

Leading Nigerian Constitutional Law Cases

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Study Outline & Case Summaries

Lakanmi & Anor v Attorney-General (Western State) & Ors

(1971) 1 ULR 201 (SC)

Theme: Judicial review, supremacy of the Constitution, limits on military decrees

Brief Facts:

During the military era, a forfeiture decree sought to confiscate the property of Lakanmi and others without following re

Issue:

Whether a military decree could validly oust the jurisdiction of the courts and confiscate property in a manner inconsis

Decision / Principle:

The Supreme Court held that even under military rule, certain basic constitutional structures and rights could not simply

Why this case is important for students:

This case is often cited to show that the rule of law and judicial review remain important even under abnormal constitut

Senator Abraham Adesanya v President of the Federal Republic of Nigeria

(1981) 2 NCLR 358 (SC)

Theme: Locus standi (standing), justiciability, constitutional litigation

Brief Facts:

A senator challenged the constitutionality of a statute affecting his office and the exercise of legislative powers.

Issue:

Whether the plaintiff, as a senator, had sufficient interest (locus standi) to maintain an action challenging the constitutionality of a statute.

Decision / Principle:

The Supreme Court adopted a restrictive approach to standing, holding that the plaintiff had not shown a special personal interest (locus standi).

Why this case is important for students:

This case is central to the Nigerian doctrine of locus standi and is frequently examined in constitutional law when discussing the principle of justiciability.

Attorney-General of Bendel State v Attorney-General of the Federation & Ors

(1981) 10 SC 1

Theme: Federalism, division of powers, revenue allocation

Brief Facts:

Bendel State challenged federal legislation and action on matters relating to revenue allocation and the use of the Federa

Issue:

Whether the Federal Government had acted within its constitutional powers in making laws and decisions relating to revenue allocation and the use of the Federal

Decision / Principle:

The Supreme Court interpreted key provisions of the 1979 Constitution on federalism and revenue and clarified the limits of the Federal Government's powers.

Why this case is important for students:

This case helps students understand how Nigerian courts interpret the federal structure and the allocation of powers between the Federal Government and state governments.

Attorney-General of Lagos State v Attorney-General of the Federation

(2003) 12 NWLR (Pt. 833) 1

Theme: Federalism, autonomy of states, control of urban and inland waterways

Brief Facts:

The Lagos State Government challenged federal agencies' control over certain matters within Lagos, including waterways.

Issue:

Whether federal legislation and the actions of federal agencies validly covered matters that the Constitution had allocated to states.

Decision / Principle:

The Supreme Court drew a distinction between matters on the Exclusive Legislative List and those reserved for states.

Why this case is important for students:

Students study this case to see how the Supreme Court polices the boundary between federal and state powers in a matter of federalism.

Fawehinmi v Abacha

(2000) 6 NWLR (Pt. 660) 228

Theme: Fundamental rights, military decrees, supremacy of the Constitution

Brief Facts:

Chief Gani Fawehinmi challenged his arrest and detention under military decrees, relying on constitutional and international law.

Issue:

Whether fundamental rights under the Constitution and the African Charter could be enforced even where military decrees were in place.

Decision / Principle:

The Court of Appeal and Supreme Court affirmed that certain international human rights obligations, once domesticated, could be enforced even in the face of military decrees.

Why this case is important for students:

This case is vital for understanding the protection of fundamental rights, the status of the African Charter, and the relationship between international law and national legal systems.

INEC v Musa

(2003) 3 NWLR (Pt. 806) 72

Theme: Political rights, party regulation, constitutionality of electoral rules

Brief Facts:

A political party and its candidate challenged the refusal of the Independent National Electoral Commission (INEC) to register them.

Issue:

Whether INEC could impose conditions not contained in the Constitution or the Electoral Act that limited the right to form political parties.

Decision / Principle:

The Supreme Court held that constitutional provisions on political participation and party formation could not be cut down by regulations made by INEC.

Why this case is important for students:

This case is key for understanding democratic rights, the role of INEC, and the protection of political participation under the Constitution.

How to Use This Outline

- Start by reading each case summary once to understand the theme and basic principle.
- Re-read with your Constitution open, locating the exact sections discussed in each case.
- Create your own brief notes on how each case could be used to answer exam questions.
- Practise writing one-page essays or IRAC-style answers using these decisions as authorities.
- As your lecturers mention more cases, extend this outline by adding extra pages in the same format.