

PATHWAYS TO RESOLUTION OF INCONGRUOUS CONSTITUTIONAL PROVISIONS ON GOOD GOVERNANCE AND SOCIAL JUSTICE*

Abstract

The true test of good governance and social justice is the degrees to which they deliver on the promise of human rights. The alarming incidences of poverty, diseases, insecurity, decrepit public infrastructure and human rights violations in Nigeria often provoke the question whether there are no good governance and social justice provisions in the national Constitution, and if they exist, why are they ineffective. Therefore, this paper deployed the doctrinal research method to critically examine constitutional provisions and decisions of the courts to showcase the diverse ramifications through which the drafters of the constitution intended to midwife good governance and social justice in Nigeria. The paper found that although the Nigerian constitution mulls good governance and social justice, however, these provisions remain illusory because some of these provisions either antagonize themselves or make each other unworkable. It was therefore recommended that these conflicting constitutional provisions like the dichotomy erected between justiciable civil and political rights and non-justiciable social, economic and cultural rights should either be dismantled in order to achieve the desired ends of social justice and good governance in Nigeria failing which bad governance and social injustice will continue to thrive.

Keywords: constitution, governance, justice, justiciability, supremacy

1. Introduction

The aim of this paper is to identify the provisions of the Constitution on good governance and social justice and subject them to critical analysis in view of the disturbing rate of insecurity, poverty and human rights abuses in Nigeria. Available reports show that there is dearth of good governance and social justice in Nigeria. For instance, Nigeria is placed in the 'low human development' category on the Human Development Index (meaning countries that face unstable governments, widespread poverty, lack of access to healthcare, and poor education);¹ Nigeria ranked 140/180 on the 2024 Corruption Perception Index of the Transparency International.² These disturbing reports have provoked a compelling need to look inward to examine whether indeed the Constitution is responsible for the evident lack of good governance and social justice in Nigeria. This research effort is informed by the perception of law as an instrument of social engineering. Where constitutional provisions are either weak or antagonistic it will be illusory to expect good governance and social justice. Against the foregoing backdrop, the paper is divided into the following parts namely: Meaning of 'good governance' and 'social justice'; Restatement of the supremacy of the Constitution; Good governance and social justice provisions in the Nigerian Constitution; Good governance provisions; Social justice provisions; Conflicting or obstructive constitutional provisions on good governance and social justice and attendant recommendations; and Conclusion.

2. Meaning of 'good governance' and 'social justice'

It is desirable to ascribe working meanings to the two concepts of 'good governance' and 'social justice'. There is no internationally agreed definition or meaning of good governance. However, the definition which commends itself to this paper is that offered by Kalen-Sukra, that 'good governance is the art of putting wise thought into prudent action in a way that advances the well-being of those governed.'³ Good governance adds a normative or evaluative attribute to the process of governing. From a human rights perspective it refers primarily to the process whereby public institutions conduct public affairs, manage public resources and guarantee the realisation of human rights. Granted that there is no internationally agreed definition of 'good governance', but the United Nations asserts that good governance may span the following topics: full respect of human rights, the rule of law, effective participation, multi-actor partnerships, political pluralism, transparent and accountable processes and institutions, an efficient and effective public sector, legitimacy, access to knowledge, information and education, political empowerment of people, equity, sustainability, and attitudes and values that foster responsibility, solidarity and tolerance.⁴ Aside the current seventeen Sustainable Development Goals which will expire in 2030, there are twelve principles⁵ of good governance namely: participation, representation, fair conduct of elections; responsiveness; efficiency and effectiveness; openness and transparency; rule of law; ethical conduct; competence and capacity; innovation and openness to change; sustainability and long-term orientation; sound financial management; human rights, cultural diversity and social cohesion; and accountability. If governmental actions do not advance the well-being of the governed, it is bad governance and not good governance. Where therefore there is pervading poverty, hunger, diseases, absence of social safety nets, violation of human rights and other manifestations of underdevelopment, it may be safe to conclude that there is no good governance. It is in this light that good governance is perceived and construed in this paper.

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¹ UNDP, 'Human Development Insights', <https://hdr.undp.org/data-center/country-insights#/ranks>. Accessed 19/8/2025.

² Transparency International, 'Country Data, Corruption Perceptions Index', <https://www.transparency.org/en/countries/nigeria>. Accessed 9/8/2025.

³ Kalen-Sukra, D., 'Save Your City: How Toxic Culture Kills Community & What to Do About It',

⁴ UN OHCHR, 'About good governance', <https://www.ohchr.org/en/good-governance/about-good-governance>. Accessed 21/5/25.

⁵ Municipalities For Europe, '12 Principles of Good Governance', <https://www.bpe.al/en/12-principles-good-governance>. Accessed 21/8/2025.

On the other hand, social justice simply means equal rights and equitable opportunities for all. While formal definitions for social justice vary in wording, there are commonalities among them which are equal rights, equal opportunity and equal treatment.⁶ Social justice is the mechanism which assigns rights and duties in the institutions of society, which enables people to receive the basic benefits and burdens of cooperation. Social justice makes possible the enjoyment of greater wellbeing for all, than would have been possible, if everyone were to depend on their individual efforts.⁷ Social justice is based on the values of fairness, equality, respect for diversity, access to social protection, and the application of human rights in all spheres of life, including in the workplace.⁸ It must be noted that the terminology ‘social justice’ is not used throughout the Universal Declaration of Human Rights, 1948, the International Covenant on Economic, Social and Cultural Rights, 1966, the International Covenant on Civil and Political Rights, 1966 and the African Charter on Human and Peoples’ Rights, 1981. Against the foregoing, it is surmised that good governance and social justice are two inseparable tools in governance. While tenacious obedience to the precepts of social justice will conduce to good governance, good governance is buoyed by social justice.

3. Restatement of the supremacy of the Constitution

As held by the Supreme Court in *Lagos State Govt & Ors v Abdulkareem & Ors*,⁹ held the Constitution of the country is its fundamental law, the *fons et origo* of all laws, the exercise of all powers and the source from which all laws, institutions and persons derive their authority. It is settled law that the Constitution of any Country is what is usually called the organic law or *grundnorm* of the people. It contains all the laws from which the institutions of state derive their creation, legitimacy and very being. The Constitution is also the unifying force in the nation, apportioning rights and imposing obligations on the people who are subject to its operations. It is a very important composite document.¹⁰ It bears repeating that the extant Constitution of the Federal Republic of Nigeria, 1999 as amended¹¹ is the supreme law, the *fons et origo* and the *grundnorm*. The principle of the supremacy of the Constitution is traceable to the provisions of *section 1(1) and (3)* of the CFRN, 1999 as amended. *Section 1(1)* enacts that ‘This Constitution is Supreme and its provisions shall have binding force on the authorities and persons throughout the Federal Republic of Nigeria while *section 1(3)* thereof provides that ‘If any other law is inconsistent with the provisions of this Constitution, this Constitution shall prevail, and that other law shall, to the extent of the inconsistency, be void.’ In the case of *CBN v Ochife & Ors*,¹² the apex Court in Nigeria reiterated that the Constitution is the *grundnorm*, the basic law of the land. It stands head and shoulders above any other law or instrument enacted by the National Assembly, State House of Assembly or any other person or authority empowered in that regard. It is from the Constitution that every other enactment or instrument derives their validity and binding force. Supremacy of the Constitution is recognised in a long line of decided cases such as *A-G Federation v A-G Abia State & Ors*,¹³ *NPF & Ors v Police Service Commission & Anor*,¹⁴ *Shelim & Anor v Goban*,¹⁵ *Sifax (Nig) Ltd v Phoenix Capital Ltd & Anor*,¹⁶ and *Olugbemi v State*.¹⁷ Based on the doctrine of supremacy of the Constitution, the judiciary is empowered to declare as unconstitutional, null and void, any legislative or executive actions, decisions or directives that are done or carried on in flagrant violation, disobedience or disregard of the Constitution. The Constitution is therefore the benchmark or touchstone upon which the constitutionality of any executive, legislative or judicial act is considered.

4. Good governance and social justice provisions in the Nigerian Constitution

Having ascribed meanings to the concepts of good governance and social justice as well restated the supremacy of the CFRN, 1999 as amended in the preceding segments of this paper, it is apposite at this juncture to identify specific provisions of the Constitution that expressly provide for or refer to good government which is the corollary of good governance and social justice

4.1 Good governance provisions

Good governance provisions in the Constitution include but are not limited to the following:

(i) In the second paragraph of the Preamble to the Constitution of the Federal Republic of Nigeria, 1999 as amended, it is provided that one of the reasons for making of the national constitution by the people of Nigeria is ‘for the purpose of promoting the good government and welfare of all persons in our country, on the principles of freedom, equality and justice, and for the purpose of consolidating the unity of our people’.

⁶ Sandiego Foundation, ‘What is Social Justice’, <https://www.sdfoundation.org/news-events/sdf-news/what-is-social-justice/#:~:text=%E2%80%9Csocial%20justice%20is%20the%20view,National%20Association%20of%20Social%20Workers.> Accessed 20/7/2025.

⁷ C.U. Osi, ‘Nigeria’s Social Justice System: A Major Impediment to National Development’, *Journal of Applied Philosophy*. Vol. 18. No. 5. 2020. ISSN: 1597-0779 available at file:///C:/Users/User/Downloads/502-Article%20Text-1625-1-10-20200822.pdf. Accessed 21/7/2025.

⁸ United Nations, ‘Message on World Day of Social Justice’, <https://sdgs.un.org/statements/message-world-day-social-justice-10379>. Accessed 20/12/2022.

⁹ (2022) LPELR-58517(SC).

¹⁰ *APC & Ors v ESIEC & Ors* (2021) LPELR-55337 (SC).

¹¹ Cap. C23 LFN 2004. Hereinafter abbreviated as ‘CFRN’.

¹² (2025) LPELR-80220(SC).

¹³ (2024) LPELR-62576(SC).

¹⁴ (2023) LPELR-60782(SC).

¹⁵ (2009) LPELR-3043(SC).

¹⁶ (2023) LPELR-59979(SC).

¹⁷ (2023) LPELR-60331(SC).

(ii) The CFRN, 1999 as amended embodies copious provisions on separation of powers between the legislature in section 4, the executive in section 5 and the judiciary in section 6. The separation of powers between the three arms of government is in itself is a good governance tool which ensures checks and balances of all arms of government. The legislature in Nigeria, whether at the federal or state levels, is to make laws for the peace, order and good government of either the federation or the state concerned. Under section 5 of the CFRN, 1999 as amended, the executive has the constitutional responsibility to execute all laws made by the legislature. The executive power is vested on the President at the federal level with respect to laws made by the National Assembly¹⁸ and on the Governor of a State with respect to laws made by the State legislature.¹⁹ In section 6(1) of the CFRN, 1999 as amended, the judicial powers of the Federation are vested in the courts, being courts established for the Federation while under section 6(2), the judicial powers of a State are vested in the courts, being courts established, subject as provided by the Constitution, for a State.

(iii) Relationship between the three-tiers of government- Federal, State and Local Government: In order to ensure good governance, the national Constitution recognises a federal system made up of three-tiers of government namely- Federal, State and Local Governments.²⁰ To eliminate clash in powers and functions, the Constitution assigns roles, powers and functions to the three tiers of government. Matters listed in the exclusive list are within the sole legislative competence of the federal government. The Federal Government and State Governments share concurrent legislative powers in matters listed in the concurrent legislative list so however that where there is a clash, the position of the Federal Government shall override. Matters listed in the residual list are outside the legislative powers of the Federal Government. Furthermore, section 5(3) of the CFRN, 1999 as amended provides that the executive powers vested in a State shall be so exercised as not to:- (a) impede or prejudice the exercise of the executive powers of the Federation; (b) endanger any asset or investment of the Government of the Federation in that State; or (c) endanger the continuance of a Federal Government in Nigeria while every State shall ensure the existence of Local Governments under a Law which provides for the establishment, structure, composition, finance and functions of such Local Government councils. Unfortunately, this provision is obeyed more in breach than observance.

(iv) Periodic elections and democratic system of Government: At the Federal and State levels, the Constitution provides for democratic system of governance and election of members of the legislative and executive arms of government for a period of four years in the first instance²¹ and not more than two terms into any office in the executive branch of Government. Democratic system of government is also prescribed for Local Governments in section 7(1) of the CFRN, 1999 as amended. Unfortunately, these provisions are obeyed more in breach than observance. Local Governments have been denied their autonomies and they have become cash cows of State Governments. It took the 2024 decision of the apex Court in the case of *A-G Federation v A-G Abia State & 35 Ors*,²² to assert the constitutional provisions on Local Government autonomy and democratically elected council.

v) Multi-party democracy and open space for competition for votes: The national Constitution provides for multiparty democracy and competition for votes by political parties under sections 221 and 222 of the CFRN, 1999 as amended. A political party is a juristic body registered with the Independent National Electoral Commission²³ established in section 153(1)(f) of the CFRN, 1999 as amended. By a combination of the provisions of the Constitution and the Electoral Act, 2022, only political parties registered by the INEC are authorised to sponsor candidates in an election. As decided by the Supreme Court in *Amaechi v INEC*,²⁴ there is no room for independent candidate in Nigeria. Every candidate in a general election conducted by the INEC must be sponsored by a political party. In Nigeria, there is no room for independent candidate in an election as a community reading of the provisions of sections 221, 222 and the proviso to section 40 of the Constitution of the Federal Republic of Nigeria, 1999 as amended will confirm that only registered political parties can canvass for votes and sponsor candidates in an election.²⁵

(vi) Rule of law and recognition of human rights: The national Constitution recognises the rule of law by providing avenues for judicial redress for wrongs and violations of rights of the citizens against private persons, governments and public authorities. To mitigate incidences of tyranny and oppression, the Constitution accords some human rights legal recognition and guarantees their enforceability in the courts. Specifically, Chapter IV of the CFRN, 1999 as amended guarantees the justiciability of the following twelve fundamental rights namely: (1) Right to life²⁶ in section 33; (2) Right to dignity of

¹⁸ Section 5(1) of the CFRN, 1999 as amended.

¹⁹ Section 5(2) of the CFRN, 1999 as amended.

²⁰ Section 7 of the CFRN, 1999 as amended.

²¹ Section 135(2) of the CFRN, 1999 as amended provide for term of office of the President and Vice-President; *section 180(2)* of the CFRN, 1999 as amended for term of office of Governor and Deputy Governor. Under section 64(1) of the CFRN, 1999 as amended, the Senate and the House of Representatives shall each stand dissolved at the expiration of a period of four years commencing from the date of the first sitting of the House. Section 105(1) of the CFRN, 1999 as amended makes similar provision for dissolution of a State House of Assembly.

²² (2024) LPELR-62576(SC).

²³ Hereinafter abbreviated as 'INEC'.

²⁴ (2008) LPELR-446 (SC).

²⁵ *INEC v Musa* LPELR-24927(SC).

²⁶ See *Ndubuisi v State* (2018) LPELR-44908(SC) and *Bello v A-G Oyo State* (1986) 5 NWLR 828.

human person²⁷ in section 34; (3) Right to personal liberty²⁸ in section 35; (4) Right to fair hearing²⁹ in section 36; (5) Right to private and family life³⁰ in section 37; (6) Right to freedom of thought, conscience and religion in section 38; (7) Right to freedom of expression and the press in section 39; (8) Right to peaceful assembly and association in section 40; (9) Right to freedom of movement in section 41; (10) Right to freedom from discrimination in section 42; (11) Right to acquire and own immovable property anywhere in Nigeria in section 43; and (12) Right to prompt payment of compensation upon compulsory acquisition of property³¹ in section 44.

These twelve fundamental rights protected under Chapter IV of the Constitution are full-blown rights that are justiciable and the courts accord them robust judicial recognition. Unlawful derogations, violations or infractions of any of these rights are enforceable under the Fundamental Rights (Enforcement Procedure) Rules, 2009 made pursuant to *section 46(3)* of the CFRN, 1999 as amended.³²

Conversely, the genre of economic, social and cultural rights that are classified as ‘fundamental objectives and directive principles of State policy’ in Chapter II of the CFRN, 1999 as amended are non-justiciable by virtue of the provisions of *section 6(6)(c)* of the same Constitution thereby making them mirages or illusory rights.³³ These are- political objectives in *section 15*, economic objectives in *section 16*; social objectives in *section 17*; educational objectives in *section 18*; foreign policy objectives in *section 19*; environmental objectives in *section 20*; directive on Nigeria cultures in *section 21*; obligation of the mass media in *section 22*; national ethics in *section 23*; and duties of the citizen in *section 24* of the CFRN, 1999 as amended.

(vii) Imposition of duties on every citizen: The national Constitution did not only confer rights on citizens, it recognises that for every right, there is a corresponding duty. Hence, it imposes a wide range of duties and civic responsibilities on every Nigerian. Emphatically, *section 24* of the CFRN, 1999 as amended provides that it shall be the duty of every citizen to- (a) abide by this Constitution, respect its ideals and its institutions, the National Flag, the National Anthem, the National Pledge, and legitimate authorities; (b) help to enhance the power, prestige and good name of Nigeria, defend Nigeria and render such national service as may be required; (c) respect the dignity of other citizens and the rights and legitimate interests of others and live in unity and harmony and in the spirit of common brotherhood; (d) make positive and useful contribution to the advancement, progress and well-being of the community where he resides; (e) render assistance to appropriate and lawful agencies in the maintenance of law and order; and (f) declare his income honestly to appropriate and lawful agencies and pay his tax promptly.

(viii) Nigeria has no State religion but it is not a secular State: *Section 10* of the CFRN, 1999 as amended provides that ‘The Government of the Federation or of a State shall not adopt any religion as State Religion.’ In *Aminu v A.G of Kano State & Anor*,³⁴ the Court of Appeal held that this section has in clear terms prohibited the adoption of a State religion by either the Federal or State Governments. Contrary to the popular belief that Nigeria is a secular State, the Court of Appeal clarified that Nigeria has no State religion but it is not a secular State. What *section 10* is out to achieve is that Nigeria or a State cannot adopt either Christianity or Islam as a State religion which is quite different from secularism. It only entrenches religious neutrality of the State and this cannot be termed secularism. The right to practice one's religion of his or her own choice is further reinforced by *section 38* of the Constitution which also provides: ‘Every person shall be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief and freedom (either alone or in community with others and in public or private) to manifest and propagate his religion or belief in worship, teaching, practice and observance’. It was held in *The Registered Trustees of Atheist Society of Nigeria v A-G Akwa Ibom State & Ors*,³⁵ that the purport of *section 38* of the CFRN, 1999 as amended is that every citizen has full freedom of religion and that no one can be subjected to any social, economic or political discrimination on ground of religion. Notwithstanding these lofty provisions, religion remains one of the major fault lines in Nigeria.

(ix) Budgeting system and prudent resource management: The Constitution provides for a Consolidated Revenue Fund of the Federation and no withdrawal or expenses therefrom is permitted except as approved by an Appropriation Act or Act of the National Assembly in *section 80* of the CFRN, 1999 as amended. Furthermore, all revenues or other moneys raised or received by the Federation shall be paid into and form one Consolidated Revenue Fund of the Federation. In addition, *section 85* provides for audit of public accounts while *section 88* confers on each house of the National Assembly the power to conduct investigations otherwise called oversight functions.

²⁷ See *Uzoukwu & Ors v Igwe Ezeonu II*, (1991) 6 NWLR (Pt. 200) 708.

²⁸ In *Eziegbo & Anor v ASCO Investment Ltd & Anor* (2022) LPELR-56864(SC), it was held that the right to personal liberty is not absolute.

²⁹ See *Garba & Ors v University of Maiduguri* (1986) 1 NWLR 550.

³⁰ The right to private and family life was upheld in *Ibrahim v Nigerian Army* (2015) LPELR-24596(CA).

³¹ *Elf Petroleum v Umah & Ors* (2018) LPELR-43600(SC) (Pp. 13-16 paras. F-F).

³² The guiding principles for applications under the Fundamental Rights (Enforcement Procedure) Rules were provided by the Supreme Court in *WAEC v Akinkunmi* (2009-10) CHR 61.

³³ *Okogie v A-G Lagos State* (1981) 1 NCLR 218 and *Ugwu v Araraume* (2007) ALL FWLR (Pt. 377) 807 cited in *Aminu v A-G Kano State & Anor* (2022) LPELR-58522(CA).

³⁴ (2022) LPELR-58522(CA).

³⁵ 2022) LPELR-58700(CA).

4.2 Social justice provisions

There are three times where the national Constitution expressly mentioned the term 'social justice' while providing for enabling conditions that should ordinarily ensure that there are equal rights, equal opportunity and equal treatment for citizens. The three specific instances are as follows:

(i) Section 14(1) of the CFRN, 1999 as amended provides that 'The Federal Republic of Nigeria shall be a State based on the principles of democracy and social justice.' It goes on to provide further in subsection (2) it is declared that: (a) sovereignty belongs to the people of Nigeria from whom government through this Constitution derives all its powers and authority; (b) the security and welfare of the people shall be the primary purpose of government; and (c) the participation by the people in their government shall be ensured in accordance with the provisions of this Constitution. It is provided in section 14(3) that the composition of the Government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the federal character of Nigeria and the need to promote national unity, and also to command national loyalty, thereby ensuring that there shall be no predominance of persons from a few State or from a few ethnic or other sectional groups in that Government or in any of its agencies. In subsection 14(4), it is further provided that the composition of the Government of a State, a local government council, or any of the agencies of such Government or council, and the conduct of the affairs of the Government or council or such agencies shall be carried out in such manner as to recognise the diversity of the people within its area of authority and the need to promote a sense of belonging and loyalty among all the people of the federation.

(ii) The national economy is to be controlled in such a way as to promote social justice. To this end, section 16(1)(a) of the CFRN, 1999 as amended provides that the State shall, within the context of the ideals and objectives for which provisions are made in the Constitution- (a) harness the resources of the nation and promote national prosperity and an efficient, a dynamic and self-reliant economy; (b) control the national economy in such manner as to secure the maximum welfare, freedom and happiness of every citizen on the basis of social justice and equality of status and opportunity; (c) without prejudice to its right to operate or participate in areas of the economy, other than the major sectors of the economy, manage and operate the major sectors of the economy; (d) without prejudice to the right of any person to participate in areas of the economy within the major sector of the economy, protect the right of every citizen to engage in any economic activities outside the major sectors of the economy. Additionally, section 16(2) provides that the State shall direct its policy towards ensuring: (a) the promotion of a planned and balanced economic development; (b) that the material resources of the nation are harnessed and distributed as best as possible to serve the common good; (c) that the economic system is not operated in such a manner as to permit the concentration of wealth or the means of production and exchange in the hands of few individuals or of a group; and (d) that suitable and adequate shelter, suitable and adequate food, reasonable national minimum living wage, old age care and pensions, and unemployment, sick benefits and welfare of the disabled are provided for all citizens.

(iii) Section 23 of the CFRN, 1999 as amended makes the general provision that 'The national ethics shall be Discipline, Integrity, Dignity of Labour, Social Justice, Religious Tolerance, Self-reliance and Patriotism.' Are these mantras not obeyed more in breaches than observances? Otherwise, why are there rampant case of indiscipline, corruption, social injustices and inequities, religious intolerance and lack of patriotism which are the direct opposites of the national ethics marshaled out above?

The reasons why the good governance and social justice provisions in the Nigerian Constitution are not yielding the desired results will be proffered in the ensuing paragraphs of this paper.

5. Conflicting or obstructive constitutional provisions on good governance and social justice and attendant recommendations

From the earlier expositions undertaken in this paper, it is evident that the drafters of the national constitution intended to put in place conducive conditionalities for good governance and social justice. However, as good as the intentions are, there are still many provisions in the same Constitution that conflict or constitute obstacles to the attainment of good governance and social justice. They will be identified and appropriate recommendations made in that regard. These include but are not limited to the following namely:

(a) Immunity conferred on President, Vice President, Governor and Deputy Governor under section 308 of the CFRN, 1999 as amended does not allow these public office holders to be held accountable and it diminishes the chances of transparency which are key ingredients of good governance. In *Global Excellence Communications Ltd & Ors v Duke*,³⁶ the Supreme Court interpreted the above provisions as clear and crystal on the immunity available to the Governor of a State in civil and criminal suit that may be instituted against him and held that they did not state that the Governor cannot sue. The provision of section 308(1)(a) merely states that he cannot be sued but it does not mean that the converse obtains. This immunity clause should be abrogated as it makes the beneficiaries to act with impunity. It also attacks the constitutional guarantee of the equality of all persons before the law.

(b) Constitutional dichotomy between justiciable Chapter IV fundamental rights and non-justiciable Chapter II fundamental objectives and directive principles of state policy erected in section 6(6)(c) of the CFRN, 1999 as amended remains the greatest hindrance to good governance and social justice. Human rights are holistic, indivisible, indivisible and mutually reinforcing. No one human rights is greater, better or more important than the other. There can be no enjoyment of civil and political rights without economic, social and cultural rights. If it may be asked, how does the right to life become meaningful without the right to health being guaranteed? How does the right to freedom of thought, conscience and religion have meaning when the right to education is not justiciable? A repeal of the provisions of section 6(6)(c) CFRN, 1999 as amended and wholesale provision for justiciability of the civil, political, economic, social and cultural rights is strongly advocated.

³⁶ (2007) LPELR-1323(SC) (Pp. 29-31, paras. E-C) per Mukhtar, JSC.

(c) Duties imposed on citizens in section 24 CFRN, 1999 as amended are merely cosmetic to the extent that citizens who are neglected and denied basic social amenities by their government be are compelled to help to enhance the power, prestige and defend the good name of Nigeria. There can be no good governance when payment of tax as and when due is not a condition for eligibility for election into public office either under the Constitution or the Electoral Act. These should be amended to make payment of tax and declaration of asset qualification criteria for eligibility to contest any elective office in Nigeria.

(d) The federal character and quota system principles contained in section 14 of the Constitution antagonize core principles of merit and consequentially breed discrimination contrary to the right to freedom from discrimination guaranteed in section 42 CFRN, 1999 as amended. The quota system and federal character principles have been grossly abused that entry qualification for pupils into secondary schools are discriminatory. The requirement in section 147(3) CFRN, 1999 as amended that the 'President shall appoint at least one Minister from each State, who shall be an indigene of such State' is a recipe for unwieldy cabinet, a drain on public resources and unbridled discrimination contrary to the provisions of sections 42 CFRN, 1999 as amended. It should be discarded,

(e) The use of the terminology 'indigene' in the section 147(3) CFRN, 1999 as amended (the President shall appoint at least one Minister from each State, who shall be an indigene of such State) completely negates the pretentious provisions on national integration in section 15 CFRN, 1999 as amended. This provision should be expunged in favour of citizenship.

(f) Under section 10 CFRN, 1999 as amended, it is expressly stated that Nigeria has no State religion yet section 15(3)(d) of the same Constitution requires the State to promote or encourage the formation of associations that cut across ethnic, linguistic, religious and or other sectional barriers. Therefore, it can be argued that the existence of Nigeria Christian Pilgrim Commission and National Hajj Commission of Nigeria and Federal Government sponsorship of pilgrims to Christian or Islamic pilgrimages all impinge on the provisions of section 10 of the Constitution that Nigeria has no State religion as well as discriminates against atheists since there is no such agency or organ set up to cater for their religious beliefs.

(g) The provision in section 7(1) CFRN, 1999 as amended that the system of Local Government by democratically elected local government councils is under this Constitution guaranteed is a complete farce because it is obeyed more in breach than observance. This is because of the failure, refusal or neglect of the framers of the Constitution to give the Local Government a truly separate and independent existence instead of subjecting them to the whims and caprices of State Governments. Despite the judgment of the Supreme Court in *A-G Federation v A-G Abia State & 35 Ors*,³⁷ absence of Local Government fiscal autonomy is responsible for lack of development and infrastructure in the rural areas.

(h) There cannot be good governance and social justice without independence of the judiciary. Judicial autonomy is an irreducible minimum for good governance. The judiciary remains the bulwark of democracy and the last hope of the common and uncommon man. The need for proper funding of the judiciary as a prelude to judicial autonomy was reiterated by the Supreme Court *A-G Abia State & Ors v-G of the Federation*.³⁸ The financial autonomy of the judiciary as guaranteed by section 121(3) and sections 81(3)(c) and 162(9) CFRN, 1999 as amended of the federal and state should be implemented so that moneys standing to the credit of the judiciary in the Consolidated Revenue Fund and Federation Account will be paid directly to the National Judicial Council for disbursement to the heads of the federal and state Courts established under section 6 of the Constitution. The Government of the Federation and States should truly implement the financial independence of the judiciary by complying with the provisions of section 80(2) and (3), section 81(3)(c), section 84, section 162(9) and Item 21(e) of Part 1 of the third Schedule to the Constitution that guarantee the financial autonomy of Federal and State Courts established under section 6 of the Constitution.

(g) The provision of section 318(1) of the CFRN, 1999 as amended prescribing school certificate as the minimum academic qualification for contesting the highest elective executive and legislative offices in the land should be amended as it also conduces to bad governance in this day and age of intellectual rigour. It is troubling that the Constitution did not stop at requiring education up to 'School Certificate' but also watered it down to 'its equivalent' which in *section 318(1)(d)* means 'any other qualification acceptable by the INEC. This anti-intellectual provision should be expunged and replaced with possession of a minimum of Ordinary National Diploma.

(h) The provisions of the Constitution and the Electoral Act on party politics, internal democracy, free, fair and credible elections will continue to make no meaning as long as there is no Electoral Offences Commission which will ensure that all electoral offenders are prosecuted and brought to book without fear or favour. Electoral offenders must be held accountable in order to have the right people elected into public office as a prelude to good governance.

6. Conclusion

This paper has reached the inevitable conclusion that the durable concepts of good governance and social justice will remain illusory in Nigeria as long as many provisions of the constitution remain opaque or conflict with one another. It is believed that implementation of the sundry recommendations made in this paper as pathways for resolution of these conflicts or lacunas will align the good governance and social justice provisions in the Constitution with practical realities on ground. The compelling need for comprehensive overhaul, abrogation, restructuring or amendment of these constitutional provisions to give true meaning and pragmatic impetus to the good governance and social justice precepts cannot be overemphasised. Only intentional constitutional amendments will suffice as panacea to Nigeria's good governance and social justice challenges because all powers, rights and imposed duties of the individuals, private and public authorities are delimited in the Constitution.

³⁷ (2024) LPELR-62576(SC).

³⁸ (2022) LPELR-57010(SC).