

A BILL

FOR

An Act to Alter the Constitution of the Federal Republic of Nigeria, Cap. C23, Laws of the Federation of Nigeria, 2004 to Recognize the Right to a Clean, Safe, and Healthy Environment as an Enforceable Fundamental Right; to Integrate Environmental Protection into the Right to Life and Dignity of the Human Person; to Provide for Judicial Enforcement, Remedies, and Procedural Safeguards for the Protection of Environmental Rights; and for Related Matters

Sponsored by Hon. Benjamin Okezie Kalu

Co-Sponsors:

Hon. Kelechi Nwogu	Hon. Tolani Shagaya
Hon. Jonathan Gaza Gbefwi	Hon. Akintunde Rotimi
Hon. Nasiru Shehu	Hon. Lawan Shettima
Hon. Amobi Ogah	

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria-

1	1. The Constitution of the Federal Republic of Nigeria Cap C.23	Alteration of the
2	Laws of the Federation of Nigeria 2004 (in this Bill referred to as "the	Constitution
3	Principal Act") is altered as set out in this Bill.	Cap. C23, LFN
		2004
4	2. Section 20 of the Principal Act is deleted.	Deletion of
		Section 20
5	3. Section 33 of the Principal Act is altered by, inserting after the	Alteration of
6	existing subsection (2) a new subsection "(3)"-	Section 33
7	"(3) The right to life includes the right to a clean, safe, and healthy	
8	environment."	
9	4. The Principal Act is altered by inserting, after the existing	Insertion of
10	section 33, a new section "33A"-	Section 33A
11	"33A. Right to protection of environment:	

1 (1) Every person shall have the right to a clean, safe, and healthy
2 environment free from pollution, contamination, and environmental
3 degradation, and any violation shall give rise to liability.

4 (2) The State, corporate entities, and all persons engaged in activities
5 affecting the environment shall take all necessary measures to protect and
6 improve the environment and safeguard the water, air and land, forest and wild
7 life of Nigeria."

Alteration of
Section 34

8 5. Section 34 of the principal Act is altered, by inserting after the
9 existing subsection (2), a new subsection "(3)"-

10 "(3) For the purposes of this section, subjecting any person or
11 community to environmental conditions that pose a risk to health, cause
12 displacement, result in the loss of livelihood, or lead to the degradation of
13 living conditions arising from pollution, toxic waste dumping, industrial
14 emissions, or the contamination of air, water, or soil, or from any other harmful
15 environmental activity, shall constitute inhuman and degrading treatment."

Alteration of
Section 46

16 6. Section 46 of the Principal Act is altered by substituting for it the
17 following new section-

18 "46. Special jurisdiction of the High Court and legal aid:

19 (1) Any person who alleges that any of the provisions of this Chapter
20 has been, is being, or is likely to be contravened in any State by a person, state,
21 or corporate entity in relation to him may apply to a High Court or Federal High
22 Court in that State for redress:

23 Provided that where the infringement occurs in a State which has no
24 Federal High Court, the Division of the Federal High Court administratively
25 responsible for the State shall have jurisdiction.

26 (2) "Any person" includes-

27 (a) any individual,

28 (b) group of individuals,

29 (c) non-governmental organization,

30 (d) community representative, or

1 (e) associations,
2 acting in their own interest, on behalf of another person, as a member of, or
3 in the interest of a group or class of persons, or in the public interest.

4 (3) No application for the enforcement of fundamental rights under
5 this chapter shall be affected by any limitation law.

6 (4) No application for the enforcement of fundamental rights under
7 this chapter shall be dismissed or struck out for want of locus standi.

8 (5) The Chief Justice of Nigeria may make rules for the
9 enforcement of this Chapter of the Constitution, which shall include existing
10 rules such as the Fundamental Rights (Enforcement Procedure) Rules 2009
11 and such other rules as the Chief Justice of Nigeria may deem fit to make.

12 (6) The National Assembly-

13 (a) may confer upon a High Court or Federal High Court such
14 powers in addition to those conferred by this section as may appear to the
15 National Assembly to be necessary or desirable for the purpose of enabling
16 the court more effectively to exercise the jurisdiction conferred upon it by
17 this section; and

18 (b) shall make provisions-

19 (i) for the rendering of financial assistance to any indigent citizen
20 of Nigeria where his right under this Chapter has been infringed or with a
21 view to enabling him to engage the services of a legal practitioner to
22 prosecute his claim;

23 (ii) for ensuring that allegations of infringement of such rights are
24 substantial and the requirement or need for financial or legal aid is real.

25 (7) Any person affected by environmental pollution or degradation
26 may approach the State High Court or Federal High Court for the
27 enforcement of environmental rights under this Chapter.

28 (8) State High Courts and Federal High Courts shall have
29 jurisdiction to award appropriate remedies, including-

30 (a) compensation for environmental damage;

1 (b) orders for environmental restoration and clean-up;
2 (c) punitive damages against polluters, injunctions to prevent further
3 environmental harm; and
4 (d) any other remedy deemed necessary to protect environmental
5 rights.

6 (9) In environmental rights cases, the burden of proof shall shift to the
7 alleged polluter to demonstrate that their activities do not violate
8 environmental rights or cause environmental harm.

9 (10) In this Section-
10 "environmental harm" includes pollution, water contamination, soil
11 degradation, toxic waste disposal, industrial emissions, ecological destruction,
12 environmental degradation, oil spills and destruction of essential natural
13 resources, which pose direct or indirect threats to human life and health.

Citation 14 **7.** This Bill may be cited as the Constitution of the Federal Republic of
15 Nigeria (Sixth Alteration) Bill, 2025.

EXPLANATORY MEMORANDUM

This Bill seeks to alter the Constitution of the Federal Republic of Nigeria 1999 (as altered) to elevate the right to a clean, safe, and healthy environment to the status of a justiciable fundamental right under Chapter IV of the Constitution. It further proposes integrating environmental protection within the scope of the right to life and dignity of the human person, respectively. In addition, it provides for the enforcement, procedural mechanisms for the protection of environmental rights and Judicial remedies.