

CONSTITUENT ASSEMBLY (AMENDMENT) DECREE 1977



Decree No. 52

[1st June 1977]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. The Constituent Assembly Decree 1977 is hereby amended as follows :—

Amendment
of 1977 No.
50.

(a) immediately after paragraph (c) of section 3 (2) thereof, there shall be inserted the following new paragraph (d), that is—

“(d) he has been found guilty of abuse of office, corrupt practices or of having corruptly enriched himself or any other person by a tribunal or inquiry (including any military tribunal or inquiry) set up at any time not earlier than 15th January 1966.” ; and

(b) in Schedule 2 thereof and—

(i) immediately after sub-paragraph (1) of paragraph 7, there shall be inserted the following proviso—

“Provided that where after 30th June 1977 the sole candidate presenting himself for election in the area of an electoral college is disqualified pursuant to the provisions of this Decree or all the candidates in such area are so disqualified, the Electoral Commissioner shall extend the aforementioned closing date to a day not later than 21st July 1977.”,

(ii) for the words “21st July 1977” where they occur in sub-paragraphs (1) and 2 of paragraph 8, there shall be substituted the words “28th July 1977”, and

(iii) immediately after paragraph 10, there shall be inserted the following new paragraphs, that is—

“10A.—(1) Without prejudice to the generality of paragraph 13 of this Schedule, if any corrupt practice is proved to have been committed by any candidate elected at an election held under the provisions of this Decree, the election of such candidate shall be declared invalid by the Tribunal.

(2) For the purposes of this paragraph, the expression “corrupt practice” means any of the following offences—

- (a) treating ;
- (b) undue influence ;
- (c) bribery,

or aiding, abetting, counselling or procuring the commission of any of the aforesaid offences.

10B. For the purposes of paragraph 10A of this Schedule, any candidate who corruptly, by himself or any other person, either before, during or after the election by an electoral college, directly or indirectly provides, pays wholly or in part the expense of giving or providing any food, drink, entertainment or provision to or for any person for the purpose of corruptly influencing that person, or any other person to vote, refrain from voting, or on account of such person or any other person having voted or refrained from voting at such election shall be guilty of the offence of treating.

10c. For the purposes of paragraph 10A of this Schedule, any candidate who directly or indirectly, by himself or any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint or inflicts or threatens to inflict by himself or by any other person, any temporal or spiritual damage, injury, harm or loss upon or against any person in order to induce or compel a person to vote or refrain from voting, or on account of such person having voted or refrained from voting, at any election by an electoral college, or who by abduction, duress or any fraudulent device or contrivance impedes or prevents the free use of the vote by any voter thereat or thereby compels, induces or prevails upon any voter either to give or refrain from giving his vote at any such election shall be guilty of the offence of undue influence.

10D. For the purposes of paragraph 10A of this Schedule, any candidate who directly or indirectly by himself or by any other person on his behalf—

(a) gives, lends or agrees to give or lend, or offers, promises or promises to procure or to endeavour to procure, any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at any election by an electoral college ; or

(b) gives or procures, or promises to procure or to endeavour to procure, any office, place, employment to or for any voter or to or for any person, in order to induce such voter to vote or refrain from voting, or corruptly does any act as aforesaid on account of any voter having voted or refrained from voting, at any election by an electoral college ; or

(c) makes any such gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person, in order to induce such person to procure, or to endeavour to procure, the return of such candidate as a member of the Constituent Assembly or the vote of any voter at any election by an electoral college ; or

(d) pays or causes to be paid any money to or for the use of any person, with the intent that such money or any part thereof shall be expended in bribery at any election by an electoral college, or knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election,

shall be guilty of the offence of bribery :

Provided that the foregoing provisions shall not extend to, or be construed to extend to, any money paid or agreed to be paid for or on account of any legal expenses *bona fide* incurred at or concerning any election by an electoral college or any further election as provided for in paragraph 14 of this Schedule."

2. This Decree may be cited as the Constituent Assembly (Amendment) Decree 1977 and shall be deemed to have come into force on 1st June 1977.

Citation and commencement.

MADE at Lagos this 13th day of July 1977.

LT.-GENERAL O. OBASANJO,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

*(This note does not form part of the above Decree
but is intended to explain its effect)*

The Decree amends the Constituent Assembly Decree 1977 and—

(a) specifies additional grounds for disqualification of persons seeking election to the Constituent Assembly ;

(b) enables an Electoral Commissioner to extend the closing date for registration of candidates in appropriate cases.