ARREST I N NIGERIA PROCEDURAL LAWS

MUHAMMAD BELLO ALLE
COLLEGE OF LEGAL & ISLAMIC STUDIES
HALIRU BINJI COLLEGE OF ARTS & SCIENCE SOKOTO

INTRODUCTION

This chapter deals wth an issue which is very improtant in the Nigerian Social and Legal setting. This is because the chapter deals with a matter which lies at the very root of the future of Nigerian populace. I prefer to look at it from the view point of a law enforcement agent. The Nigeria Police etc. I shall however examine mainly the criminal procedure code and the criminal procedure Act.[2] I will also as a matter of necessity examine the relevant constitutional provisions and the Nigeria Police Act[3] as they relate to the topic.

The Nigeria Police who is generally vested with the powers of arrest clearly spelt out under the police Act which provides:-

> *'The Police shall be employed for the prevention and detection of crime, the apprehension of offenders, the preservation of law and order, the protection of life and property and the due enforcement of all Laws and regulations with which they are directly charged and shall perform such Military duties within or outside Nigeria as may be required of them by or under authority of this or any other Act.*[4]

It is under this provision that the Nigeria Police performs its functions. They have breaced up squarely to the task and ensured that the laws to be enforced by them have been effectively given the limits of their staturary authorisation and the available resources at their disposal. A act of arrest does not lie exclusively within the real of Police officers alone, the responsibility for prevention of crime lies on the generality of Nigerian. We are the subject of the law, we represent the law and the law represents us, we must be loyal to the law for the law articulates our aspirations and sets forth our duties and rights, every Nigerian live within this realm. Therefore, it is an obligation imposed by law and not merely a matter of convenience for the people of this country to supplement the efforts of the Nigeria Police in the detection and prevention of crime.

ARREST

The attendance in Court of a person suspected of Committing a Criminal offence can be obtaind by means of either a summons of an arrest which may be effected with or without warrant. In this chapter, I am concerned with the latter. Arrrest is literally another defined as the deprivation of the liberty of one person by the act of person. Liberty being the most cherished goal of every individual, an individual should be free from physical restraint on his body except in justified circumstance which are specifically recognised by the law for the interest of public peace, law and order. The Country in order to protect other important interests, has to resort to arresting people, thus regating the right to liberty. But this is justifiable because in the absence of restrictions, liberty may end up in licence and anarchy. It is necessary that arrest must not be an arbitrary matter as it used to be during the Feudal Era in Europe when Kings

and lords could arrest persons without any reason, but the issue of arrest must be regulated in a well defined manner.

The 1979 Constitution of the Federal Republic of Nigeria (as amended by various Decree) allows for the safeguard and interference of the liberty of the individual. Section(32) of the 1979 constitution declares that 'Every person is entittled to his personal liberty and no person shall be deprived of such liberty, except for the purpose of bringing him before a Court in execution of Court order or upon reasonable suspicion of his having committed a criminal offence, or to such extent as may be reasonalbe necessary to prevent his committing a criminal offence'.

The gist of this constitutional provision is that, no person shall be deprived of his personal liberty save in accordance with a procedure permitted by the law. In this sense personal liberty is viewed as the freedom of every law abiding citizen to think what he will, to say what he will and to go where he will on his lawful occasions without let or hinderance from any other person or authority, and this right need not to be subjected to imprisonment, arrest or any other physical coercion in any manner that does not admit of legal justification.[5] However, personal liberty may be deprived provided:-

a) It is in execution of a sentence or court order, such sentence or court can be executed and the person cannot challenge it on the ground that the right to liberty is infringed.[6]

b) For failing to comply with court's order, for instance if a person disregards an order of the court, the court may issue a warrant of arrest, or in oder to secure the fulfilment of any obligation imposed upon him by law.[7]

c) For the purpose of bringing an accused before a court to answer charges labelled against him, but a safeguard has been provided in this connection to the effect that, a person arrested or detained must be brougnht before a court of law within a reasonable time.[8]

d) For the purpose of the welfare or education of a person below 18 years.9

e) For the purpose of the care or treatment or protection of the of the community against persons suffering from infectious or contagious disease, person of unsound mind, drug-addicts, alcoholic person or vagrant.[10]

f) For the purpose of preventing the unlawful entry of any person into Nigeria or effecting expulsion or extradiction.[11]

Section 32(2) of the 1979 constitution further provides that, any person who is arrested shall have the right to remain silent or avoid answering any question until after consultation with a legal practitioner or any person of his own choice who may be a reelative or spose, he may stubbornly remain silent evern as of malice. So the state officers cannot persecute him by inteerrogation or harass him with awkward questions.

A critical analysis of this provision will clearly reveal that, its object is to avoid making incriminatroy statements, so that the choice is entirely left to a person to speak or remain silent or avoid making incriminatory statements, so that the choice is entirely left to a person to speak or remain silent or avoid answering question put to him by the police. But despite the clear wordings of the provision, yet the police often insist by whatever means, that a person arrested must speak at the police station, fortunately or

not, the average Nigerian who is not conversant with the provision of the law, or even if he is conversant is left with no choice but to answer question put to him without necessary caution provided by two sets of rulers applicable in both North and South of the country.12 If the police insist arrested person must speak, he has to speak in order to avoid further trouble with the police. It is a notorious fact that, police interrogation is not the most democratic one and this experience of the police is universal, and as long as police interrogation is conducted exclusiverly by police personnel and in police station, the interrogation room will largely remain a coercive and frightful atmosphere.. there is nothinng anyone can do about police brutality in the interrogation room, because it is not easy to give rational evidence on police brutality. This in my view is a very serious disrespect for the law. The law is meant for people to obey including the police. In order to avoid police brutality in the interrogation room, I suggest that, the confessional statement of a suspect or accused should not be admissible as good evidence during his trial in a court of law. If a suspect or accused is willing to confess to the crime, he should be free to do so in open court; I highly recommend to be amended into our evidence laws, a similar provision contained in section (25) of the Indian Evidence Act, 1872 which provides:-

> *"No confession made to a police officer shall be proved against a person accused of any offence"*

Strict adherence to this recommendation will undoubtedly minmize instances of police brutality in the interrogation room and safegard the fundamental rights of every Nigerian which the present military Government has on several occassion promised to uphold.

However, s.32(4) of the 1979 constitution had provided a safeguard to the effect that, any person arrested or detained shall be brought before a court of law within a reasonable time. What is a reasonable time, has been further provided by s. 32(5) of the 1979 constitution. It says if a person is arrested or detained within a radius of 40 kilometres from a court of law, a period of one day is a reasonable time, but where the person stay at a longer distance, a period of two days may be considered by the court to be reasonable. This means that a person effecting an arrest should not keep the arrested person for as long as he wishes. Thus a police officer effecting an arrest must be conversant with the law governing arrest in its totality. It is a matter of common knowledge that ingnorance of law is not an excuse, this should be the case if fundamental human rights is to be maintained. A detainee if not tried within two months of his arrest or detention (in case is not entitled to bail) or three months from the date of his detention for a person released on bail shall be released with or without conditions in order for him to appear fo his trial in due course.

It is to be noted here that a murder suspect must not be release on bail under S.341(1) of the criminal procudure code of Northern States, but S.118(1) of the criminal procedure Act of Southern States provides that a person charged with any offence punishable with death must not be admitted to bail except by a Judge of High Court. This means a suspected murderer shall not be heard to complain that, he has spent over three months in detention and should therefore be released on bail.

In a situation where the above provision is violated the person unlawfully detained or arrested is entittled to compensation in torty and public apology from the appropriate person or authority as provided by S.32(6) of the 1979 constitution; so if a police officer unlawfully arrest Mr. A, he will be enttitled to public apology from the office of the Inspector General of Police in addition to some monetary compensation; But whether this provision is being complied with or n ot is a question which only

victim of unlawful arrest is competent to answer. But it is worthnoting that, if a person is arrested or detained upon reasonale suspicion of having committed a capital offence, the provision for compensation and apology would not be applicable. Thus whenever arrest is permitted by any law, the legal provision must conform to the constitution. If they do not satisfy the constitutional tests, then arrest could be illegal. Thus in Shagaba Darman V. Federal Minister of |Intenral Affairs and other,[13] where plaintiff was deported on th e order of the Minister of Internal Affairs, on the alledged ground that he was a foreigner from the Chad Republic and that he was a danger to the country. The Maidugurri High court set aside the deportation order on the ground that, Shugaba was a Nigerian citizen, therefore the deportation order was illegal.

The powers of arrest identically provided by both the criminal procedure code, criminal procedure Act and the Police Act, have their basis in the constitution for they confer very wide range of powers of arrest in the of police in certain circumstances, so that they may act with quick dispatch for the preventtion of crime without going to the Court of Law for a warrant of arrest. It is therefore imperative that the courts should be warchful that these wide powers in the hands of police are not in the slightest way, misused or abused by the police or any person acting through thenm for the satisfication of private vengeance.

Generally, arrest are made by both the police and private persons with or without warrants, such private persons included Judges magistrates and Justices of the Peace. When making an arrest, the police officer or a private person making the same shall actually touch or confine the body of the person being arrested, unless there is submission to custody by words of mouth or action,[14] except where the person arrested submits to the custody of the person effecting the arrest when he is informed in unequivocal term that he is under arrest, but it was admitted in the case of Sadiq Vs The State[15] that "mere words cannot constitute an arrest under the law, unless accompanied by some form of restraint". This mean deprivation of liberty is a necessary element in arrest, but this does not mean that there is need to be an actual confinement by physical force save on where the suspect attempts to escape or is likely to be violent.[16] If the person effecting arrest is faced with resistance from the person to be arrested, he may use force as may be reasonably necessary to effect the arrest, but he should not use more force than is necessary, otherwise he would be criminally responsible for any excessive use of force.[17] It has however been held in the case of Mono Sokoto Vs. Inspector General of Police18 that, "there can be an arrest without strict formalities so long as the person arresting makes it clear to the person being arrested that his freedom of movement for the moment can be directed to only one way, that is the police station".

ARREST WITH WARRANT:

A warrant of arrest is an authority in writing issued by a court to a police officer, or any other person to arrest an offender and bring him before the court. Under column 3 of Appendix 'A' to the criminal procedure code which provide classes of offences for which no arrest can be made by a police officer or any other person without first obtaining a warrant of arrest from a court, but under the criminal procedure Acrt, it is the law creating the offence withich states wherther or not an arrest would be on warrant or not; whatever has been provided by the law, in practise warrant of arrest can be issued for any offence irrespective of whether the offences are declared by the law creating them, to be offences for whcih the offenders can be arrested with or without a warrant of arrest.

In both laws, a warrant of arrest shall be in writing, duly signed by the issuing officer. It must describe the person to be arrested with reasonable certainty. It must be

executed by the person to whom it is desirable for the police officer or any person executing it to have the warrant in his possession at the time of the arrest, where however it is not in his possession at the time of arrest, the arrest may still be executed provided of course that on demand by the suspect it should be shown to him as soon as practicable after his arrest.19

A person authorised to make an arreest must be given free ingress and eagress at any place where the suspect is to be found. In otherwords, the arresting officer or person authorised has further powers of entering and searching any building or premises if he reasonable suspects that the offender has enttereed or is hiding in that place, he may enteer the premises by force where the demand for assistnace is refused.20

ARREST WITHOUT WARRANT

the general powers of a police officer or of a private person to make an arrest without warrant are spelt out in sections 10, 11 and 55 of the criminal procedure Act, section 20 of the Police Act 1967, section 26 of the criminal procedure code, and column 3 of Appendix 'A; to the criminal procedure code. In this write up, emphasis will be made on the criminal procedure code of Northern States, however casual reference will be made on other relevant laws.

Under section (26) of the criminal procedure code, a police officer may arrest a person without warrant in thirteen situations. Section 26(a) authorised a police officer to arrest without warrant any person who commits an offence in his presencee notwithstanding anything contained in Appendix 'A' to the criminal procedure code.[21] In otherwords even if Appendix 'A' says a warrant is needed to effect an arrest, a police officer may disreaged this law and proceed to arrest provided always the offence is committed in his presence. The difficulty accompanying this provise is the meaning ascribned to the words "In his presence". A question which is often asked is when is a crime said to be committed in the presence of a police officer ? If for instance someone steals from a side kiosk and the police officer is within view of the thief but his back is turned towards him, that is probable not "in his presence". But what if a police officer walking down a street turns a corner and sees a man running down the street and another person shouting "Help' police Help" thief, this would also appear not be an offence committed in the presence of a police officer. In my view a crime can only be said to be commmitted in the presence of police officer when he sees a crime been committed at a particular point in time. For instance if a police officer smells Indian hemp from a locked door or house this would appear not to be an offence committed in the presence of a police officer.

Section 26 (c) of the criminal procedure code it deals with an offence committed in the past, for it provides a police officer to arrest any person against whom a reasonable complaint has been received or reasonable suspicion exist of his having been so concerned.22 The difficulty often associated with this proviso is the meaning of "Reasonable complaint" and "Reasonable suspicion". It is not worthy that, these words required different standard of care for the police officers. It is not every allegation that Mr. A has committed an offence which will be sufficient for the police to effect an arrest, but the law required the police officer to examine every allegation to ascertain whether the standards have been met. A hasty action by a police officer may make him liable for unlawful arrest. It was observed in the Indian case of Sardino Jakhro Vs. Emperor23 that "Reasonable suspicion referred to in section (54) of the Indian Criminal procedure code (which is equivalent to sec. (26(c) of our criminal procedure code) must relate to definite avertments which the police officer must consider for himself before he acts under this section". Therefore in order to justify a police officer taking an action

under section 26(c), there msut be a reasonable complaint or reasonable suspicion of the person to be arrested having been concerned in a cognizable offence. What amounted to a reasonable complaint or reasonable suspicion must depend upon the circumstances of each case, but it should at least be founded upon some definite fact other than personal feelings tending to show suspicion on the person enemity between the police officer concerned and the arrested person, a very high standard of evidence would be required to prove that the police officer acted in good faith. A police officer is therefore required to show not only that his action is devoid of personal interest but also that it is purely based on credible information he received.

Under section 26(d) and (e) of the criminal procedure code, they empowers the police officer to arrest any person whose discharge from prison custody has been cancelled by a High Court Judge and any person whom he reasonably suspects of "designing" to commit an offence respectively. The latter proviso needs clarification. Theoritically, it is the most difficult subsection, because of the word "designing", if one may ask what does the term design mean? In my view, it lies somewhere between a bare intention and an attempt is , it will appear to include the planning before the attempt is started. Here the police are usually guided with a belief that the commission of the offence cannot be otherwise prevented the test here is subjective, that is what the police actually think at the time of the arrest.

On the last note section 26 (g) of the criminal procedure code, it gives power of arrest interalia to police officers to arrest any person who is found in a suspicious circumstances and has no ostensible means of sustence or cannot give a statutory account of himself. Okonkwo, in his book[24] points out that "the standard of Ostensible means of sustenance is a very elusive one, it is too vague to be a good standard of guidance to the police before they can arrest". It seems to be inconsistent with individual freedom in a truely democratic society. Moreover, it is the moral obligation of the state to provide means of substenance to all its citizens. It therefore seems quite strange that a man should be put into further hardship for not having ostensible means of substenance, if that is the case in our present day Nigeria, many peiople will be arrested and detain under this proviso due to poor economic state of the country.

ARREST BY PRIVATE PERSON:

A layman's common question is who is a private person contemplated by the law ? In law a private person is any person other than a law enforcement ageent which includes judges and magistrates. A private person's power of arrest is provided for under section (28) of the criminal procedure code and section (12) of the criminal procedure Act. These two provisions provide stituation when a private person can arrest an offender. The two above sections tends to give limitations on these powers of arrest by a private person which gives implementationa problems. For instance section (28) of the criminal procedure code providesL:

> *"A private person may arrest any person who is required to appear by public summons under section (67) of the criminal procedure code".*

How is it possible for a private person not learned in law to know the perosn is required to appear by a public summons published under section (67) of the criminal procedure code ? There is however another curios provision under section (15) and (16) of the criminal procedure Act and section (29) and (30) of the criminal procedure code which empowered magistrate or justice of the peace to arrest or order the arrest of any person

who commits an offence withn his area of jurisdiction, and to deal with the areested person in the ssame manner as if such person has been brought before him bty any other person. This means that a judge or magistrate after he arrested or ordered for the arrest can try a person arrested in his Court. One wonders whether the provision does not voilate the concept of fair hearing guaranteed by the constitution,[25] and the common law rule of Nemo Judex in causa sua. As long as magistrate or judge arrest or ordered for the arrest, there is a prima facie conviction in his mind that the offender has actually committed the offence and whether the same presiding judge or magistrate could be called upon as prosecusion witness to give evidence at the trail ? In view of the obvious problems that will arise from the practical implementation, it is submitted that the provisdion should be abrogated.

However, it is further provided under section 28 (d) of the criminal procedure code that, "A private person may arrest any person committing in his presence an offence for which the police are authorised to arrest without warrant". By this provision, the state pre-supposes that every person is conversant with the law, while it is good to supose so, on the other hand, it is a mockery on the law since the state did not take steps to enlighten people about the law. The worrying aspect is that, it is not easy for a private person to determine at the spur of an unusually tense and criminal moment that, it is an offence which a police officer is empowered to arrest without warrant, how does he know this? This is indeed a tricky situation.

PROCEDURE IN MAKING ARREST

The question is that, does that mere pronouncement of the word "Arrest" amounts to an arrest in law? In other words, if a police officer say "I arrest you" without more, does that amount to an arrest? In the strict legal sense, it is not an arrest. Section (3) of the criminal procedure Act provides "A person making an arrest must actually touch or confine the body of the arrested person, unless there is submission to the custody by word or conduct. This is just to say an offender has an option either to submt to arrest or refuse submission on being told he is under arrest. Thus in Atini Ateze Vs. Alhaji Momoh, 26 Hurley S.P.J. observed:

> *"... We hear, evidence to the like effect over and accompany him to the charge office and he does. There is no arrest, no legal process, no submisssion and no constraint. The man is entitled to refused accompanying the constable, if he does the costable is entittled to arrest and bring him with him, but he cannot compel him to come unless he arrest him... ".*

Therefore mere pronouncement of a word arrest is not an arrest, unless the person sought to be arrested submit to the process and goes with the arresting officer. Thus, in Alderson Vs. Booth, 27 where a constable said to the defendant "I shall have to ask you to come to the police station for further test" and the defendant followed the constable, it was contended that, there was no arrest. Furthermore Lord Parker C.J. while delivering his judgement said:

"There are a number of cases, both ancient and modern, as to what constitute an arrest, and whereas, there was time when it was held that, there could be no lawful arrest unless there was and actual seizing or touching. It is quite clear that, that is no longer the law. There may be an arrest by mere words, by saying "I arrest you" without any touching provided of course that, the accused submits and goes with the police officer,. Equally it is clear as it seems to me, that an arrest is constituted when any form of words are sued whcih in the circumstances of the case, were calculated to bring to the

accused's notice, and did bring to the accused's notice that he was under compulsion and therafter he submitted to that compulsion".

Section (4) of the criminal procedure Act provides manner how an arrested person should be treated to the effect that, he should not be handcuffed or otherwise be subjected to unncessary restraint except by order of the court or unless the restraint is necessary for his safety. Whether the police observe this provision or not is another question which only the police officer is competent to answer. In practise, a suspect is often handcuffed, at time beaten by the police on being told that he is under arrest, at that point in time, the police officer considers a suspect as a convict. Butthose arrested for capital offences such as Armed Robbery or any offence which attract 7 years imprisonment are subject to restraint by handcuffs and chains, or he can even kill the suspect provided he cannot by anyway be arrested.[28] Though it is commendable that the police commands in some states have used this provision to gun done many suspected armed robbers, but \I may suggest, this provision need not be retained because it is too harsh, for it affords the police officer opportunity to kill mere suspects of crime at heslightest excuse. I am not unmindful of the excesses especially by the police officer when affecting an arest. It is noteworthy that, an irregular arrest may give rise to a civil cause for tresspass but the criminal trial instituted cannto be impeached on the ground of any irregularity in effecting the arrest. 29 In Okotie Vs. police 30 where the accused was arrested without warrant of arrest and arrained for conspiracy to steal and bring false accusation. He was convicted on both offences. He appealed against conviction, on the groundthat his trial and conviction were a nullity because the provision of the section creating the offence of conspiracy to bring false accusation which requires an offender to be arrested with a warrant of arrest were not complied with. The Court held that, the defect in the arrest merely redered the arrest unlawful. It did not in anyway affect the validityu of the trial. The court relied on the provisions of section (101) of the criminal procedeure Act and dismissed the appeal.

It is imperative to note that, the law did not wish to exempt police officers either from carrying out their civic duties under the law in the proper way, or from any civil, criminal or disciplinary responsibility which they might incur by failure to observe the law, they should thereforee be watchful whenever they are procuring the attendance of an accused person before a court.

CONCLUSION

It is clear from the provision on Nigerian procedural laws that most powers especially of the police are very wide indeed but they need to be so for effective adminstraation of criminal justice. By saying this it is not that one is unaware of the abuses to which these powers are put. The abuses have nothing to do with the provisions of the law itself, but rather its manipulation and abuses of its provision by the police. For example, the Benue state police Commissioner in 1986 passed a vote of no confidence on 400 of his men because of their "unholy alliance with the men of the underworld."31 Complaints about arbitrary exercise of power by the police and other irregular behaviours sometimes featured in the daily Newspapers. The recent happening at Birnin-Kebbi, in Kebbi State, where an Assistant Commissioner of police and a police Sergeant were charged in November, 1995 with six other Armed Robbers by Kebbi State Robbery and Firearms Tribunal for aiding, abetting and committing Armed Robbery in Argungu, Birnin-Kebbi and Jega all in Kebbi State. They were all found guilty as charged and sentencecd to death, their public execution was carried out on 17th January, 1996 such disgrasceful behaviour is still fresh in our memory 32 The Nigeria police force is accused of corruption, but when we are arrested or a relation is arrested, we try

to bribe them we seldom despise them for enforcing the law againt us and yet we blame them for not enforcing it against others. This unfortunately created much discord between the police and public. This is indeed a pity because co-operation between both sides is necessary for the smooth running of the Society. Despite the aforementioned. one must acknowledged the fact that, the Nigeria police is weak for they have to content with a lot of constraint which at times tends to exhibit their inefficiency. Some of these constraints are in form of legal limitations while inadequate resources are also a serious handicap, they have acknowledged this unshakeable fact in their amagazine.33

We must however be mindful of the temptations by which the police officer is beset daily and the strength of character essential to their resistance, if the members of the lower rank of the police are to have anything near the standard of morality we expect from them, then we must improve thair conditions of services as to attract person whose education and cultural backgrounds will enable them to assume the sort of civil responsibility their office demands of them.

However, by way of conclusion, a framework of reform will be suggested as follows:-

1. The police service Commission should give proper legal training to all police officers. This is not to make every police officer a lawyer, but to impart into them the basic requirements of the law. By so doing the police will be able to execute their duties efficiently as required by section (4) of the police Act 1967. The present emphasis on military training should tyhen be shifted to legal education. I believe our faculties of law in our universities and college for legal studies are up to the task.

2. The criminal procedure Act of Southern Nigeria has adopteed a classiifcation of offences for the purpose of arrest into Felony, Misleneanour, simple offences,34 indicatable and non-indicatable offence35 which raises serious procedural problems in he enforcement of the criminal process. Though classification of offences has some attendanst legal effect and consequences on the arrest decision, yet it is difficult to appreciate any rational for the classification of offences in the penal system of Southern states which basically is not applicable in the penal system of Northern states. It is therefore obvious that, the classification of offences by the penal system of southerrn state of Nigeria is unrealistic for it creates an uncnecessary dichotomy which largely inhibits the free flow of criminal process which subsequently affects quick dispensation of justice.

3. The law reform commission both at the Federal and State levels should try to translate our laws into some major Nigerian languages. This is not an imposibility nor is it a very difficult task, it is a matter of common knowledge that many broadcasting houses in this country transmit nes into languages other than English, there are also newspapers in circulation nationwide which are written in some major Nigerian languages. With the help of competent hands, this work will be undertaken successfully.

There is no doubt that this will not solve the problem of ignorance of law in full. But is will go a step further in propagating the provision of our laws. If Government can erect poling booths in almost every village in this country, then I am compelled to conclude that a mass enlighenment campaign of all laws enacted will not be an impossibille task. After all the Government is for the people . We have just seen

that section (28) CPC imposes a duty on a private person to arrest any person conmmitting an offence in his presence for which the police are authorised to arrest without warrant. This, as earlier pointed out, is a tricky situation. The private person who may be an ordinary market woman or casual labourer or even a professor in chemistry is not likely to know the offence for which a police can arrest without warrant. A question for consideration is, will a private person be guilty for failing to comply with the section ? Apperantly he will because ignorance of law is no excuse (*Ignorantial legis nemo excusat*) not withstanding the fact that most people are ignorant of the law in most cases. the Newsmedia should therefore be actively invoved in the mass enlightenment campaign. If this suggestion is not considered with fairness, then our laws will seem to be concerned with legal minds only. This, for all intents and purpose is not what the laws ought to be.

4. The various police commands in the country should check its personnel with a view to keep them up to expectations. They can do this by organising refresher courses. The opening of Detective police college at Enugu on 16th November, 1984 is a step towards the right direction.
In the states special lectures, workshops and seminars should be procured from experienced high court judges, magistrates, superior police officers and members of the bar. Corper Lawyers will provide cheap labour in this respect. This will give the beneficiaries of such courses an insight of all kinds of criminal law and also enable them to give evidence and procecute cases efficiently in our courts of law.

5. Arrest procedure in Nigeria should be overhauled. This does not mean importation of English arrest procedure, No. It is important for us to realise that the imposition of English arrest procedure on us also means the imposition of English morals, including its good and bad aspects. Nigeria is like a sickman in a state of comma. But it is a coma that can be awoken if adequate remedial measures are taken in time. We must not let our country become a fraudulent place of abode where most crimes are committed by those who are considered the best elements in the society. Today, we are fortunate to have a government that has in its good books a provision for the rule of law. President Sani Abacha's government should therefore set a machinery to stop the country from going to the dogs, we will not do justice to ourselves by allowing the country to cling to a degenerated and inadequate legal system simply because it is English legal system. This involves very fundamental adjustment in most of our soceital and governmental machineries as much as it involves new direction in legislative thinking and procedural law, hence an inportant social and moral machinery must be founded on the social and moral norms which are of benefits to the society. The Government and especially the law reform commission should act and with immediate despatch too. Nigeria has the manpower to do this work, we do not need import licence for it.

It could therefore be concluded by saying that a legal reform as far as Nigeira is concerned is not a simple matter of requiring just minor or cosmetic legal adjustments. It is a question of total re-adjustment of thought, direction, policy and legislation. It should be realised that a reform of law in Nigeria is inevitable, time is running pretty fast. It is desirable and necessary for effective adminsitration of Justice.

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