

**PARTICIPATION IN POLITICS AND ELECTIONS
(MISCELLANEOUS PROVISIONS) DECREE 1991**



Decree No. 48

[25th November 1991]

Commence-
ment.

WHEREAS the Federal Military Government has, through the Transition to Civil Rule (Political Programme) Act, set in motion the process for the handing over of power to democratically elected Governments at the Federal, State and Local Government levels;

AND WHEREAS it is necessary that nothing should be done to frustrate or disturb the said transition to civil rule programme so that it may remain on course until power is fully and finally handed over as enacted in the Act;

AND WHEREAS it appears that unless the National Electoral Commission is empowered to screen and sift the candidature of persons vying for elective offices under the programme, it is possible that some persons will disturb or completely frustrate its orderly execution and it is, therefore, necessary to empower the National Electoral Commission to ensure that only persons of requisite calibre shall hold elective political offices;

NOW THEREFORE, THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows—

1. Notwithstanding any provisions of the Constitution of the Federal Republic of Nigeria 1979, as amended, or any other enactment, law, instrument or document, including the Constitutions of the National Republican Convention and the Social Democratic Party, a person shall not be allowed to stand for an election if the Commission is of the opinion and if it declares that he is not a fit and proper person to stand for such election or to hold an elective office, on any ground whatsoever and such ground may include the fact that—

Power of the
National
Electoral
Commission
to declare a
person not
fit and
proper to
contest an
election.

(a) the activities of such person are inimical or are not in consonance with public order, public morality, law and order;

(b) he is a person who is likely to—

(i) disturb or disrupt the process of democracy and peaceful transition to civil rule, having regard to his said activities;

(ii) hinder or prevent the progress and process of the grassroots democracy as established by the transition to civil rule programme.

(c) he is a person whose loyalty, patriotism and attitude towards a peaceful and orderly democratic election are questionable ;

(d) he is a person whose participation in the democratic process may seriously put in doubt and jeopardy the legitimacy or credibility of such an election.

Commission may issue necessary declaration.

2.—(1) In declaring a person affected by the provisions of section 1 of this Decree not to be a fit and proper person to contest an election, the Commission may exercise its power under section 2 of the Act as if such person were a person affected by section 1 (2) of that Act.

(2) The provisions of the Act shall apply to any person affected by this Decree as it applies to persons affected by that Act.

(3) Notwithstanding anything contained in any enactment, manifesto or Constitutions of the National Republican Convention and the Social Democratic Party, the Commission may accept, cancel or annul the report of any primary presented to it by the political parties.

(4) Notwithstanding anything contained in any enactment or the Constitution of the Federal Republic of Nigeria 1979, as amended, where the Commission cancels or annuls the report of any primary presented to it by a political party, the Commission shall permit the said party to conduct another primary in place of the one cancelled or annulled by it.

Application of certain sections of the Act.

3. Notwithstanding the provisions of section 2 of this Decree, the provisions of sections 4, 5, 6 and 7 of the Act, shall apply to any matter arising from or in connection with this Decree.

Interpretation.

4. In this Decree—

Cap. 342 LFN.

(a) "Act" means the Participation in Politics and Elections (Prohibition) Act ;

Cap. 255 LFN.

(b) "Commission" means the National Electoral Commission established by the National Electoral Commission Act ;

(c) "election" includes primary elections within the two political parties conducted for the purpose of determining candidates who will contest for elective political offices on the political parties' platforms ;

(d) "primary" means any primary election as described in paragraph (c) of this section.

Citation.

5. This Decree may be cited as the Participation in Politics and Elections (Miscellaneous Provisions) Decree 1991.

MADE at Lagos, this 25th day of November 1991.

GENERAL I. B. BABANGIDA,
President, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria

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