshrined in Schedule IV of CFRN as amended and whether the State Government can give more powers to the Local Government in addition to those in the constitution.

This paper also considers paramount to evaluate the creation, existence and autonomy of local Governments as provided by the constitution so as access whether the constitutional provision has been adhered to in practice or the constitution itself is a clog in the wheel of its enforcement. This paper with the aid of three judicial decisions will examine how the Nigerian judiciary has tried or attempted to resolve issues arising from the creation, existence and autonomy of local governments in Nigeria.

Paradigm of Nigerian Local Government System

The concept local government has been defined by various scholars. Notwithstanding the view of each, they all focus on the devolution of political powers to local areas by involving the indigenes in the provision of basic needs for their respective communities. According to Appadorai "local government is government by the popularly elected bodies charged with administrative and executive duties in matters concerning the inhabitants of a particular place or district."^[3]

The 1976 Local Government Reform Guidelines also defined local government as "the local

level,Â exercisedÂ throughÂ representativeÂ council,Â establishÂ by lawÂ toÂ exerciseÂ specificÂ powersÂ withinÂ aÂ definedÂ area has substantial control over local affairs as well as the staff and institutional and financial powers to initiate and direct the provision of serviceÂand to ensure that local initiative and response to local needs and conditions are maximized.Â[4]

The Local government administration in Nigeria existed since the colonial era. After independence in 1960, imperative of the Local Government System was again considered. The three geo-political regions maintained the existing system. However, it was in the 1979 Constitution that for the first time in the history of Nigeria, Local Government were specifically included in the constitution and regarded as a separate arm of Government. At the point of inclusion of the local government following the 1976 reforms, the constitution drafting committee (CDC) was faced with the demand for the establishment of a local government that is independent from the other levels of government.[5]

According to Nwabueze, what was being sought was a Local Government that would relate to the State Government in the same way as the latter related to the Federal Government. That is, it would have a direct relation with state government on the principle of autonomy and equality between state and federal government.[6] This was to stop state government from whimsically tinkering with local government organs. However, it was not until the Babangida reform that the Presidential system was introduced to the Local Government Administration in Nigeria. Currently, the constitution preserves the tripartite system of government at the grassroots level; the executive, the legislature and the judiciary. The executive powers are vested in the Executive Chairman, Vice-Chairman, Supervisor or Supervisory Councillors, and the whole machinery of local government bureaucracy. The legislative functions are meant to be performed by the Councillors, who represent the wards which make up the Local Government Area. The judiciary on the other hand is streamlined with that of federal and state, thus, local government can avail itself of the judicial process available to it. More specifically they have recourse to customary courts (Southern Nigeria) for enforcement of Bye-Laws. The foregoing background is to understand the intention for the provisions on local government system under the 1999 Constitution.

The 1979 Constitution was bogged with certain inadequacies, which was the fountain of interpretational problems before the courts.Â For instance, the 1979 constitution expressly named all the States of the Federation in Section 3 (1) but merely included the list of existing Local Government Areas in the second column of Part I of the First Schedule to the Constitution. The mere reference to them as “area” in Section 3(2)[7] of the Constitution gave rise to the question whether the Constitution meant to recognize them as Local Government Areas or just geographical areas merely descriptive of State boundaries. However, under the 1999 Constitution Local Government System has been established by Section 3(6) which expressly provides for seven hundred and sixty-eight local government and are listed in the second column of Part 1 of the First Schedule to the 1999 Constitution thus laying to rest the earlier controversy on this subject under 1979 Constitution by recognizing them as Local Government Areas and not merely Areas.

Furthermore, to strengthen its establishment Section 7 (1)[8] is very crucial for this purpose, as it guarantees a system of local government by democratically elected Local Government Councils and their establishment, structure and compositions, finance and functions are to be promulgated upon by the States House of Assembly, which also has the authority to repeal or amend such laws when the need arises. It must however be noted that the maximum number of Local Government Areas in each state has been predetermined by the constitution in the First Schedule. Commenting on the provisions of Section 7(1) Mbada JCA [9] held that “Section7(1) of the constitution expects the State Assembly to invoke and establish the requisite democratic culture/atmosphere, which they(State Assembly) enjoy in the Constitution to operate in the Local Government system, as envisaged in Section7(1) of the 1999 constitution.” This decision reaffirms that it is within the province of the State Government to ensure the existence of local government council, and provide for the structure, composition, finance and functions under the various state laws establishing Local Government Areas. Instructively, Local Governments are created and regulated by state law strictly.

The purpose and effect of this guarantee is to restrict the State Government’s power over Local Governments by imposing mandatory directive on how the power is to be exercised. With the restriction implied in the guarantee and mandatory directive, a State Government cannot as hitherto, conduct Local Governments as it pleases; it is bound to conduct it through Local Government Councils democratically elected under a law that provides for their establishment, Structure, etc. A state Government is not only obliged to enact a legislation for the establishment, structure, composition, functions and finances of local government councils, but more importantly, to ensure the existence of a democratically elected local government councils under such law. Emphasis here is that the local government council must be democratically elected.

The Incongruities of Local Government Provisions in the 1999 Constitution of Federal Republic of Nigeria

Notwithstanding the amendment, like the previous constitutions, i.e. 1979 and 1989, the 1999 Constitution is purely military in term of its conception. It was not a “people” inspired constitution and that was one point which its detractors nursed against it. It can be inferred that the said constitution contained the seed of its own destruction in terms of its (1999 Constitution) provision for Local Government. In subsequent paragraphs, this paper shall be examining the incongruities shrouded in the 1999 Constitution as it concerns Local Government under two headings.

- Power of the Governor of a state or state house of assembly to dissolve a democratically elected local government council and replace with an appointed administrative caretaker.
- The Judicial resolutions to issues arising from creation and existence of Local Government in Nigeria.

Additionally, this paper will examine the functions of local government in the constitution and how it has been fulfilled as well as whether the State Government can add to such functions.

Power of The Governor of a State or State House of Assembly to

Dissolve A Democratically Elected Local Government Council and Replace with An Appointed Administrative Caretaker

In contemporary Nigeria, newly elected Governors have a penchant for dissolving local government council(s) of the state, if they belong to or represent a different party from him and are not in alliance with his or party demands, and as a replacement appoints caretaker committees or administrators. This was the case in Ekiti State, where Governor John Kayode Fayemi removed democratically elected Local Government Chairmen and replaced them with a Caretaker Committee.^[10] The germane question now is, of what legal validity is this exercise of power? However, one must answer this question considering the provision of Section 7^[11] which directs the State Government to establish a system of local government by democratically elected local government councils by law. Following the literal interpretation of this clear and unambiguous constitutional provision, it becomes unconstitutional for the executive to directly remove a democratically elected public officer of a Local Government (except as prescribed by State law), and further circumventing the Constitution by imposing undemocratically elected (appointed) administrators in their place. As a matter of fact, there is no justification tenable for the dictatorial dissolution of elected local government councils. This appears to be the position of the courts in that regard.

In *Governor of Akwa Ibom State v. Umah*^[12] due to crisis in the running of Ini Local government council of Akwa Ibom State, the Governor of the State through the secretary to the State government issued a press release dissolving the local government council and setting up a caretaker committee to replace the elected officers. The respondent filed an action in court challenging the acts of the State Government. The matter proceeded to the Court of Appeal which held that, although the word dissolution is not in section 7(1) of the 1999 Constitution, "the House of Assembly which has the powers to make laws to regulate the affairs of a local government council, can make a law for the dissolution of an erring local government council and run a bye election to prevent chaos and disorder". Guaranteeing the system of local government councils under the constitution means that the local government must be a democratically elected one and it is unconstitutional if a local government council is dissolved and a care taker committee is appointed in its place. Similar position was held in *Akinfolu & Ors v. AG Oyo State*,^[13] as the trial judge held as follows: "A fortiori, the setting up of a Caretaker Committee to replace a democratically elected Council is clearly unconstitutional, illegal and ultra vires the powers of the 2nd respondent [i.e., The Governor]. In any event, the best way to resolve such disputes is to take the matter to the Court, because in a democratic state, the Rule of Law is Supreme. Finally, Ogunwumiju JCA^[14] held that "The 1999 Constitution does not recognize transition or caretaker Committees for the local government and it is ultra vires for any state governor to appoint caretaker committee to replace elected Local Government office holders. After the expiration of the tenure of office, it was the duty of the State Governor to arrange speedily for fresh Local Government elections pursuant to Section 197(1)(b), Third Schedule Part II(B) Paragraph 4 of 1999 Constitution."

The position of the law is that erring Local Government Councils can be dissolved on the grounds of gross misconduct which must be exercised with reference to the State Law and a bye election must be conducted and not an undemocratic means to usher in a new administration. In *Dogari v A.G Taraba State*,^[15] the position of the Court of Appeal is that, "Although it is within the legislative power of a State House of Assembly to make a law to regulate a local government council in the state plagued with crisis or make a law to prescribe for event upon which a local government council is dissolved or the Chairman or Vice-Chairman of a local government council removed or vacates his office, any law made by the House of Assembly which provides for nomination of membership of a councillor appointment of an administrator or caretaker committee to replace a democratically elected council is inconsistent with the clear and unambiguous provisions of section 7(1) of the Constitution of the Federal Republic of Nigeria, 1990, which guarantees democratically elected local government councils and is therefore unconstitutional to the extent of the inconsistency".

From the above case, it becomes clear that the legislative powers of the State House of Assembly over a Local Government also include, powers to legislate on laws, which provides for the dissolution of the Local Government Council on the grounds of gross misconduct. However, before dissolution, investigation must have been made to prove that a gross misconduct has occurred, upon which recommendation is made to the State Governor to dissolve the Local Government Council relying on the State laws for Local Governments.^[16] This supposedly is to ensure discipline within the Council and to ensure that the Council made for the people is not working against them. Although the constitution is silent about the exercise of such disciplinary powers just as nothing has been construed to be against it. Nevertheless, the replacement of a democratically elected Local Government Council with an undemocratic Caretaker Committee is a contravention of Section 7 of 1999 Constitution which provides for a democratically elected council. No governor or State House of Assembly can exercise any of such powers to appoint an undemocratic Caretaker committee as it is a violation of the constitution. The constitution of Nigeria by virtue of Section 1(1) & (3) is supreme and any law inconsistent to it is void to the extent of such inconsistency.

The Judicial Resolutions to Issues Arising from Creation and Existence of Local Government in Nigeria

The House of Assembly has the authority to create new local government areas by the passing of a bill under the provisions of section 8(3) of 1999 constitution. After the local government has been created, the relevant House of Assembly is to make adequate returns to each House of the National Assembly^[17] to enable it make a consequential bill for necessary adjustment under Section 3 of the Constitution and in Parts I and II of the first schedule to the constitution.^[18] It must be noted that no additional input is necessary from the National Assembly or the President in relation to whether or not additional local governments should be created. It is the absolute preserve of the State House of Assembly, but must be exercised in accordance with the provision of the constitution. In Prescribing the area over which a local government would have authority, issues such as the common interest and traditional association of the

communities in the area and administrative convenience, must, to the extent that is reasonably justifiable, be taken into consideration.^[19]

Instructively, Section 7(1)^[20] gave power to establish a system of local government by a democratic Local Government Council to the State Government. The constitution also in Section 3(6)^[21] provides for only seven hundred and sixty-eight local government areas and further listed them in part one of the first schedule. The poser now is whether this figure is fixed? Or will there be an amendment of the constitution once any local government is to be created? Assuming there is to be an amendment by virtue of Section 9^[22] only National Assembly can amend the constitution. It suffices to say that since the constitution is the supreme law only those Local Government Area contained in the constitution^[23] are so recognized by law, hence the state legislation to create a local government has no legal recognition if the constitution does not recognize it, this is the reason for the creation of Local Government Development Council in Lagos as the constitution has failed to recognize it. However, Section 8(5) & (6)^[24] also provides that the House of Assembly makes returns to the National Assembly so as to make a consequential provision to amend the constitution.^[25] Another poser to resolve is who then creates the Local Government? Since the State creation is subject to the National Assembly consequential bill, is it the State House of Assembly as provided in Section 7(1) and 8(3)? Or National Assembly as provided in Section 8(5) & (6)? From the foregoing, one will also question who then is the person being referred to in Section 7(2) is it the Governor acting on State laws by virtue of Section 5(2) (b), the State house of Assembly by their Laws or the National Assembly who will make consequential bill to enact it in the constitution. All these constitute incongruities with the 1999 constitution in relation to local government provision.

In determination of one of such issues as seen in the case of *Att-Gen Abia State v. Att-Gen Federation*^[26] where the Supreme Court held, per Tobi JSC: “Where the National Assembly qua legislative moves from the constitutional purview of section 4(2) of the constitution or vice versa, as it relates to the House of Assembly of a state in respect of section 4(7), issue or question of constitutionality or constitutionalism arises and courts of law in the exercise of their judicial powers, when asked by a party will move in to stop any excess in exercise of legislative power”.

Commenting on the provisions of Section 7(1) in a relatively recent case Justice Mbada^[27] held that “Section 7(1) of the constitution expects the State Assembly to invoke and establish the requisite democratic culture/atmosphere, which they (State Assembly) enjoy in the Constitution to operate in the Local Government system, as envisaged in Section 7(1) of the 1999 constitution.” This decision strengthens the credence of State Governments to ensure the existence of local government councils and provide for their structure, composition, finance and functions under a state law.

Furthermore, considering Section 8(3)^[28] of the constitution as it gives rules and guidelines for the purpose of creating a new local government. This was an issue for determination in the case of *Att-Gen Lagos State v. Att-Gen Federation*:^[29] the issues involve whether the creation of a new local government is authorized by the law. Secondly, whether the creation of the local government conformed to the provisions of section 8(3) (a-d), (5) and (6) of the constitution. A brief fact of the case being that the Lagos state and other states of the federation pursuant to the provisions of the constitution proceeded to create new Local Government Areas. The President viewed that the provisions of section 8(5) of the 1999 constitution which required the National Assembly to make consequential provisions by an act with respect to the names and headquarters of the new local government areas had not been complied with. Consequently, the president directed that no allocation from the federation account should henceforth be released to the Local Government Councils until they revert to the constituent local government areas specified in part I of the first schedule to the constitution. Being aggrieved by the directive of the President, Lagos State Government filed an action by way of originating summons challenging the action of the president. In deciding the case, the Supreme Court considered the provisions of section 3, 7, 8, and 162 of the constitution of the federal republic of Nigeria. The apex court held that the steps listed in the provisions of section 8(3) of the 1999 constitution had been complied with but that the provisions of section 8(6) had not been complied with which will enable the provisions of subsection (5) of the aforementioned section to take place.

The court equally came to the conclusion that the passing of the Local Government Law, No.5 of 2002 by the Lagos State House of Assembly was not sufficient to give life to the new local government areas until the National Assembly passes the consequential Act amending section 3(6)^[30] and part I of the first schedule to the constitution. Having studied the above case well, one would resolve that the state has the guaranteed power to create a local government and the judiciary is willing and always ready to support it, so far as it complies with the provisions of the constitution for the purpose of creating new local government. That is to say that had the state government complied with the remaining sections of the constitution which is section 8(6) of the constitution, this creation by the state government would have been declared valid and a local government area would have come into existence.

Examining The Functions of Local Government Council In Accordance with Schedule 4 of The Nigerian Constitution as Amended and How The Council Has Fulfilled These Functions.

In terms of functions, there is uniformity of function and responsibilities for all the local governments throughout the federation. These functions contained in Schedule IV^[31] are not directly conferred on the Local Government by the Constitution. It merely provides that “the functions to be conferred by law upon Local Government Councils shall include those set out in the Fourth Schedule to this Constitution”. Therefore, no Local Government can assume any of the enumerated functions by right of constitutional grant. They have to be first conferred on it by “Law” which is defined to mean a Law enacted by a House of Assembly of a State. A State Government is however, under a constitutional duty to confer these functions on its Local Government. But until the House of Assembly passes such a law, the Local Government does not have the authority to perform those functions.

The primary purpose of establishing local government areas is to get the government down to the grassroots and to give the rural inhabitants a sense of belonging. The local government functions as aforementioned in the introduction is being compromised due to certain challenges one of which is the exertion of power on it by the state government,

thereby subjecting it to the whims and caprices of the state government and making a mere puppet and a stooge of the Local Government. It appears as though there exist a collusion between the governor and the state house of assembly, since the local government is based on the legislation of the state house of assembly by virtue of Section 7(1) [32] this comes to play when the state house of assembly make laws that empowers the governor to dissolve the local government council and unconstitutionally replace them with undemocratic caretaker committee which is a complete affront with the supremacy of the Nigerian Constitutional provision of Section 7(1). This becomes evident when we consider the fact of *Dogari v. A.G Taraba State* [33]. It was stated that the Governor dissolved the council on grounds of gross misconduct based on recommendation of the State House of Assembly, and validated by amendment by the latter of the Local Government Law, No. 2 of 2000. The same thing repeated in *Kogi State House of Assembly v. Adegbe* [34] from the facts the Kogi State House of assembly carried out its oversight functions and from the reports presented to the house and was subsequently adopted, the Chairman of Olamaboro Local Government Council of Kogi State was suspended and an ad hoc committee was to further investigate the financial mismanagement and other allegations. The ad hoc committee submitted its report to the Governor with the recommendation that the Chairman be removed and the State Governor approved it. There is even a more serious infraction when different political party dominate Local Government Council and State Government as was the case in Ekiti State. The result of this is that the Local Government becomes responsive to the State Government instead of the people. They are ready to please the State Government even at the expense of the grass-root so as not to come against the State Government. Also, there had also been neglect and denial of funds which constitute a financial impediment for carrying out the functions assigned to Local Government. The consequence of which is a compromise of the constitutional local government function, the local Government council are ready to let go those function in order to satisfy the State Government. This however gives credence to my earlier postulation that local government is a stooge of the state government as they focus on how to please them instead of the local people and at the expense of the locals. Nasir (2012) stated that: "In the year 2011, the 774 local governments and the area councils in Nigeria received almost N1 trillion from the federation account, which is equivalent to the entire annual budget of Burkina Faso, Rwanda, Burundi and Togo, combined. These transformations were to enable them carry out their functions" nothing to show for this huge transfer of money to the LGAs.

From the foregoing, it can be gleaned that the local government councils which is supposed to be autonomous as federalism clamours for has been handed over to the state and federal government to be arrogated functions to. The federal and state government also influence the decisions of the local government councils. Thus, their traditional functions to the society are not being performed to the utmost maximum which is the primary purpose of government as contained in section 14(b) of the Constitution. Nevertheless, despite the foregoing challenges that hinder the local government from performing their functions, they still to the best of their abilities perform these functions as a means to ensure the grassroots are not disadvantaged by their administration. Till today Local Government still issue birth and death certificate, maintain roads, streets, street lightings, drains and other public highways, parks, gardens, open spaces, or such public facilities as may be prescribed from time to time by the House of Assembly of a State even naming of roads and streets and numbering of houses and other function. In considering whether these functions are fixed or can be added to, by virtue of Section 7(1) the State House of Assembly are also to legislate on the functions of the local government council also Section 2(d) of Schedule 4 of 1999 Constitution provides that such other functions may be conferred on a local government council by the House of Assembly of the State.

In *UAC of Nigeria PLC v. Attorney General of Lagos State* [35] One of the issues for determination was whether the Lagos State House of Assembly can prescribe for the Local Government in Lagos State, functions that derogate from or lesser or fewer than prescribed by the Constitution of the Federal Republic of Nigeria, 1999 in its section 7(5) and spelt out in the 4th Schedule to the Constitution of the Federal Republic of Nigeria. It was held that the provision of section 7(5) of the Constitution of the Federal Republic of Nigeria, 1999 is not exhaustive. The section says that the functions to be conferred by law upon Local Government Council shall include (among others to be conferred on them by State House of Assembly) [36] those set out in the 4th Schedule to this Constitution. This clearly shows that the state can give more functions to the Local Government Councils and these powers could include even the ones being handled by the State. If the Constitution had intended to prohibit the State from performing those functions enumerated under Schedule Four of the Constitution, it could have clearly said so, as it will be dangerous to import into the Constitution that which is not included.

This implies that The State House of Assembly can add to the Functions of the Local Government enshrined in Schedule IV of the 1999 Constitution. However, they cannot remove from it since it will require a constitutional amendment to do so. In Lagos State in Prescribing the functions of a local government the Fourth Schedule of the Constitution was copied and repeated verbatim by the Lagos State Local Government (Administration) Law, (Section 36). Then one subject was added by the Lagos Law, which is the function of building and maintaining Obas' Palaces.

Recommendations

In order for local governments to be able to serve their importance and perform their functions and for such incongruities which has plagued the local government provision in the 1999 Constitution of Federal Republic of Nigeria to be completely ameliorated, I hereby recommend that they should not be seen as an appendage of the state government, subject to its whims and caprices of the state government. Rather, they should be seen as a separate tier of government and operate within its autonomy to the extent granted by the 1999 constitution of Nigeria. Secondly Section 3(6) and part one of the first schedule which contains the list of local government in Nigeria be expunged from the Nigerian constitution so as to allow flexibility in the creation of local government such that it will not require a constitutional amendment which is cumbersome, time taking and not costly.

In conclusion, the growth of any democracy is founded on grassroot participation. Local Government, is the bedrock for such grassroot participation. Reflecting my recommendations, will strengthen democracy in Nigeria as it helps to bring about stability to democracy. Appointment of caretaker committee is autocratic and not democratic. Refusal to create Local Government by National Assembly is also undemocratic because the Constitution did not confer the power to

refuse. Thus, the above recommendation will redefine the realisation of democratic governance in Nigeria.

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- [17] Section 8(5) of 1999 Constitution.
- [18] CFRN 1999(as amended) S. 8(6).
- [19] *Ibid* S. 7(2).
- [20] *Ibid*.
- [21] *Ibid*.
- [22] *Ibid*.
- [23] *Ibid* Part 1, First Schedule.
- [24] *Ibid*.
- [25] *Ibid* S. 3 and Part 1 of the First Schedule
- [26] (2006) 16 NWLR (Pt.1005) 265/ [2006] ALL FWLR (Pt. 338) 604.
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- [28] CFRN 1999 (as amended).
- [29] [2005] ALL FWLR (PT. 244) 805.
- [30] 1999 Constitution of Federal Republic of Nigeria as Amended 2011
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[\[32\]](#) Supra.

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