

Leading Nigerian Constitutional Law Cases

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Study Outline & Case Summaries

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

(1971) 1 UILR 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 regular legal processes.

Issue:

Whether a military decree could validly oust the jurisdiction of the courts and confiscate property in a manner inconsistent with the Constitution.

Decision / Principle:

The Supreme Court held that even under military rule, certain basic constitutional structures and rights could not simply be overridden by executive decrees.

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 constitutional circumstances.

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 the statute.

Decision / Principle:

The Supreme Court adopted a restrictive approach to standing, holding that the plaintiff had not shown a special personal interest in the matter.

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 requirements for standing in Nigerian courts.

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 Federation Account.

Issue:

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

Decision / Principle:

The Supreme Court interpreted key provisions of the 1979 Constitution on federalism and revenue and clarified the limits of federal power.

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 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 the 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 manner consistent with the Constitution.

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 effect.

Decision / Principle:

The Court of Appeal and Supreme Court affirmed that certain international human rights obligations, once domesticated, could be enforced.

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 and domestic law.

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 a political party.

Decision / Principle:

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

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.