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THE DEVELOPMENT OF THE LEGISLATURE IN NIGERIA: ISSUES, CHALLENGES AND PROSPECTS

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Abstract

The legislature occupies a central position in every democratic system as the institutional embodiment of popular sovereignty, representation, law-making, accountability, and constitutional governance. In Nigeria, the development of the legislature has been shaped by a complex interaction of colonial administration, constitutional engineering, nationalist agitation, military intervention, and democratic reconstruction. From the limited advisory role of the Nigerian Council established in 1914 to the bicameral National Assembly under the 1999 Constitution, legislative evolution in Nigeria reflects the broader constitutional history of Nigerian state. The colonial period witnessed the gradual introduction of representative institutions through the Clifford Constitution of 1922, the Richards Constitution of 1946, the Macpherson Constitution of 1951, and the Lyttleton Constitution of 1954. These constitutional developments laid the structural foundation for parliamentary governance in Nigeria. At independence in 1960 and under the Republican Constitution of 1963, Nigeria adopted the Westminster parliamentary model with a federal bicameral legislature. However, the interruption of democratic governance by military regimes from 1966 significantly weakened legislative institutions and constitutionalism. The return to civilian rule in 1979 introduced the presidential system and redefined legislative authority through the establishment of the Senate and House of Representatives modeled after the United States Congress. Although the Second Republic was short-lived, the Fourth Republic beginning in 1999 restored legislative supremacy within constitutional limits and renewed the role of parliament in democratic consolidation. This article examines the historical development of the legislature in Nigeria from the colonial era to the present democratic dispensation. It analyses constitutional transitions, institutional reforms, military disruptions, and contemporary challenges affecting legislative performance. The paper argues that while the Nigerian legislature has evolved significantly in form and function, persistent challenges of executive dominance, corruption, weak institutional independence, and limited public trust continue to affect its effectiveness. Strengthening legislative autonomy, accountability, and constitutional fidelity remains essential for democratic sustainability in Nigeria.

Keywords: Legislature, Legislative development, Bicameral System, Evolution, National Assembly, Constitution.

Introduction:

The Legislature is a fundamental arm of government and a central institution in any democratic system, responsible for making laws, representing the people, and providing oversight of the executive. Before the inception of legislative councils (later Legislative Houses), the Governor was the legislature, which he later headed until the twilight of colonialism.¹ He therefore made and implemented the law in a manner surpassed only by the military. Existing laws and laws made by those who appointed the Governor, were for his pleasures and the ease of the job. On all accounts therefore, the Governor was the law and the law was Governor. Through the law, he administered the territories to meet the design and objectives of his appointers-the colonial masters. Across the globe, legislature performs more than just the function of enacting laws, they serve as platforms for representation, deliberation, policy evaluation, and oversight. One of the key mechanisms that enable legislature to fulfill these responsibilities effectively is the committee system.² Whether in Presidential or Parliamentary democracies, legislative committees are increasingly pivotal in handling the growing complexity of government functions and public expectations of transparency and accountability. Committees are particularly useful in reducing legislative workload, facilitating expert input and enabling detailed scrutiny of policies and bills. In Nigeria the development of the legislature reflects the country's political evolution- from colonial rule to independence, military rule, and modern democratic governance. The development of the legislation has been shaped by colonial rule, constitutional reforms, military interventions, and the eventual establishment of democratic governance. Understanding this evolution offers insight into how Nigeria's current political system emerged, provides insight into the strengths and challenges of Nigeria's democratic system today. In recent years, there has been a shift towards openness and citizen participation in the legislative process. The British Parliament has integrated modern tools such as televised committee hearings, online consultations, and publication of inquiry results to promote engagement. This approach has strengthened public confidence in the legislative process and increased awareness of committee activities. Before colonial rule, indigenous political systems among various Nigerian communities had their own forms of legislative functions, though not in the modern parliamentary sense. Traditional institutions such as councils of elders, age-grade assemblies, emirate councils, and kingship advisory bodies performed deliberative and norm-making roles within their communities. However, the formal legislative institution recognized under modern constitutional law emerged during British colonial administration.³ The establishment of the Nigerian Council in 1914 under Lord Lugard marked the beginning of formal legislative development, although it possessed only advisory powers. It was not until the Clifford Constitution of 1922 that limited elective representation was introduced in Lagos and Calabar, thereby initiating legislative participation by Nigerians. Subsequent constitutions progressively expanded representation, regional autonomy, and federal legislative structures until independence in 1960.⁴ The First Republic adopted the Westminster parliamentary system in which legislative supremacy was central. However, military intervention in 1966 suspended constitutional governance and

¹ Okolocha, E.U, Ndana, J.J, *Legislative Powers in Colonial Nigeria: Precursor to a Lame Giant*. September, 2025
https://www.researchgate.net/publication/395466420_Legislative_Powers_in_Colonial_Nigeria_Precursor_to_a_Lame_Giant accessed 24th July 2026

² Okolocha, E.U, Aluko, M.D, *Legislative Powers under the Nigerian and British Constitutions: The Place and Role of Committees*, September, 2025.

https://www.researchgate.net/publication/395465976_LEGISLATIVE_POWER_UNDER_THE_NIGERIAN_AND_BRITISH_CONSTITUIONS_THE_PLACE_AND_ROLE_OF_COMMITTEES accessed 24th July, 2026

³ B O Nwabueze, *Constitutionalism in the Emergent States* (C Hurst & Co 1973) 87.

⁴ Tekena N Tamuno, *Government and Politics in Nigeria* (The Macmillan Press 1988) 54.

displaced legislative institutions for long periods. The reintroduction of civilian government in 1979 replaced parliamentary government with the presidential system, thereby redefining legislative-executive relations. The Fourth Republic since 1999 has further entrenched bicameral federal legislature under constitutional democracy.⁵ This article critically examines the development of the legislature in Nigeria from the colonial era to the Fourth Republic. It analyses constitutional evolution, institutional transitions, military disruptions, and contemporary legislative realities. The objective is to demonstrate that legislative development in Nigeria has been neither linear nor uninterrupted but reflects a dynamic struggle between democratic aspirations and authoritarian interruptions.

PRE-COLONIAL FOUNDATIONS OF LEGISLATIVE GOVERNANCE

Political systems across the territories later amalgamated into Nigeria had mechanisms for norm creation, dispute regulation, and governance through representative or consultative institutions.⁶ Among the Hausa-Fulani emirates in Northern Nigeria, the Emir ruled with the assistance of the Emirate Council composed of district heads, Islamic scholars, and titled officials. While executive and judicial powers were centralized in the Emir, governance often involved consultation with the council, particularly on matters affecting taxation, security, and customary regulation. Islamic law and customary norms formed the basis of legislative authority.⁷ In Yoruba kingdoms such as Oyo, the Alaafin exercised authority alongside the Oyo Mesi, a council of chiefs that functioned as a check on royal power. The Oyo Mesi possessed significant influence over policy decisions and succession matters. Similarly, the Ogboni society served as an institutional mechanism of social regulation and elite consultation.⁸ Among the Igbo societies of Eastern Nigeria, governance was largely republican and decentralized. Councils of elders, village assemblies, age grades, and titled associations participated in decision-making and community norm enforcement. Legislative authority was diffused rather than concentrated in a monarch. Public deliberation was central to governance.⁹ These indigenous institutions did not constitute legislatures in the modern constitutional sense, but they reflected foundational principles of representation, consultation, and accountability. Colonial constitutional structures did not emerge in a vacuum; rather, they interacted with pre-existing political traditions, although often subordinating them to imperial administrative objectives.¹⁰

THE NIGERIAN COUNCIL AND THE BEGINNING OF COLONIAL LEGISLATIVE INSTITUTIONS (1914)

The formal development of legislative institutions in Nigeria began with the amalgamation of the Northern and Southern Protectorates in 1914 by Lord Frederick Lugard. The amalgamation was primarily administrative and fiscal rather than democratic, aimed at improving colonial efficiency and consolidating British authority.¹¹ As part of this administrative arrangement, Lugard established the Nigerian Council by the Nigerian Council Ordinance of 1914. The Council consisted of thirty-six members, including government officials, European commercial representatives, and a few nominated African members. It had no legislative authority and functioned merely as an advisory

⁵ E P Ameh, 'The Legislature and Democratic Consolidation in Nigeria' (2013) 7(2) *Journal of Law and Conflict Resolution* 15.

⁶ T O Elias, *Groundwork of Nigerian Law* (Routledge & Kegan Paul 1954) 19.

⁷ M A Alabi, 'The Historical Evolution of Legislative Practice in Nigeria' (2010) 2 *NIALS Journal of Public Law* 33.

⁸ Saburi Biobaku, *The Egba and Their Neighbours* (Oxford University Press 1957) 91.

⁹ Adiele Afigbo, *The Warrant Chiefs* (Longman 1972) 28.

¹⁰ B O Nwabueze, *A Constitutional History of Nigeria* (C Hurst & Co 1982) 4.

¹¹ James Coleman, *Nigeria: Background to Nationalism* (University of California Press 1958) 156.

body to the Governor-General. Laws for the North continued to be made by proclamation, while the Legislative Council in Lagos retained jurisdiction over the Colony and parts of the South.¹² The Nigerian Council did not satisfy nationalist aspirations because it excluded meaningful African participation and lacked representative legitimacy. Its creation was designed primarily to facilitate indirect rule rather than democratic governance. Nevertheless, it marked the first attempt at creating a central deliberative institution for the entire territory called Nigeria.¹³ Scholars have criticized the Nigerian Council as structurally weak and politically symbolic rather than substantive. It neither represented the people nor exercised independent law-making authority. Yet, from a constitutional development perspective, it served as the institutional precursor to later legislative councils that gradually incorporated elective representation.¹⁴

THE CLIFFORD CONSTITUTION OF 1922

The Clifford Constitution of 1922 marked the true beginning of modern legislative development in Nigeria because it introduced the elective principle into Nigerian governance. It replaced the Nigerian Council with a new Legislative Council for the Colony and Southern Provinces while excluding Northern Nigeria from its jurisdiction.¹⁵ The Legislative Council consisted of forty-six members, including twenty-seven official members, fifteen unofficial members, and four elected African representatives, three from Lagos and one from Calabar. This was the first time Nigerians were permitted to elect representatives into a legislative body. Although the franchise was severely restricted by income and property qualifications, the principle of representation had been established.¹⁶

The Constitution also stimulated the growth of political parties and nationalist movements. Herbert Macaulay founded the Nigerian National Democratic Party (NNDP) largely to contest elections under the new arrangement. Electoral politics and legislative advocacy became instruments of nationalist resistance against colonial rule.¹⁷ Despite its significance, the Clifford Constitution had serious limitations. Northern Nigeria remained excluded from legislative representation; the Governor retained overriding powers; official members dominated proceedings; and the franchise was elitist and urban-centered. The legislature remained subordinate to colonial executive authority.¹⁸ Nevertheless, constitutional scholars regard the Clifford Constitution as a turning point because it introduced representative politics, electoral participation, and legislative consciousness among Nigerians. It transformed governance from purely administrative colonial rule to limited constitutional engagement.¹⁹

THE RICHARDS CONSTITUTION OF 1946

The inadequacies of the Clifford Constitution, particularly its exclusion of Northern Nigeria and the increasing pressure from Nigerian nationalists for broader participation in governance, led to the introduction of the Richards Constitution in 1946 by Governor Sir Arthur Richards. The Constitution sought, according to Richards, “to promote the unity of Nigeria, to provide adequately for the diverse elements which make up the country, and to secure greater participation by Africans

¹² T O Elias, *Nigeria: The Development of its Laws and Constitution* (Stevens & Sons 1967)41.

¹³ H M Gidado, ‘Colonial Legislative Institutions and Democratic Development in Nigeria’ (2014) 5 (1) Ahmadu Bello University Journal 72.

¹⁴ B O Nwabueze (n 10)1

¹⁵ James Coleman (n 11) 3

¹⁶ T O Elias (n 12) 2

¹⁷ Richard Sklar, *Nigerian Political Parties* (Princeton University Press 1963) 44.

¹⁸ Tekena N Tamuno (n 4) 1

¹⁹ B O Nwabueze (n 10) 1

in the discussion of their own affairs.”²⁰ One of the major innovations of the Richards Constitution was the establishment of a central Legislative Council with jurisdiction over the whole of Nigeria for the first time. This marked a significant constitutional shift from the Clifford arrangement where Northern Nigeria had been excluded. The Council consisted of official and unofficial members, though official dominance remained intact. The Governor still retained extensive legislative and executive powers.²¹ The Constitution also introduced regionalism more formally by creating Regional Houses of Assembly for the Northern, Western, and Eastern Regions. In the North, because of its political structure and sensitivity to indirect rule, a bicameral arrangement was created comprising the House of Assembly and the House of Chiefs. In the West and East, unicameral Houses of Assembly were established. These regional legislatures were largely advisory but served as channels through which regional interests were articulated.²² The Richards Constitution represented an important stage in the constitutional recognition of Nigeria’s diversity. It acknowledged the practical reality that legislative development in Nigeria required accommodation of regional identities and political differences. It laid the foundation for federal legislative practice by institutionalizing regional law-making structures.²³ However, the Constitution was heavily criticized for being imposed without adequate consultation with Nigerians. Nationalist leaders such as Nnamdi Azikiwe strongly opposed it, arguing that constitutional development should reflect popular participation rather than colonial unilateralism. The limited powers of the legislatures and the overwhelming authority of the Governor further undermined its democratic legitimacy.²⁴

Despite these criticisms, the Richards Constitution contributed significantly to legislative development by extending legislative jurisdiction to the entire country and by strengthening the regional basis of representation, a feature that would dominate Nigerian constitutional politics for decades.²⁵

THE MACPHERSON CONSTITUTION OF 1951

The widespread dissatisfaction with the Richards Constitution necessitated another constitutional review, resulting in the Macpherson Constitution of 1951. Unlike its predecessor, the Macpherson Constitution emerged from extensive consultations involving village meetings, provincial conferences, regional discussions, and a national constitutional conference in Ibadan in 1950. It is often regarded as the first truly participatory constitutional process in Nigerian history.²⁶ The Constitution significantly expanded legislative representation and strengthened both central and regional legislatures. At the centre, it established a House of Representatives consisting of 136 elected members drawn from the regions. This body replaced the earlier Legislative Council and reflected broader Nigerian participation in national law-making.²⁷ At the regional level, the Houses of Assembly were retained and strengthened. The Northern Region continued with a bicameral legislature comprising the House of Assembly and House of Chiefs, while the Western and Eastern Regions retained unicameral Houses of Assembly. Regional legislatures were granted wider authority over matters affecting their territories, thereby deepening the practice of regional

²⁰ B O Nwabueze, *A Constitutional History of Nigeria* (C Hurt & Co 1982) 52.

²¹ T O Elias (n 12) 74.

²² Tekena N Tamuno (n 4) 82.

²³ J Isawa Elaigwu, *The Politics in Nigeria* (Adonis & Abbey Publishers 2005) 67.

²⁴ James Coleman, *Nigeria: Background to Nationalism* (University of California Press 1958) 312.

²⁵ B O Nwabueze (n 20) 5

²⁶ T O Elias (n 6) 88.

²⁷ Richard Sklar (n 17) 95.

autonomy.²⁸ The Macpherson Constitution was a major advancement in legislative development because it encouraged the growth of responsible government and party politics. Political parties such as the National Council of Nigeria and the Cameroons (NCNC), the Action Group (AG), and the Northern People's Congress (NPC) became stronger through legislative competition and regional political mobilization. Parliamentary politics became central to constitutional development.²⁹

Nevertheless, the Constitution soon encountered serious political crises. Conflicts over regional representation, ethnic rivalry, and competition for federal power exposed the fragility of the constitutional arrangement. The crisis in the Western House of Assembly in 1953 and disagreements over the motion for self-government demonstrated the limitations of the system.³⁰ Although short-lived, the Macpherson Constitution was significant because it democratized constitutional participation and expanded representative legislative institutions more than any previous colonial constitution. It brought Nigeria closer to full parliamentary government and self-rule.³¹

THE LYTTLETON CONSTITUTION OF 1954

The constitutional crises under the Macpherson Constitution led to further negotiations and eventually the introduction of the Lyttleton Constitution of 1954. This Constitution is widely regarded as the formal foundation of Nigerian federalism because it transformed Nigeria from a quasi-federal arrangement into a full federation with constitutionally defined powers for the centre and the regions.³² At the federal level, the Constitution established a stronger central legislature with clearer division of powers between the federal and regional governments. Legislative powers were divided into exclusive and concurrent lists, while residual matters were left for the regions. This division became a defining feature of Nigerian constitutional law and remains central under the current Constitution.³³ The federal legislature consisted of the House of Representatives and the House of Chiefs, reflecting a parliamentary structure influenced by the Westminster model. Regional legislatures became more autonomous and exercised significant authority over education, agriculture, health, and local government. The federal principle allowed regions to pursue policies according to their political and cultural realities.³⁴ Another important feature was the recognition of ministerial responsibility and the gradual transfer of executive authority to Nigerian political leaders. Legislative institutions increasingly became the arena for constitutional negotiation and national leadership. Nigerians now occupied ministerial offices and exercised practical control over governance, although final sovereignty remained with Britain.³⁵

The Lyttleton Constitution strengthened the legislature not merely as a law-making institution but also as the foundation for responsible government. Parliamentary accountability, regional representation, and cabinet responsibility became operational realities. It prepared Nigeria structurally for independence in 1960.³⁶ However, federalism also intensified regional competition. The stronger the regional legislatures became, the more politics became organized along ethnic and regional lines. Legislative debates increasingly reflected sectional interests rather than national

²⁸ Tekena N Tamuno (n 4) 5

²⁹ James Coleman (n 24) 4

³⁰ B O Nwabueze, *Constitutionalism in the Emergent States* (C Hurst & Co 1973) 112.

³¹ T O Elias (n 12) 4.

³² B O Nwabueze (n 20) 5

³³ Ben O Nwabueze, *Federalism in Nigeria under the Presidential Constitution* (Sweet & Maxwell 1983) 21

³⁴ J Isawa Elaigwu (n 23) 5

³⁵ Tekena N Tamuno (n 4) 5

³⁶ T O Elias (n 12) 5.

consensus, a problem that would later contribute to instability in the First Republic.³⁷ Nonetheless, the Lyttleton Constitution remains one of the most important milestones in Nigerian legislative history because it institutionalized federal legislative practice and created the structural basis for independence constitutionalism.³⁸

THE INDEPENDENCE CONSTITUTION OF 1960

Nigeria attained independence on 1 October 1960 under the Independence Constitution, which preserved the Westminster parliamentary system and entrenched a federal bicameral legislature at the centre. The Constitution represented the culmination of colonial constitutional evolution and the formal transfer of legislative sovereignty from Britain to Nigeria.³⁹ The federal legislature consisted of the Senate and the House of Representatives. The Senate served as the upper chamber with members largely nominated through regional representation, while the House of Representatives functioned as the popular chamber based on electoral constituencies. This bicameral arrangement was designed to balance population-based representation with federal equality among the regions.⁴⁰ At the regional level, each region retained its own legislature and Premier, while the central government was headed by the Prime Minister. The Governor-General represented the British Crown as ceremonial Head of State, reflecting Nigeria's status as a constitutional monarchy within the Commonwealth. Legislative supremacy was a defining characteristic of the system because executive authority derived from parliamentary confidence.⁴¹

The Independence Constitution marked a major transformation in legislative authority because laws were now made by representatives of the Nigerian people rather than colonial administrators. Parliament became the centre of national governance, and debates on public policy, fiscal allocation, constitutional reform, and national integration took place within legislative institutions.⁴² However, the system also inherited serious structural weaknesses. Regional imbalance, disputed census figures, electoral malpractice, and excessive regional loyalty weakened national cohesion. Political parties were largely regional in character, and parliamentary competition often deepened ethnic divisions rather than national unity.⁴³ Despite these challenges, the 1960 Constitution remains historically important because it established Nigeria's first sovereign legislature and affirmed parliamentary democracy as the foundation of self-government. It marked the beginning of indigenous constitutional governance.⁴⁴

THE REPUBLICAN CONSTITUTION OF 1963

The Independence Constitution of 1960 was replaced by the Republican Constitution of 1963 following Nigeria's decision to sever its final constitutional ties with the British Crown and become a republic. This constitutional transition did not radically alter the legislative structure but it significantly strengthened Nigeria's sovereignty and reinforced the authority of indigenous constitutional institutions.⁴⁵ Under the 1963 Constitution, the office of the Governor-General was abolished and replaced with that of the President as ceremonial Head of State. Executive authority continued to be exercised by the Prime Minister and the Cabinet, who were collectively responsible

³⁷ Richard Sklar (n 17) 6.

³⁸ B O Nwabueze (n 20) 5.

³⁹ B O Nwabueze, *Presidentialism in Commonwealth Africa* (C Hurst & Co 1974) 33.

⁴⁰ T O Elias (n 12) 5.

⁴¹ Tekena N Tamuno (n 4) 5.

⁴² B O Nwabueze (n 39) 8.

⁴³ James Coleman (n 24) 5.

⁴⁴ B O Nwabueze (n 20) 5.

⁴⁵ B O Nwabueze, *A Constitutional History of Nigeria* (C Hurst & Co 1982) 103.

to Parliament. Thus, Nigeria retained the Westminster parliamentary system while removing monarchical symbolism from its constitutional order.⁴⁶

The federal legislature remained bicameral, consisting of the Senate and the House of Representatives. Legislative powers continued to reflect federalism through constitutional division of powers between the federal and regional governments. The Mid-Western Region, created in 1963, further demonstrated the legislature's role in constitutional restructuring and regional representation.⁴⁷ The Republican Constitution enhanced parliamentary sovereignty by making constitutional amendment and major national policy decisions matters of domestic legislative authority. It represented a symbolic assertion of national independence and legal self-determination. Parliament was expected to serve as the principal institution for national integration, democratic accountability, and constitutional governance.⁴⁸ However, the political realities of the First Republic weakened legislative effectiveness. Electoral manipulation, census controversies, regional polarization, and intra-party conflicts undermined parliamentary stability. The Western Region crisis of 1962, allegations of corruption, and the disputed federal elections of 1964 further damaged public confidence in democratic institutions.⁴⁹ The legislature increasingly became an arena of partisan hostility rather than constructive governance. Parliamentary procedures were often overshadowed by executive manipulation and ethnic competition. Instead of serving as a unifying national institution, Parliament reflected and amplified the tensions of the federation.⁵⁰ These political failures contributed significantly to the collapse of the First Republic and the military coup of January 1966, which suspended the Constitution and dissolved legislative institutions. The fall of the parliamentary legislature marked the beginning of a prolonged interruption in Nigeria's constitutional development.⁵¹

MILITARY RULE AND THE SUSPENSION OF LEGISLATIVE GOVERNANCE (1966–1979)

The military coup of 15 January 1966 brought an abrupt end to parliamentary democracy and legislative constitutionalism in Nigeria. Major General Johnson Aguiyi-Ironsi assumed power and promulgated the Constitution (Suspension and Modification) Decree No. 1 of 1966, which suspended significant parts of the Constitution and transferred supreme law-making authority to the Federal Military Government.⁵² With this development, Parliament ceased to exist as an independent institution. Legislative powers were exercised by military decrees and edicts issued by the Supreme Military Council and later the Federal Executive Council. Law-making became centralized in the executive arm of military government, eliminating representation, debate, and legislative accountability.⁵³ The military system fundamentally altered the doctrine of separation of powers. The military Head of State combined executive and legislative authority, while judicial review was often restricted by ouster clauses in decrees. Constitutionalism gave way to command governance, and legislative institutions became largely irrelevant.⁵⁴

⁴⁶ T O Elias (n 12) 149.

⁴⁷ J Isawa Elaigwu, *The Politics of Federalism in Nigeria* (Adonis & Abbey Publishers 2005) 102.

⁴⁸ Ben O Nwabueze, *Constitutionalism in the Emergent States* (C Hurst & Co 1973) 141.

⁴⁹ Richard Sklar (n 17) 287.

⁵⁰ Tekena N Tamuno (n 4) 166.

⁵¹ B O Nwabueze (n 45) 9.

⁵² T O Elias (n 6) 132.

⁵³ Ben O Nwabueze, *Presidentialism in Commonwealth Africa* (C Hurst & Co 1974) 59.

⁵⁴ B O Nwabueze (n 45) 126.

The civil war period (1967–1970) further entrenched executive centralization. National security concerns justified stronger military authority, while constitutional democracy was postponed indefinitely. Although consultative bodies existed occasionally, they lacked the representative legitimacy and institutional independence of a legislature.⁵⁵ General Yakubu Gowon's administration ruled for nearly nine years without an elected legislature. Subsequent regimes under General Murtala Mohammed and General Olusegun Obasanjo initiated constitutional reforms aimed at returning Nigeria to civilian rule.⁵⁶ It became clear that the weaknesses of the parliamentary system and regional politics required reconsideration of Nigeria's institutional design.⁵⁷ The Constitution Drafting Committee (CDC) established in 1975 recommended the adoption of the presidential system modeled after the United States rather than a return to Westminster parliamentarianism. One major objective was to reduce executive instability and regional fragmentation associated with parliamentary government. This recommendation significantly changed the future structure of the legislature.⁵⁸ Thus, military rule not only interrupted legislative development but also reshaped it by preparing the transition from parliamentary to presidential constitutionalism. The legislature that emerged in 1979 would differ fundamentally from that of the First Republic.⁵⁹

THE 1979 CONSTITUTION AND THE SECOND REPUBLIC LEGISLATURE

The 1979 Constitution marked a major turning point in Nigeria's constitutional history by replacing the Westminster parliamentary model with the American-style presidential system. This change redefined the nature, powers, and institutional position of the legislature within the constitutional framework.⁶⁰ At the federal level, the Constitution established the National Assembly consisting of the Senate and the House of Representatives. The Senate served as the upper chamber with equal representation from the states, while the House of Representatives reflected population-based representation through constituencies. This bicameral arrangement was intended to strengthen federal balance and democratic legitimacy.⁶¹ Unlike the parliamentary system where executive authority depended on legislative confidence, the presidential system created clearer separation of powers. The President was elected independently of the legislature and could not be removed by ordinary parliamentary vote except through impeachment procedures. Consequently, the legislature became an autonomous branch rather than the source of executive legitimacy.⁶²

The National Assembly was vested with extensive powers including law-making, appropriation, became central instruments of legislative work, allowing detailed scrutiny of bills and government activities. This strengthened institutional specialization within legislative practice.⁶³ The committee system became particularly important under the presidential arrangement. As observed by U.E. Okolocha and M.D. Aluko, legislative committees are essential to effective parliamentary business because they handle the complexity and technical demands of modern governance beyond what

⁵⁵ J Isawa Elaigwu (n 47) 9.

⁵⁶ E.U Okolocha 'JURISTIC OVERVIEW OF THE COMMITTEE SYSTEM IN LEGISLATIVE PROCESS UNDER THE 1999NIGERIAN CONSTITUTION' KB LAW SCHOLARS JOURNAL Vol. 3 No. 2 (2025)
https://www.researchgate.net/publication/395463412_JURISTIC_OVERVIEW_OF_THE_COMMITTEE_SYSTEMIN_LEGISLATIVE_PROCESS_UNDER_THE_1999NIGERIAN_CONSTITUTION

⁵⁷ Tekena N Tamuno (n 4) 10.

⁵⁸ BO Nwabueze, *Federalism in Nigeria under the Presidential Constitution* (Sweet & Maxwell 1983) 44.

⁵⁹ Nwabueze (n 53) 10.

⁶⁰ Ben o Nwabueze, *Presidentialism in Commonwealth African* (C & Hurst & Co 1974) 88.

⁶¹ Section 42 of Constitution of the Federal Republic of Nigeria 1979.

⁶² Nwabueze (n 57) 11.

⁶³ SS 58-88 of Constitution of the Federal Republic of Nigeria 1979.

plenary sessions can efficiently manage.⁶⁴ The constitutional and procedural expansion of committees in Nigeria reflected this reality and became one of the most enduring features of legislative modernization.

However, the Second Republic legislature faced familiar challenges of corruption allegations, executive-legislative rivalry, and weak party discipline. Conflicts between the National Assembly and the executive branch often reflected political competition rather than constitutional accountability.⁶⁵ The military coup of 31 December 1983 led by Major General Muhammadu Buhari again dissolved democratic institutions and suspended the Constitution. The Second Republic legislature, like its First Republic predecessor, was short-lived. Nevertheless, it permanently established presidential bicameralism as the preferred model of Nigerian legislative governance.⁶⁶

MILITARY INTERREGNUM AND CONSTITUTIONAL TRANSITION (1983–1999)

The collapse of the Second Republic in December 1983 once again interrupted legislative development in Nigeria. Major General Muhammadu Buhari assumed power following the military coup and suspended significant portions of the 1979 Constitution. The National Assembly and all State Houses of Assembly were dissolved, and legislative authority reverted to the Supreme Military Council.⁶⁷ As in the earlier military era, governance became decree-driven. Military decrees possessed superior authority over the Constitution and were often insulated from judicial in governance was significantly reduced. Legislative institutions existed only in a nominal sense through advisory councils without constitutional autonomy.⁶⁸ General Ibrahim Babangida, who overthrew Buhari in 1985, initiated a prolonged transition programme to civilian rule. Constitutional conferences, political bureau recommendations, and institutional reforms were introduced with the objective of restoring democratic governance. A new Constitution was drafted in 1989, retaining the presidential system and bicameral federal legislature introduced in 1979.⁶⁹ Although elections were conducted and the Third Republic was partially inaugurated, the annulment of the 12 June 1993 presidential election prevented the full restoration of constitutional democracy. The legislature that should have matured under the Third Republic never became fully operational at the national level. Nigeria again returned to military governance under General Sani Abacha.⁷⁰ Abacha's regime maintained highly centralized executive rule while constitutional conferences were used more for political control than democratic transition. Legislative institutions remained suspended, and constitutional uncertainty deepened. Public confidence in governance suffered serious decline.⁷¹

It was not until the administration of General Abdulsalami Abubakar in 1998 that a credible transition process was completed. The 1999 Constitution was promulgated, and democratic elections were conducted, leading to the inauguration of the Fourth Republic on 29 May 1999.⁷²

⁶⁴ U E Okolocha, M D Aluko (n 2) 14.

⁶⁵ E P Ameh, 'The Legislature and Democratic Consolidation in Nigeria' (2013) 7(2) *Journal of Law and Conflict Resolution* 19.

⁶⁶ B O Nwabueze (n 45) 9.

⁶⁷ B O Nwabueze, *A Constitutional History of Nigeria* (C Hurst & Co 1982) 151.

⁶⁸ Ben O Nwabueze, *Presidentialism in Commonwealth Africa* (C Hurst & Co 1974) 101.

⁶⁹ J Isawa Elaigwu (n 47) 141.

⁷⁰ Tekena N Tamuno (n 4) 214.

⁷¹ E P Ameh, 'The Legislative and Democratic Consolidation in Nigeria' (2013) 7 (2) *Journal of Law and Conflict Resolution* 24.

⁷² Constitution of the Federal Republic of Nigeria 1999.

This long military interregnum had severe consequences for legislative development. Institutional memory was weakened, constitutional culture deteriorated, and executive dominance became deeply entrenched. The legislature that re-emerged in 1999 had to rebuild both public legitimacy and institutional capacity almost from the beginning.⁷³

THE LEGISLATURE UNDER THE 1999 CONSTITUTION AND THE FOURTH REPUBLIC

The 1999 Constitution of the Federal Republic of Nigeria restored democratic governance and re-established the National Assembly as the central federal legislative institution. It retained the presidential system and bicameral legislature first introduced in 1979, thereby affirming continuity in constitutional design despite prolonged military interruption.⁷⁴

Section 4 of the Constitution vests legislative powers of the Federation in the National Assembly, consisting of the Senate and the House of Representatives. The Senate is composed of three Senators from each State and one from the Federal Capital Territory, while the House of Representatives is based on population and constituency representation. This structure balances federal equality with democratic representation.⁷⁵ The National Assembly exercises law-making authority on matters contained in the Exclusive and Concurrent Legislative Lists. It also performs critical oversight functions including budget approval, investigation of public expenditure, confirmation of executive appointments, treaty ratification, and impeachment proceedings where constitutionally necessary.⁷⁶ At the state level, legislative powers are vested in the Houses of Assembly of the thirty-six states. These institutions perform similar functions within the scope of state competence and serve as important components of Nigeria's federal legislative framework.⁷⁷

One of the most significant features of the Fourth Republic legislature has been the expansion of committee governance. Standing committees and ad hoc committees handle legislative scrutiny, public hearings, investigations, and policy review. As noted by Okolocha and Aluko, committee systems are indispensable because modern legislative institutions cannot effectively perform their constitutional responsibilities solely through plenary proceedings.⁷⁸ The Fourth Republic has also witnessed stronger legislative assertion of institutional independence. Unlike earlier republics, the National Assembly has occasionally resisted executive dominance through budget scrutiny, rejection of nominations, constitutional amendment initiatives, and investigative hearings into corruption and maladministration.⁷⁹

However, the legislature has also faced serious criticism. Public perception of excessive remuneration, allegations of corruption, constituency project abuse, weak ideological party discipline, and frequent leadership crises have undermined institutional legitimacy. The legislature is often viewed with suspicion despite its constitutional importance.⁸⁰ Nevertheless, the Fourth Republic represents the longest uninterrupted democratic experience in Nigerian history, and the

⁷³ Nwabueze (n 66) 12.

⁷⁴ Section 4 of Constitution of the Federal Republic of Nigeria 1999.

⁷⁵ SS 48-49 of Constitution of the Federal Republic of Nigeria.

⁷⁶ SS 58-89 of Constitution of the Federal Republic of Nigeria 1999.

⁷⁷ Section 90 of Constitution of the Federal Republic of Nigeria 1999.

⁷⁸ U E Okolocha, M D Aluko (n 2) 18.

⁷⁹ M A Alabi (n 7) 41.

⁸⁰ E P Ameh (n 70) 13.

legislature has become a more stable institution than in previous republics. Its continued existence has contributed significantly to democratic consolidation and constitutional continuity.⁸¹

LEGISLATIVE POWERS AND THE ROLE OF COMMITTEES IN NIGERIA

Legislative effectiveness in modern governance extends beyond the mere enactment of statutes. The legislature performs representation, appropriation, oversight, and accountability functions, all of which require institutional specialization. This necessity explains the centrality of legislative committees in both presidential and parliamentary systems.⁸²In Nigeria, committees serve as the operational backbone of the National Assembly. They examine bills in detail, conduct public hearings, investigate ministries and agencies, review budget proposals, and monitor policy implementation. Without committees, plenary sessions alone would be incapable of managing the technical complexity of governance.⁸³Sections 62 and 88 of the 1999 Constitution provide constitutional support for committee functions, particularly investigative oversight and the authority to summon persons, demand documents, and examine the conduct of public institutions. This oversight function is crucial in maintaining executive accountability.⁸⁴The Senate and House of Representatives maintain numerous standing committees covering finance, petroleum, education, judiciary, public accounts, defence, anti-corruption, and constitutional review among others. Ad hoc committees are also established to address urgent national issues requiring focused inquiry.⁸⁵According to U.E Okolocha and M.D Aluko, while both the Nigerian presidential system and the British Parliamentary System rely heavily on committees, Nigeria's committee structure reflects stronger constitutional formalization because separation of powers requires more parliamentary executive fusion.⁸⁶ Committee hearings have become important instruments of democratic transparency. Public participation in legislative review, particularly during constitutional amendment processes strengthens legitimacy and reinforces the legislature's representative role. Investigative hearings into corruption scandals have also witnessed public visibility of legislative oversight.⁸⁷

However, committee effectiveness is often undermined by political patronage, inadequate research support, poor institutional funding, and allegations of compromise with executive agencies. Some committees are criticized for being used for political bargaining rather than objective oversight.⁸⁸Despite these weaknesses. Committee systems remain indispensable to legislative development in Nigeria. A strong legislature is impossible without functional committees, and the maturity of committee practice is often a measure of parliamentary institutional strength.⁸⁹

CHALLENGES OF THE FOURTH REPUBLIC (1999- PRESENT)

a. Electoral Irregularities

Despite improvements, elections have been affected by vote-buying, violence, rigging allegations, and logistical failures by the Independent National Electoral Commission (INEC)

b. Corruption

⁸¹ B O Nwabueze (n 67) 13.

⁸² U E Okolocha, M D Aluko (n 2) 15.

⁸³ *ibid*

⁸⁴ SS 62 and 88 of Constitution of the Federal Republic of Nigeria 1999.

⁸⁵ National Assembly Standing Order 2023.

⁸⁶ U E Okolocha, M D Aluko (n 77) 15.

⁸⁷ M A Alabi (n 7) 16.

⁸⁸ E P Ameh (n 70) 13.

⁸⁹ U E Okolocha, M D Aluko (n 77) 15.

Corruption remains widespread in public institutions despite efforts by agencies like the Economic and Financial Crimes Commission (EFCC)

c. Insecurity

- Boko Haram insurgency in the North-East
- Banditry and kidnapping in the North-West
- Farmer-herder conflicts in the Middle Belt
- Militancy in the Niger Delta

These have led to loss of lives, displacement, and economic instability.

d. Economic Instability

- Overdependence on oil revenue
- High unemployment and inflation
- Recessions (2016 and 2020)
- Currency depreciation and fuel subsidy challenges

e. Weak Institutions

Some democratic institutions still face political interference, lack of independence, and limited accountability.

f. Human Rights Concerns

Cases of police brutality, including issues raised during the #EndSARS protests, and restrictions on press freedom.⁹⁰

g. Ethnic and Religious Tensions

Persistent divisions have fueled political instability and communal clashes.

h. Poor Governance and Service Delivery

Challenges in providing stable electricity, healthcare, education, and infrastructure.

Despite all these challenges faced by the legislature in the Fourth Republic, they have remained a vital component of Nigeria's democratic system.

REFORMS AND PROSPECTS FOR STRENGTHENING THE LEGISLATURE

For the Nigerian legislature to fulfill its constitutional mandate effectively, deliberate institutional reforms are necessary. Democratic consolidation depends not only on regular elections but also on the strength and credibility of representative institutions. Legislative reform therefore remains central to constitutional development.⁹¹ First, legislative independence must be strengthened through full financial autonomy. The National Assembly and State Houses of Assembly should

⁹⁰ U.E Okolocha 'CHALLENGES TO THE 'COMMITTEE SYSTEM' UNDER THE NIGERIAN PRESIDENTIAL AND BRITISH PARLIAMENTARY CONSTITUTIONS' *KB LAW SCHOLARS JOURNAL* Vol. 3 No. 2 (August 2025): Pp. 1-21
https://www.researchgate.net/publication/395464443_CHALLENGES_TO_THE_'COMMITTEE_SYSTEM'_UNDER_THE_NIGERIAN_PRESIDENTIAL_AND_BRITISHPARLIAMENTARY_CONSTITUTIONS accessed 30th July, 2026

⁹¹ B O Nwabueze (n 97) 17.

operate without undue executive interference in budget releases or institutional administration. Financial independence is essential for effective oversight and constitutional balance.⁹²

Second, internal transparency and accountability must be improved. Public disclosure of legislative expenditures, clearer regulation of constituency projects, stronger ethics enforcement, and transparent committee procedures would significantly improve public confidence. Legislative legitimacy depends heavily on public trust.⁹³

Third, research and policy support structures should be expanded. Professional legislative drafting units, stronger parliamentary libraries, expert advisory services, and non-partisan policy research institutions are necessary for modern law-making. Legislative complexity requires technical competence beyond political representation alone.⁹⁴

Fourth, committee systems should be further strengthened through procedural reforms and capacity building. Committee oversight should be evidence-based and insulated from partisan manipulation. Public hearing mechanisms should be institutionalized to encourage citizen participation and democratic legitimacy.⁹⁵

Fifth, constitutional amendment processes should continue to address structural weaknesses in federal legislative practice. Issues such as local government autonomy, electoral reform, judicial independence, and clearer separation of powers require sustained legislative attention for constitutional stability.⁹⁶ Political party reform is equally important. Stronger ideology-based parties would reduce opportunistic defections and improve legislative coherence. Stable party systems strengthen parliamentary accountability and policy consistency.⁹⁷

Finally, civic education and citizen engagement must be improved so that the electorate better understands the constitutional role of the legislature. When citizens evaluate lawmakers only by immediate material benefits rather than legislative performance, representative democracy becomes distorted. A politically informed electorate strengthens legislative responsibility.⁹⁸ The future of legislative development in Nigeria depends on whether these reforms are pursued seriously. A weak legislature produces weak democracy; a strong legislature sustains constitutional governance and national stability.⁹⁹

CONCLUSION

The History and development of the legislature in Nigeria reflects the country's broader political evolution-from pre-colonial, colonial rule to independence, through periods of military dominance, and finally to democratic governance. The Nigerian legislature has evolved from traditional decision-making bodies to a modern democratic institution. Despite interruptions during military rule, the current system under the Fourth Republic reflects a more stable and structured legislative framework. For Nigeria, the British modelled Parliamentary system underscores the importance of a responsive and accountable executive constrained not only by law but also by robust institutions, a fortiori, Committees in Parliament, and political culture. Conversely, the Nigerian experience offers insight into the necessity of codified constitutional provisions to define and limits of, checks on

⁹² Section 9 of Constitution of the Federal Republic of Nigeria 1999.

⁹³ M A Alabi (n 7) 51.

⁹⁴ U E Okolocha, M D Aluko (n 2) 18.

⁹⁵ *Ibid.*

⁹⁶ *Ibid* Section 9 of Constitution of the Federal Public of Nigeria 1999.

⁹⁷ J Isawa Elaigwu (n 47) 17.

⁹⁸ E P Ameh (n 89) 17.

⁹⁹ B O Nwabueze (n 97) 18.

executive powers with clarity, strengthening oversight institutions- in this case, the Committees in the National Assembly- fostering adherence to democratic norms, and promoting transparency are essential steps towards improving executive accountability. Despite the Constitutional provisions designed to promote good governance, the Nigerian state, since 1999, has been embroiled in a deepening crisis of governance. Since 1999, it is hard to ascertain the level of commitment of the stakeholders, corruption and mismanagement of public resources have created gaps in the country's development strides. Continued reforms are necessary to strengthen its independence, transparency, and effectiveness. While the Institution has faced interruptions and challenges, it has gradually developed into a more representative and functional body. Continued reforms and commitment to democratic principles are essential for strengthening the legislature and ensuring effective governance in Nigeria.

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References

LEGISLATION

- Constitution of the Federal Republic of Nigeria 1999 (as amended).
- National Assembly Standing Orders 2023.

TEXTBOOKS

- Afigbo A, The Warrant Chiefs: Indirect Rule in Southeastern Nigeria 1891–1929 (Longman 1972).
- Biobaku S, The Egba and Their Neighbours 1842–1872 (Oxford University Press 1957).
- Coleman J, Nigeria: Background to Nationalism (University of California Press 1958).
- Elaigwu JI, The Politics of Federalism in Nigeria (Adonis & Abbey Publishers 2005).
- Elias TO, Groundwork of Nigerian Law (Routledge & Kegan Paul 1954).
- Elias TO, Nigeria: The Development of its Laws and Constitution (Stevens & Sons 1967).
- Nwabueze BO, A Constitutional History of Nigeria (C Hurst & Co 1982).
- Nwabueze BO, Constitutionalism in the Emergent States (C Hurst & Co 1973).
- Nwabueze BO, Federalism in Nigeria under the Presidential Constitution (Sweet & Maxwell 1983).
- Nwabueze BO, Presidentialism in Commonwealth Africa (C Hurst & Co 1974).
- Sklar RL, Nigerian Political Parties: Power in an Emergent African Nation (Princeton University Press 1963).
- Tamuno TN, Government and Politics in Nigeria (Macmillan Press 1988).

ARTICLES

- Alabi, M. A. (2010). The historical evolution of legislative practice in Nigeria. *NIALS Journal of Public Law*, 2, 33.
- Ameh, E. P. (2013). The legislature and democratic consolidation in Nigeria. *Journal of Law and Conflict Resolution*, 7(2), 15.
- Gidado, H. M. (2014). Colonial legislative institutions and democratic development in Nigeria. *Ahmadu Bello University Law Journal*, 5(1), 72.
- Odumu, F., & Hamma, H. (2026). Social investment in Nigeria: Law, institutional accountability and the limits of developmental impact. *MSI Journal of Multidisciplinary Research (MSIJMR)*, 3(6), 1–23
- Okolocha, U. E., & Ndana, L. J. (2025). Legislative powers in colonial Nigeria: Precursor to a lame giant. *University of Jos Law Journal* 14 (2), 33-41
- Okolocha, U. E., & Aluko, M. D. (2025). Legislative powers under the Nigerian and British constitutions: The place and role of committees. *Fountain University Law Journal* 2 (4), 199-217.

- Ogbodo, S. G., & Okolocha, U. E. (2015). COMPARATIVE CONSTITUTIONAL ANALYSES OF NIGERIA'S LOCAL GOVERNMENT SYSTEM. *Indian JL & Pub. Pol'y*, 2, 1.
- OKOLOCHA, D. U., & ALUKO, D. M. (2025). CHALLENGES TO THE 'COMMITTEE SYSTEM' UNDER THE NIGERIAN PRESIDENTIAL AND BRITISH PARLIAMENTARY CONSTITUTIONS. *KB Scholars Journal, UK*, 3(2).
- Okolocha, E. U. (2024). MAINSTREAMING CLIMATE SMART PRINCIPLES AND PRACTICES AMONG FAITH BASED COMMUNITIES IN NIGERIA: LAW AND THE ENVIRONMENT. *KB Law Scholars Journal UK*, 1(5), 1-22.
- Okolocha, U. E., Mustapha, M. O., & Chinagorom, F. A COMPARATIVE ANALYSIS OF THE NON-JUSTICIABILITY CLAUSES OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 AND THE CONSTITUTION OF THE REPUBLIC OF INDIA¹.
- Okolocha, U. E., & Nwoko, U. D. (2025). An analysis and prognosis on the challenges and prospects in the exercise of executive powers under the Nigerian and British constitutions. *International Journal of Research and Innovation in Social Science (IJRISS)*, 9(8), 4481–4495.
- Okolocha, U. E., & ALUKO, D. M. (2025). URISTIC OVERVIEW OF THE COMMITTEE SYSTEM IN LEGISLATIVE PROCESS UNDER THE 1999 NIGERIAN CONSTITUTION. *KB Scholars Journal, UK*, 3(2).
- Okolocha, U. E., Malasawe, G. C., & Ozumba, O. (2026). From advisory to oversight: The development of the Nigerian legislature, 1914 to 1999. *Realpolitik*, 2(2)

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