
**DRAFTING LEGISLATION IN NIGERIA:
CONSTITUTION IMPERATIVE**

**DRAFTING LEGISLATION IN NIGERIA:
CONSTITUTION IMPERATIVE**

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Preface

In democratic societies the rule of law rather than the rule of man prevails. The efficacy of law in democratic societies is dependent on how law reflects the intention of the people. The Constitution represents the basic guiding principles of governance from which every law draws its legitimacy. Lawmaking at any point in time in democratic societies is, therefore, guided by extant constitutional imperatives. These imperatives must be borne in mind by drafters in the drafting process of bills so as to avoid constitutional challenges to the validity of laws arising from such bills. The position of the 1999 Constitution as to the supremacy of the Constitution and its binding force on all authorities and persons as well as the avoidance of any law inconsistent with its provisions are clearly stated in section 1(1) and (3).

In furtherance of its mandate as Nigeria's apex institution for advanced studies and research in law, the Nigerian Institute of Advanced Legal Studies has, at this time, engaged in this book project – *Drafting Legislation in Nigeria: Constitutional Imperatives*. The project is driven by the desire to showcase the unique influence of our Constitution on our lawmaking process.

Chapters in the Book address intricate techniques of drafting various aspects of legislation in the light of constitutional provisions. Issues addressed include Constitutionality of Legislation; Constitution as an Organic Law; Process of Constitutional Amendment; Nigerianisation of Legislative Drafting; Legislation and Social Engineering as well as the relationship between Constitution and Convention. It also addressed issues relating to Transplantation in Legislative Drafting; Legislating Justiciability Provisions; Constitution and Statutory Instruments; Modern Approach to

Contextual Drafting; Legislative Studies in Nigeria and the place of Schedules to the Constitution in Drafting, among others.

The Book is aimed at enlightening and ultimately sharpening the skills of the legislative draftsman in the performance of his role as a drafter. It is also very useful to the general public as it equips them with the capacity to make informed judgment of the constitutionality of laws affecting their lives on a daily basis.

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October, 2012

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