

DEROGATION FROM FUNDAMENTAL RIGHTS IN NIGERIA: A CONTEMPORARY DISCOURSE

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Abstract: The 1999 Nigerian Constitution guarantees to Nigerian citizens the fundamental rights contained in its chapter IV. This article undertakes a contemporary discourse on derogation from fundamental rights under section 45(1)(a) of the 1999 Constitution. It is the writer's view that the enactment of laws which derogate from the fundamental rights envisaged in the section above other than in the interest of defence, public safety, public order, public morality and public health is unconstitutional. The writer suggests the amendment of the Constitution to define the elastic terms-defence, public order, public safety, public morality and public health.

Key Words: Derogation, Fundamental rights, Reasonably justifiable in a democratic society, Defence, Public order, Public morality, Public safety, Public health, Selfish or Vested interest.