

IMPACTS OF THE BEHAVIOUR OF THE POLITICAL CLASS ON DEMOCRACY IN NIGERIA*

Abstract

A democratic government is often a sine qua non with party politics, in that, it is through the party system that democracy and its dividends are realised and made meaningful. On the other hand, the party system is likened to a juristic entity which is only viable and visible with the assistance of personalities operating it, otherwise called the political class. In all, the standard of living of the electorates of any democratic clime testified the good or the bad of the political system as it were. Hence, it may not be an over statement to aver that the development of any democratic system depended greatly on its political class. The object of this work is to look at the impacts of the attitude and behaviour of the political class on democracy in Nigeria. A doctrinal methodology is relied on for critical legal analyses. Primary sources included legislations, interviews and case laws, whereas secondary sources of information included books, articles and internet materials. It is highlighted among other things that, a defective Constitution, bad leadership, negative influence of the political class to adjudication of matters especially in election petition, corruption among the political class and political preferences inhibits the advancement of democracy in Nigeria. The paper makes some recommendations in view of the findings and proposes that doing otherwise may someday plunge the polity into anarchy.

Keywords: Impacts, Political Class, Behaviour, Democracy, Nigeria

I. Introduction

Modern democracy in Nigeria could be traced to the colonial era under the 1922, 1946, 1951, 1954 and the 1960 Constitutions. However, these Constitutions in spite of their advanced nature had certain lapses which adversely affected the effective realisation of dividends of democracy. The 1922 Clifford's Constitution for example provides that every member of the legislative council could introduce or initiate a bill, but finance bills could only be introduced by the Governor-General.¹ Yet the real importance of the legislative council lays in the fact that it could debate on any bill. Since politics is a game of numbers, and because of the permanent majority of official members, it was impossible to defeat the colonial government on any measure inimical to democracy as the one pointed out. Apart from the above Lacuna in the 1922, Clifford's Constitution, the Richards Constitution of 1946 which replaced the 1922 Constitution also identified the problem of Nigeria which is significantly still relevant today. It states inter alia, that 'The problem of Nigeria is how to create a political system ... within which the diverse elements may progress at varying speed, amicably and smoothly towards a more closely integrated economic, social and political unity without sacrificing the principles and ideals inherent in their divergent ways of life'.² The Richards Constitution also introduced Regionalism and made provisions for Regional Houses of Assembly and House of Chiefs. Ironically, the same Constitution allows estimates and bills presented to the Legislative Council to be amended in accordance with the recommendations of the Regional Houses Assembly if the Governor accepted such amendments.³ This impliedly means that no matter how moribund a bill may be, it could be amended by the assent of the Governor and not by the Regional Houses who statutorily have the right to do so. The 1960 Constitution and 1963 Republican Constitution also had lapses but the democratic principles especially in the 1963 Constitution (the First Republic) were mainly not respected by the political class. For example, the first political defection in Nigeria in 1951 was more in the First Republic. During this period, there were massive cross-carpeting from one party to another mainly among political figures to such parties like the National Congress of Nigeria and Cameroun (NCNC), later called National Council of Nigerian Citizens (NCNC), the United Progressive Party (UPP), Nigerian National Democratic Party (NNDP) and Action Group (AG). The motives behind the canoe-jumping were more of nepotism and personal interests, than national interests. There were confusion and conflicts here and there, these did not only affect the advancement of the democracy but partly resulted to the Nigerian Civil War from 1967 – 1970 that ended the First Republic. The same vices inimical to democratic principles then are also sustained in the present republic. Nonetheless, the objective of this work is to look at the political class in Nigeria and its challenges to democracy, and proffer solutions for improvement.

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¹A O Omotesho 'Historical Overview of Constitutional Development in Nigeria' [2010] (3) *National Judicial Institute Law Journal*, 36.

² *Ibid*, 37

³ *Ibid*, 38

2. Conceptual Framework

Attitude

Attitude is the way one behaves towards somebody or something, the way one thinks and feels.⁴ It could be the way one thinks about a phenomenon such as education or government. Nevertheless, Onyedoku describes attitude as:

Teachings, beliefs and reactions of an individual towards an event, phenomenon, object or person. Attitudes are not innate attributes of mankind, they are learned responses. No child is born with a ready-made behaviour. Attitude is conceived to be an individualistic and abstract entity, a kind of intervening variables imposed in order to explain regularities in behavioural responses.⁵

To the psychologist, an attitude could be stable, floating, neutral or partisan.⁶ It is therefore, obvious that attitude as a matter of fact is not perceived in abstract but within the purview of a phenomenon. It could be one's response towards stimuli such as education, government or politics. The attitude and behaviour of the political class most often affect the decisions and motivation of the political class entrusted with elevated positions. Many studies have shown that personality traits are related with efficacy and interest as well as political participation. Where the political class takes cognizance of the desires and aspirations of their political members only, voter turnout usually decreases. But where the political class represent the general interest of the electorates, political interest and participation have a propensity to increase. It is considered that the electorates are people in the country or area who have the right to vote.⁷ Unfortunately in Nigeria, the opinions of the electorates do not appear to matter. The ruling party, the political leadership and the elites among them usually give the impression that the electorates are being carried along in the scheme of things. For instance, the political class give voice to extremists and reduce the responsiveness of governments to the citizenry. At present, party formation and affiliation, voting pattern, jostling for political offices, and headship of key government offices, are patterned and sought after along tribal, linguistic, loyalists,⁸ and religious influences. Currently, there is centrifugal and centripetal conflicts in Nigerian democracy resulting to existence of plethora of community/tribal associations 'attempting to secure amenities for their local areas' in fierce battle against others for 'Nigeria's national cake'.⁹

Politics

The word politics is more or less described than defined. To this end, it is the activities involved in getting and using power in public life and being able to influence decisions that affect a country or a society.¹⁰ The term politics has divergent connotations. It could involve politics of integration, power politics, ethnic or religious politics among others. Politics has been explained to mean conflict between antagonistic classes in the society and the state is often imagined as an oppressive instrument in the hand of the ruling class.¹¹ It is also a struggle of contending ideological viewpoints in the allocation and distribution of resources.¹² It could further mean a struggle for the control of powers in a polity between two or more contending parties.¹³ A lot of struggle for power rolled out in 2015 among the various political parties in Nigeria, but, chiefly among the then ruling People's Democratic Party (PDP) and All Progressive Congress (APC). PDP controlled political power in Nigeria for about sixteen years (1999 - 2015) after the military regime, while APC and other parties found it difficult to take over power. Badejo et al, explained that the oppression of the disadvantaged groups and the desire to consolidate power often give birth to the twin concepts of resistance politics and resistance to change.¹⁴ These concepts are synonymous with a strong determination to gain control of government as experienced by APC in the 2015 general elections. While the recent massive cross-carpeting of members of Lower Legislature of the National Assembly from the then ruling party PDP to the opposition party (APC) is a good example of an attempt to resist the oppression of the ruling party (PDP) over other parties in the House. Nonetheless, PDP the ruling party fought to suppress the act in the Lower Chambers of the National Assembly by making luring promises of granting governorship seats to the defected Deputy Governors. Sometimes, these enticements involve the use of military men and civilians in politics.¹⁵ This attitude reveals the level of desperation and the brutish instincts of political class in Nigeria. This critically influences political party decisions and the quality of democracy as well.

⁴ AS Hornby (ed.), *Oxford Advanced Learner's Dictionary of Current English*, (Oxford: Oxford University Press 2018) 85.

⁵WA Onyedoku – Ali, 'Language Attitude among the Political Class in Nigeria': *Implication for National Development* [2010] accessed 25 October 2019. www.ccsent.org/Ijel>articles>view.

⁶ Ibid.

⁷AS Hornby (ed), *Oxford Advanced Learner's Dictionary of Current English*, (n4) 495.

⁸ Ibid

⁹ *ibid*

¹⁰ AS Hornby (ed) *Oxford Advanced Learners Dictionary of Current English* (n4) 1187

¹¹ Oshewole quoted in B T Badejo. S C Agunya and S O Buraimo, 'The Politics of Detection and Power Game in Nigeria'. *Insights from the 7th Lower Legislative Chambers* [2016] <www.iiste.org>PPAR>view accessed 3 June 2020

¹² *Ibid*.

¹³ *Ibid*.

¹⁴ *Ibid*.

¹⁵ *Ibid*, p. 8

Unfortunately, the political parties are the instrument of operation for the political class. It is the base points for playing politics. In most democratic governance the political parties are often described as institutionalised mediators between civil society and those who decide and implement decisions.¹⁶ The major collective interest of any political party is to control power within government through campaigns, whereas the interest of the electorates and the most visible function is the nomination and presentation of candidates in the electoral campaign. Such that in a fair federalism and democracy, political parties perform key task in a democratic society including:

- i. Aggregating and articulating needs and problems as identified by members and supporters
- ii. Socializing and educating voters and citizens in the functioning of the political and electoral system as well as the generation of general demands which are then converted into general policies.
- iii. Balancing opposing demands and converting them into general policies
- iv. Activating and mobilizing citizens into participating in political decision and transforming their opinions and decisions into viable policy options.
- v. Channelling public opinion from citizen to government.¹⁷

To be able to carry out the above functions by the political parties and the citizens, recourse must be made to rights and obligations guaranteed by Constitution.¹⁸ Also the political class must be transparent and must adopt accountability as their watch word. Unfortunately, the Nigerian political class circumvent or manipulate the highlighted task to suit personal and party's interests irrespective of its effect on the citizens or the system.

Democracy

The idea of democracy could be said to have originated from ancient Greek, with the word '*democratos*', meaning people's power or rule. To this end, it goes to show that democracy is synonymous with individuals having an opportunity of taking part in decision making.¹⁹ Unegbu, aligning with Adagbabiri, also described democracy as a word derived from a combination of two Greek words, *demos* meaning the people, and *kratia*, meaning government.²⁰ Abraham Lincoln, the former American President gave a *locus classicus* definition of democracy as government of the people, by the people and for the people.²¹ Ese Malami extended it further when he argued that a true democracy must possess:

- i. A government made up of the generality of representatives of the people
- ii. A government formed and installed by the people; and
- iii. A government that exist for the welfare of the people.²²

The foregoing as represented is an indication that the welfare of the people is very paramount in every democracy. The 1999 Constitution of the Federal Republic of Nigeria (Constitution) also gives credence to a people oriented democracy by providing that 'the security and welfare of the people shall be the primary purpose of government. Furthermore the Constitution provides that the participation by the people in their government shall be ensured in accordance with the provisions of the Constitution.²³ However, the extent of the implementation of the laudable provisions of the Constitution in this regard by the political class is still beyond expectation. Adagbabiri analysing Nigeria's present democracy qualifies it as 'Mafia Government'. The term mafia as contextualised implies:

Government infested with power drunken, self seeking; ideology-barren; orientation less operatives; usually selected by their kind and of course scarcely ever selected by the people. Even in the guise of multiparty election; those rule are clearly predetermined and chosen even before elections takes place. Democracy in Nigeria is lamed and in terms of its conceptual outcome has failed to meet the expectation of the people. Furthermore, Nigeria's democracy (if it could be so described) has tended to promote inequality rather than equity.²⁴

3. Constitutionality of Democratic Government in Nigeria

The democratic government that operates in Nigeria derives its efficacy from the Constitution. The Constitution provides that the Federal Republic of Nigeria shall be a state based on the principles of democracy and social

¹⁶John Shola Olanreway, 'Political Parties and Poverty of Ideology in Nigeria' [2015], *Afro Asian Journal of Social Sciences*, accessed 25 February 2017.

¹⁷ *Ibid*, pp 4 - 5

¹⁸ See the Constitution of the Federal Republic of Nigeria, 1999 (as amended) ss. 33 – 40

¹⁹ Moses Adegabiri, *Challenges of Democracy in Nigeria's Fourth Republic* [2015] <www.iiste.org> PPAR>article> view accessed 25th October 2019.

²⁰See M O Unegbu, 'Democratization and Development in Nigeria' in Uba S F Nnabie (ed.), *Thematics on the Law of Development* (Owerri: Applause B Multi-Sector Ltd 2017) 161

²¹ E Malemi, *The Nigerian Constitutional Law* (3rdedn. Lagos: Priceton Publishing Company [2009] 38.

²² *Ibid*.

²³ See the Constitution of the Federal Republic of Nigeria, 1999 (as amended), s.14 (2) (b) & (c).

²⁴ MN Adegabiri (n 19) 8.

justice.²⁵ The implication is that power must be derived from the Constitution.²⁶ In the same vein, no provision inconsistent with the provisions of the Constitution shall prevail, otherwise it shall, to the extent of its inconsistency, be null and void.²⁷ To ensure absence of absolute control of power or conflict of interests, the Constitution aptly provides for a separation of powers²⁸ among the three organs of government in a coordinated form so that each organ acts as a check on the other arm. Unarguably, it is the Constitution that establishes and gives legitimacy to any democratic government. But the question that remains is whether the political class convey and summarise voters' preferences such that governments are responsive to citizens. It is a natural and universal principle that, subject to exceptional circumstance, the majority will always have their way in the society. Anything to the contrary is an aberration which is usually temporary. Such aberration is often imposed on the people by the use of force allied to the natural inclination to liberty. Constitutional democracy ensures rule according to the provisions of the Constitution otherwise called the rule of law as opposed to arbitrariness. Without the rule of law, democracy becomes a window dressing which is good while it lasted. Absence of constitutional democracy breeds dictatorship which is opposed to human flourishing. In Nigeria today, happiness, security, welfare and infrastructural development seems a far cry from the ideal. It is as a result of this that one can posit that the Nigerian political class is self-interested and are motivated by personal ego and under this dispensation, good governance is a dream lost. Suffice it to say that, the quality of the civil society in any democratic dispensation often determines the quality of governance therein. In view of this, the civil society should as a matter of need become willing partners in helping political parties to ensure there is democratic dividends for all.

4. Major Impact of political behaviour on the Nigerian Democracy

Faulty Constitution

In constitution making, some nations either adopt a new or old approach. However in the contemporary world order, especially after the USA independence from the colonialist Britain in 1776, the choice is more on the new approach. The old approach is exclusive and lacks consultation, while the new approach places premium on participatory process, dialogue, debate, openness, consultation, and referendum on the draft Constitution before it becomes law. The old approach does not give room for debate or referendum on the draft Constitution before it becomes law. Implicit in this kind of scenario, is the understanding that the political class has its own agenda and direction and the Constitution will eventually reflect the wishes of the political class. This is exactly the nature of the Nigerian Constitution because it lacks the processes involved in the new approach to constitution making. In the light of these, one can argue that the Nigerian Constitution lacks legitimacy because of the non-autochthonous nature of its adoption. The Constitution is also infested with so many errors and lacuna. The Constitution is lopsided and many powers are concentrated at the centre. The parochial nature of the Constitution makes it difficult to adequately take care of local problems such as election irregularities, state policing, insurgency, End Sars issues, terrorism, kidnapping, banditry, ritual killings and issues bordering on regionalism as they arise. The divergent views of members of the National Assembly, often divided among tribal, religious and issues of corruption have not assisted in nipping present day Nigerian problems in the bud. The self-centred and self-serving attitudes of the political class and elites have not allowed the opinion and yearnings of the masses to prevail regarding enacting a new Constitution that autochthonous.

Bad Leadership

Leadership is the state of being in charge;²⁹ it is also a choice to stay committed to deep seated social contract. The bane of Nigeria's democracy is bad leadership. Most Nigerian political leaders, both served, serving and including party leaders are self-servicing leaders and so insensitive to the yearnings and aspirations of the citizenry. They remain insensitive to the poverty and unemployment rocking the nation and are rather interested in converting the wealth of the nation into their private pockets. The political class in Nigeria are authorities who do not choose to sacrifice for their people so that they are safe and protected. Supporting this fact, the former Senator representing Owerri zone, Senator Chris Anyanwu accused the executive arm of government of all the problems Nigerians are passing through, saying:

Most often they exhibit insensitive attitude towards the plight of the masses.³⁰ The leaders have been moving us in a marry-go-round and that is why we have challenges of leadership and patriotism. Patriotism is not possible in a country that does not care for you. Anyanwu further blamed the Executive for ceding Bakassi to Cameron without due process and Obasanjo administration for concluding the process of unnecessary ceding Bakassi without consulting the people on whose behalf he was taking the decision.

²⁵ The Constitution of the Federal Republic of Nigeria, 1999 (as amended) s. 14(1)

²⁶ Section 1(2)

²⁷ Section 1(3)

²⁸ See section 4 – 6 of the above Constitution.

²⁹ E M Kirkpatrick (ed) Chambers Universal Learners' Dictionary (Ibadan: Spectrum Books Limited) 409.

³⁰ Senator Chris Anyanwu, *The White Paper Wednesday 3rd – 4th August* [2011].

Obasanjo's attitude on this issue, like many of his decisions amounts to personalising seat of power as family or personal chattel and this is common among African leaders and Nigerian leaders and political class in particular. In a similar vein, the immediate past administration of Governor Rochas Okorocha of Imo State 2011- 2019, flouted court orders, due process, accountability and transparency in the democratic governance of Imo State. Likewise the Buhari civilian administration has not always deferred to the rule of law.

The above comments and expositions are just few of the many examples to illustrate the high-handedness, intimidation and arrogant attitudes we find in the leadership – followership relationship of most of Nigeria's political class and most African leaders in general. Democratic governance involves obedience to the rule of law and the rule of law depicts due process and respect to the provisions of the Constitution. But most of our political leaders both at the federal, state and local levels do not keep to these tenets. Ogbeidi further argued in his description to leadership that, Leadership is a process of social influence by which a person influences others to accomplish an objective and directs the organization in a way that makes it more cohesive and coherent.³¹ Thus, if leadership is the art of influencing and directing people in such a way that will win their obedience, confidence, respect and legal cooperation in achieving common objectives, then most of Nigerian political leaders have missed the mark. The masses yearn for a better Nigeria as years unfold, while the political class careless about the yearnings and aspirations of the masses. Presently, there is no geo-political zone that is not experiencing one anti-social behaviour or another, ranging from terrorist attack (Boko Haram), kidnapping, ritual killing, prostitution, child trafficking, militancy, baby making factory and recently unknown gunmen and other related unemployment spillover offences resulting from bad leadership, these vices as a matter of fact show evidence of a failed system, mostly caused by bad leadership.

Bad Attitude of the Political Class on Election Petition

The Supreme Court is the apex court and a creation of the Constitution,³² likewise other superior courts of records. The Supreme Court is also the court charged with the protection of courts, the Constitution as well as the citizenry. Consequently, the Supreme Court must not allow itself to do otherwise, especially where the need for some sort of umpire's attention is fundamental in the interpretation of legislative powers between the centre and members of the federating units³³ or in apportioning right of power between political aspirants. The Supreme Court as provided in the Constitution has the original jurisdiction to the exclusion of any other court in the federation to try any dispute if the dispute involves question on which the existence or extent of legal rights depends. Such is exhibited in *A G Bendel State V A G Federation*.³⁴ In this matter it was stated that in interpreting the provisions of the law, where ordinary meaning is clear and unambiguous, effect should be given to it without resort to external aid as provided in the Constitution.

The Supreme Court also has without doubt demonstrated impressive attitude to certain matters before it especially during the military regime as regards technicalities, and defence of principles of federalism. Also the Court, among other things, interpreted strictly statutes that oust the jurisdiction of the court or filter away and caged the right of the individual as was held in *Udoh v Orthopedic Hospital*.³⁵ In *Balewa v Doherty*,³⁶ the court sanctioned the concept of enumerated powers in Nigeria Federalism when it held that the Nigerian Constitution is truly a federal Constitution and that the federal parliament can legislate on matters it is especially empowered to legislate on and that technicality should not be allowed to defeat substantial justice. A similar judgment was held in *AG Abia State v AG of the Federation*,³⁷ and in *AG Lagos State v AG Federation*.³⁸ In all these matters and the more, the Supreme Court and other superior courts displayed gallant defence to the provisions of Constitution and protection of fundamental human rights.

However, in recent times, the executive or political class have been named to influence the decisions of matters pending before the Courts, especially matters concerning election petitions. To this end, most judgment especially election matters lack standardisation and so arouses mixed feeling as to whether Supreme Court and other superior courts would really follow the rule by sticking to the principles of justice and provisions of the Constitution in resolving the matters before them rather than being influenced by the attitude of the political class. In an illustrative case of *AG Ondo State v AG Federation*,³⁹ where the issue was on attempt by some of the states of the federation to annul the Corruption Practice and Other Related Offences Act 2000 on the ground that corruption is not in the exclusive legislative list. Being a residual matter only the state can legislate on it and not the Federal Government as provided by the Act. The court held that both the State and Federal Government would legislate on corruption. This judgment draws a doubting hope over

³¹Micheal M. Ogbeidi, 'Political Leadership and Corruption in Nigeria since 1960' A Socio Economic Analysis, <www.unh.edu article issue 2> accessed 2nd January 2018.

³² See the Constitution of the Federal Republic of Nigeria, 1999 (as amended), sections 230, 237 and 255.

³³YY Dadem, 'Nigeria Federalism: Can the Supreme Court Protect our Federalist Principles' in M MGidado, C U Anyanwu and A O Adekunle (eds), *Constitutional Essay' Nigeria Beyond 1999: Stabilizing the Polity Through Constitutional Re-Engineering in Honour of Bola Ige*, (Enugu: Cheuglo Ltd. 2004) 315.

³⁴ (1982) All NWLR. in YY Dadem, ibid

³⁵ (1993) 78 CNJ 436 at 446 in YY Dadem, 319.

³⁶ (1991) All NRL p 630 at 630, YY Dadem, 320.

³⁷ (2002) 6 NWLR 763, p. 264 in YYDadem, (n 33)..

³⁸ (2003) 12 NWLR (Pt 763) 264

³⁹ YY Dadem (n 33).

the guardship of the Supreme Court and the other superior courts to resist the influence of political class. Other similar kangaroo judgments in favour of the government and political class at the detriment of the democracy or rather the masses include *AG Federation v AG Abia State*.⁴⁰ The conflicting case of Tony nwoye and Andy Uba of PDP, over the right candidate of gubernatorial seat of Anambra State held in 2013 in Anambra state and the controversial case of *Senator Hope Uzodimma & Anor v Rt. Hon. Emeka Ihedioha*,⁴¹ are also instructive.

Corruption

Corruption is a dishonest or illegal behaviour, especially of people in authority which usually involves allegation of bribery and corruption. It is also an act or effect of making change from moral to immoral standards of behaviour. The World Bank and Transparency International (TI), defines corruption as the abuse of public office for private gain for the benefit of the holder of the office or such third party.⁴² Political corruption can be broadly understood as unethical behaviour which violates the norms of the system of political orders.⁴³ Corruption also involves state of being corrupt, while corrupt is explained to mean to make or become evil or morally bad.⁴⁴ Basically corruption involves doing an act that violates public good for personal gain. From the foregoing explanations, it could be understood that there is no universally accepted definition of corruption; rather the word is often relative to context. The Corrupt Practices and Other Related Offences Act interpret corruption to include bribery, fraud and other related offences.⁴⁵ It also lists the acts showing the offence to include offence of accepting gratification; giving or accepting bribe through an agent, fraudulent acquisition of property, fraudulent receipt of property, making false statement or return, corrupt demand by persons, bribery in relation to auctions, among others. Corruption arguably is inherent in man, but may be tamed by self-discipline, good governance and environmental sanctions. Corruption at any point in time is condemnable in all ramifications, even from the biblical point of view.⁴⁶ Corruption is found in all fabrics of the Nigerian polity be it political, economic, social and religious sector. Most often it is perpetrated by past and present serving political leaders. Cases of embezzlement of public funds by Nigeria's past and present political class are innumerable and cannot be disconnected to the financial scarcity Nigeria is facing today.⁴⁷ The exploitative scheme of corruption in Nigeria since independence has become institutionalised and efficiently managed by the political class and increases in magnitude as successive political class access the seat of power. The transparency expected from the political leaders is not being demonstrated based on the understanding that infrastructural development has not permeated the country. Citizens are still in the condition of being financially, materially and psychologically threatened. Supporting this statement, Umeh states: '... the use of money to buy political office and the encouragement by the government of 'politics of settlement' and the recycling of political office holders have encouraged corruption than curtail it'.⁴⁸ Chief Executives of states in Nigeria are often dragged to court by the Chairmen of Local Government Councils, over the conversation of local government allocation and usurping of the latter's functions, which is also statutory provision. Illustrative here is the case of *Knight Frank & Rutley Big v AG Kano State*.⁴⁹ Sometimes the state Chief Executive single-handedly removes a democratically elected chairman of Local Governments Council to put his loyalists. This is illustrative in *AG Benue State v Umar*,⁵⁰ and *Onuegbu and Ors v AG Imo State*.⁵¹ Past military governments has also used public power for private gains. The Abacha loot is instructive here. It is estimated that Abacha and his family embezzled about 4 billion US Dollars according to International Centre for Asset Recovery (2009) between (17th November 1992 - 1993).⁵²

⁴⁰ (2002) 6 NWLR (Pt. 764) 321.

⁴¹ K VR 14/01/2020) SC accessed 16th June 2021.

⁴² Micheal M. Ogbeyi, *Political Leadership and Corruption in Nigeria since 1960* A Socio Economic Analysis, <www.unh.edu article issue 2> accessed 2nd January 2018.

⁴³ Ibid

⁴⁴ E M Kirk Patrick, *Chamber's Universal Dictionary* (n29) 145.

⁴⁵ Corrupt Practices and Other Related Offences Act, 2000, section 2 in Comfort Chinyere Ani, 'Corruption in Criminal Justice Administration in Nigeria: The Role of Legal Profession' (2011) *Nigerian Bar Association Journal* 112 – 113.

⁴⁶ Nihil Obotat, *Good News Bible, Today's English Version*, 'Genesis Chapter 4, Verse 8'. (4 edn. Kolkatata: Swapua Works Put Ltd, 2004) 4.

⁴⁷ The Transparency International, an independent, organization, that check met corruption worldwide ranked Nigeria 121st corrupt country in 2008; 136th corrupt country in 2014; and 148th corrupt country in 2017 and with the trend of events now, the position must have gone up and this may also have informed the reason for which the Prime Minister of Britain recently called Nigeria a fanatically corrupt country.

⁴⁸ Ngozi Chuma Umeh 'A Critical Analysis of Nigeria Socio-Economic situation visa-vis the Fundamental Objectives and Directive Principles of State Policy as Contained in the Constitution of the Federal Republic of Nigeria, 1999 (as amended)' , [2010 – 2011] (1) *Faculty of Law, Madonna University Law Journal* 2011.

⁴⁹ (1998) 7 NWLR (pt 556, 1 SC).

⁵⁰ (2008) NWLR (Pt 1068) 322 at 365.

⁵¹ Appeal No CA/OW/215/2011 delivered on 5th day of July, 2012 unreported and also *Akpan v Umeh*, here the court among other things held that the removal of democratically elected Local Government Counselor by 2nd respondent and appointment of the caretaker committee is inconsistent with section 7(1) of the Constitution of the Federal Republic of Nigeria, 1999 and therefore null and void.

⁵² Maduagwu in Agboyeye, *Corruption and Democratization* (Ibadan: Agba publishers, 1996) 5.

Bad Attitude of the Political Class to Election Process: Nomination and Campaign

The election process is rather incomplete without nomination and electioneering campaigns, but this must be done according to the provisions of the law. The Electoral Act provides that a candidate and his party shall campaign for the election in accordance with rules and regulations as may be determined by the Act and Independent National Electoral Commission (INEC). The apparatus for achieving the above objectives include the media and it is accepted that the media shall not be employed to the advantage or disadvantage of any political party or candidate at any election.⁵³ The media time shall be allocated equally among the politicians or candidates at similar hours of the day.⁵⁴ The media time and hours shall be allocated to all parties or candidates subject to the payment of appropriate fees.⁵⁵ The Act also provides penalties for contravening these provisions of law on conviction and subsequent contraventions.⁵⁶ Sadly, these laws are just there in the Act and have not been adequately invoked by INEC to the conviction of the common man. For example, the Third Republic under Obasanjo administration witnessed a lot of these breaches where the ruling party PDP hijacked almost the federal media for their political campaign to the exclusion of other parties especially the opposing party APC. This is also applicable in election substitution. The substitution laws are often kept in disobedience by the political class, the cases of *Engineer Charles Ugwu and Anor v Senator Ifeanyi Ararume*,⁵⁷ *Onuoha v Okafor*,⁵⁸ *Dalhatu v Turaki*,⁵⁹ *Hon. Rotimi Chibuike Amachi v Independent National Election Commission*,⁶⁰ and host of others are the illustrative.

The INEC has power to oversee virtually everything about election in Nigeria as enshrined in the Constitution.⁶¹ INEC also has power to divide each state of the federation into three senatorial districts for purposes of elections to the senate, and also divide the federation into three hundred and sixty federal constituencies for purposes of election to the House of Representatives. The political class often take advantage of the enormous powers of the INCE to cause political misconduct such as rigging election and other electoral misconducts. In the 2015 general election for instance, INEC had about 200 election misconduct petitions pending against it. This indeed smacks of incompetence and corruption. The effect is that many Nigerians no longer have interest to go to the polling booths to vote because they believe their votes do not count.

5. Conclusion and Recommendations

Based on the political anomalies pointed out in this work, a paradigm shift of attitude towards democracy and the rule of law by the political class in order to advance democracy and realise its prospects for all and sundry in Nigeria is paramount. Doing otherwise, may tilt towards anarchy which is at variance with the spirit of the founding fathers of Democracy. The following measures may be necessary:

1. The clarion call for an inclusive and encompassing Constitution will enhance Nigerians' constitutional validity, legitimacy and acceptance by the people. It would also correct numerous defaults and lacuna.
2. A free and fair political election to restore good leadership that has the mandate of the people who will lead them to achieve the desired objectives is of essence.
3. Honest pursuit against corrupt practices especially among the political class in Nigeria devoid of selective justice is needful. Selective justice among the political class as experienced in the present administration hampers the advancement of democracy and should be jettisoned.
4. The judiciary should flush out corrupt judges and only the incorruptible judges should be allowed to seat in election petitions. Any attempt by politicians or political parties to induce judges to decide election matters in their favour should be exposed and due penalty meted to deter further attempt or misconduct.
5. The enormous powers of the INEC should be decentralised in order to reduce the effects of absolute powers and compromising attitudes of INEC in the conduct of elections which often attract numerous litigations after elections.

⁵³ Electoral Act, 2022 (as amended) section 95 (1) – (5).

⁵⁴ Electoral Act 2022, s. 95 (2).

⁵⁵ Electoral Act 2022, s. 95 (3).

⁵⁶ Electoral Act 2022, s. 78 (1) (a) – (c) .

⁵⁷(2007) LCN/3722 (SC) <file:///G://Engineer Charles Ugwu & Anor v Senator Ifeanyi Ararume> Accessed 11th October, 2017.

⁵⁸(1983) 14 NSCC 494.

⁵⁹ (2003) 15 NWLR (Pt 843) 310.

⁶⁰ (2008) SC 252.

⁶¹See the Third Schedule to the Constitution provides that the Commission shall have power to organize, undertake and supervise all elections to the office of the President and Vice-President, the Governor and Deputy Governor of a State and to membership of the Senate, the House of Representatives and the House of Assembly of each state of the Federation. Other powers of this Commission are provided in the Third Schedule of the Constitution, Part 1.