

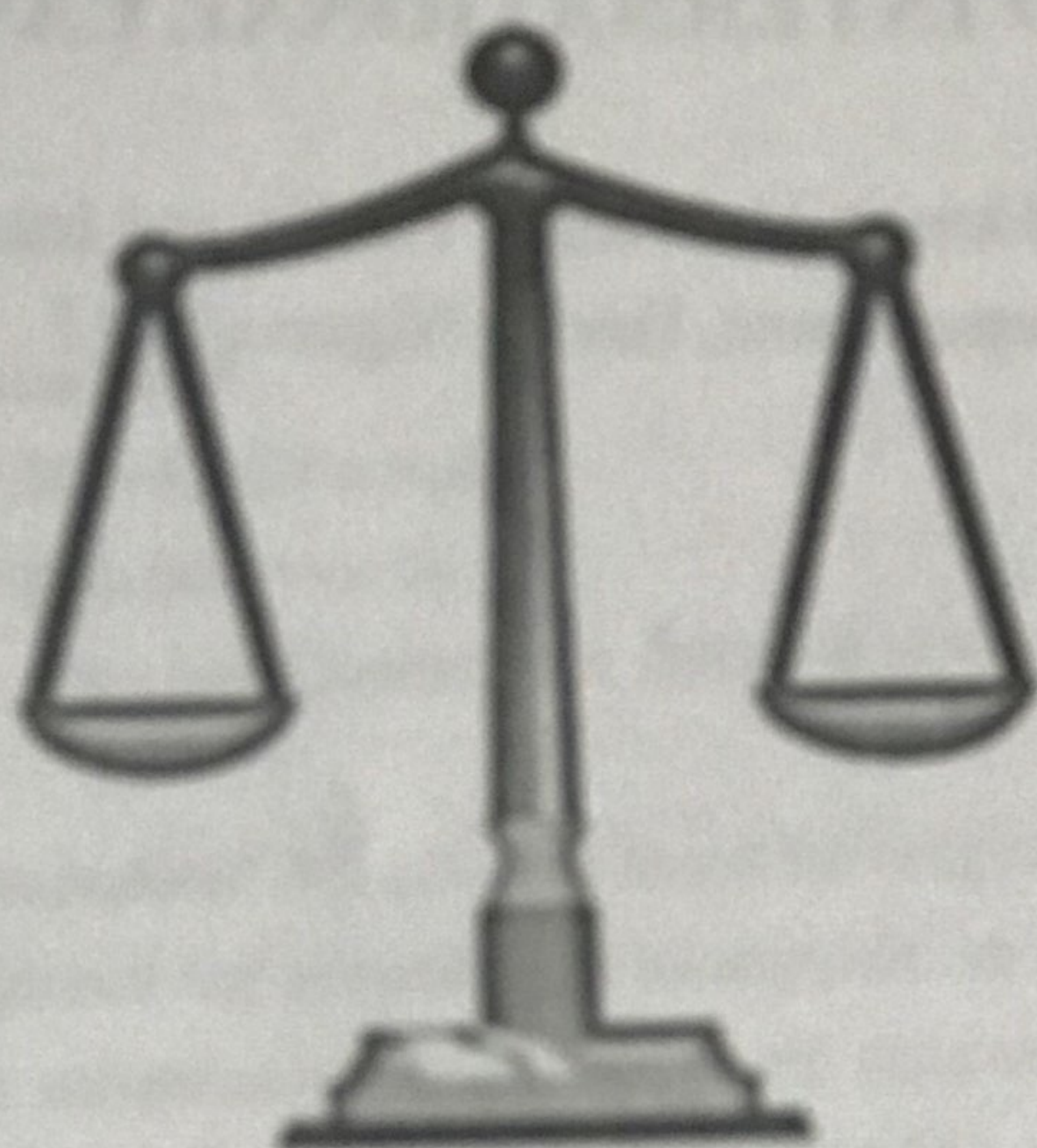


AL-HIKMAH
UNIVERSITY

JOURNAL OF PUBLIC & INTERNATIONAL LAW

(AUJPIL)

VOLUME 1 NO. 1 JULY 2017



AL-HIKMAH UNIVERSITY **JOURNAL OF**
PUBLIC & INTERNATIONAL LAW
(AUJFIL)

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ACCESS TO JUSTICE THROUGH LEGAL AID SERVICE IN NIGERIA: A ROAD WITH POT HOLES

ABUBAKAR SHEHU AHMAD T.* DR. J. O OLATOKE, SAN**

Abstract

The Legal Aid Act No. 17, Laws of the Federation of Nigeria, 2011 is an Act promulgated by the National Assembly pursuant to the relevant provision of the 1999 Constitution of the Federal Republic of Nigeria to assist the indigent citizens to have access to justice in the courts on some selected matters/proceedings as specified in the second schedule to the Act. This paper examines the provisions of the Act, its weaknesses and proffer possible solutions thereto. The paper revealed that the Act does not accord its beneficiaries enough opportunity to prosecute or defend their claims' generally because some aspects of daily human activities or rights are left out in the proceedings/matters recognised by the Act. The paper recommended that the Act be amended to cater for some important aspects of human rights that generate disputes which attract legal proceedings and which indigent citizens would like to have legal representation in the courts. It also recommended for the removal of obstacles militating against the indigent citizens who are willing to take the benefit of the Act to prosecute or defend their claims in the court of law.

Key words: Legal Aid, Legal Aid Council, Community Legal Services, Para-Legal, Indigent

1. INTRODUCTION

There is no gain saying the fact that the Legal Aid Act, 2011 contains provisions with great importance to the indigent citizens of Nigeria, who do not have adequate resources to prosecute or defend legal action in the courts of law.¹ The Act opens gate for grant of legal aid and access to justice in certain matters or proceedings to persons with inadequate resources in accordance with the provisions of the Act.² Therefore, certain individuals who are indigent within the definition of the Act will enjoy the right to effective remedy and efficient judicial protection as contained in the

* Lecturer, Department of Private and Property Law, Faculty of Law, University of Ilorin Email: Asat2001ng@gmail.com, Asat2001ng@yahoo.com Tel: 08035014962

**Senior Lecturer, Department of Jurisprudence and International Law, University of Ilorin, Nigeria. Email: E-Mail: Kayode_Olatoke@yahoo.com Tel: 08037116839,

¹ Second Schedule, Legal Aid Act, No.17, Cap. A 271, Laws of the Federation of Nigeria, 2011.

² Ibid.

Constitution without fear of molestation that may stem out of lack of legal representation in court.

The constitutional provisions that guarantee access to court³ would have become obsolete and meaningless to certain class of people in Nigeria especially, the entire chapter IV of the constitution⁴ dealing with the Fundamental Rights of the citizenry if not for the promulgation of the Legal Aid Act. The questions that beg for answers in this paper are:-

- i. Who is an indigent citizen within the meaning of the Legal Aid Act, 2011?
- ii. What are the proceedings in which Legal Aid may /can be granted within the scope of the Act?
- iii. Can the court expand the scope of the legal Aid Act to cover such proceedings which are not expressly provided for by the Act?
- iv. What is the Legal consequence of legal aid service granted to a party in a proceeding not within the limit of the Act?

The practical application of the provisions of the Legal Aid Act in the court of law has attracted criticisms from a number of legal luminaries on various grounds. Some of these criticisms are:

- i. Legal representation is not granted to people whose cause of action falls outside the matters specified in the second schedule of the Act. The proceedings in which Legal aid may be given have been enumerated under the second schedule of the Act. Cases relating to land dispute, chieftaincy matters, contract simpliciter are not part of the causes or actions covered by the legal Aid Act and as such, are not part of the proceedings in which legal aid can/may be granted. An example is the case of **Shuaib Alabi Babangida v. Karimu Samba & Anor**⁵ pending before the Kwara State High Court of Justice, Ilorin. The claim of the claimant in that suit among others is for declaration that he is the owner of a parlour and two rooms which he inherited from his late father. He also seeks for injunction and damages in his reliefs. Definitely, his suit was premised on recovery of landed property. A claim which is not within the purview of the second schedule of the Legal Aid Act, the claimant was granted legal aid services and when the defendants' counsel raised objection to the appearance of counsel who came from Legal Aid Council to represent the claimant, after hearing the motion challenging the appearance of the counsel from Legal Aid Council,

³ Sections 6 (6) and 46, 1999 Constitution of the Federal Republic of Nigeria.

⁴ Chapter IV, 1999 Constitution of the Federal Republic of Nigeria that deals with the Fundamental Rights of the Nigerians.

⁵Suit No: KWS/373/2014.

the trial court overruled the objection of the defendants' counsel. The court held that legal aid can be granted to the claimant. But the trial court was silent on the effect and scope of the second schedule to the Act in its ruling notwithstanding the fact that the point was raised at the hearing of the objection.

- ii. Similarly, the present Legal Aid Scheme in Nigeria was introduced during the period when the protection of human right was not a priority.⁶
- iii. The Legal Aid Act was promulgated as a Decree by the Military Regime with a very narrow mandate.⁷
- iv. Legal Aid Delivery in Nigeria has not recorded very tremendous success but it has been a useful institution to meet certain needs of indigent persons.⁸

2. DEFINITION OF TERMS

2.1. Legal Aid: The Legal Aid Act No. 17, Law of the Federation of Nigeria, 2011 did not define the term 'Legal Aid.' However, under section 24,⁹ the Act described the word 'Community Legal Service' as *Service which may include non-court advisory service, public awareness service, mediation and other counseling service required generally.*

It is very clear that the above definition does not represent the connotation of legal aid which is the fulcrum of the entire Legal Aid Act.

The above notwithstanding, Legal Aid has been defined as: "*The provision of assistance to people otherwise unable to afford legal representation and access to the court system. Legal aid is regarded as central in providing access to justice by ensuring equality before the law, the right to counsel and the right to fair trial.*"¹⁰ It has also been defined as: "*payment from public funds given to people who cannot afford to pay for advice.*"¹¹ It has equally been described as: "*Free or inexpensive legal services provided to those who cannot afford to pay full price*".¹² From the above definitions, certain features are common and these are:

⁶ Catherin Kyenret Fwangchi 'Access to Justice and Legal Aid: A Human Right Approach'(LL.M. Thesis, Central European University). 32

⁷ Ibid. See also Decree No. 56 of 1976.

⁸ Ibid. 35.

⁹ Legal Aid Act, No. 17, L. F. N. 2011. See also Omidoyin, Taiye Joshua, 'Epileptic Legal Aid Scheme in Nigeria' A breach of Right to Fair Hearing in Nigeria (Journal of Public Law and Constitutional Practice, Vol. 10, March. 2017) p. 216

¹⁰ CLEO (Community Legal Education Ontario/Education Juridique Commnautaire Ontario) <<https://en.m.wikipedia.org>>legal accessed on 03 April 2017

¹¹ Catherrine, et al, Oxford Dictionary of Current English (10th ed.,) (New York, Oxford University Press, 2006), 518.

¹² Bryan, A. G. Black's Law Dictionary (8th ed.) (Thomson West, U.S.A. 1990) 912.

That legal aid is a provision of legal assistance, or legal service; and The said legal assistance or legal service is given or rendered to people who cannot afford legal representation or access to court system or to people who cannot afford to pay for legal service.

2.2. Legal Aid Council:

The term 'Council' has been defined as the Legal Aid Council established under section 1 of the Legal Aid Act.¹³ 'Council' has also been defined as a deliberative assembly. 'Council' can also be defined as an assembly of people meeting regularly to advice, discuss or organize something.¹⁴ Therefore, it can be deduced from the above that Legal Aid Council simply means an assembly of people who usually meet to deliberate, advice, discuss or organize something that has to do with legal matters especially about the indigent citizens.

2.3. "Community Legal Services".

These are services which may include non-court advisory services, public awareness services, mediation and other counseling services required generally.¹⁵

2.4. 'Paralegal' means any person although not admitted to the practice of law in Nigeria, performs substantially legal tasks under the direction and supervision of a legal practitioner.¹⁶

2.5 'Indigent.' The Legal Aid Act did not define the term indigent. Indigent has been described as 'a poor person', a person who is found to be financially unable to pay filing fees and court cost.¹⁷

It is worthy of note that legal aid is usually administered by a specially established organization like the Legal Aid Council, Legal Aid Committee or Legal Aid Bureau. It depends on choice of words or languages preferred by each establishment. In Nigeria, the word Legal Aid Council is used. The Legal Aid Act under consideration provides – *inter alia* that: "There is established the Legal Aid Council (in this Act referred to as 'the council')."¹⁸ "The Council shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name"¹⁹ "The Council shall have responsibility for the provision in accordance with this Act, of Legal aid, advice, access to justice in respect of persons entitled thereto."²⁰

¹³ Legal Aid Act, No. 17, L. F. N, 2011.

¹⁴ CLEO (Community Legal Education Ontario/Education Juridique Communautaire Ontario)

¹⁵ Catherin Kyenret Fwangchi (note 6).

¹⁶ Ibid, section 24.

¹⁷ Ibid.

¹⁸ Section 1 (1), Legal Aid Act, no. 17 Laws of the Federation of Nigeria, 2011

¹⁹ Ibid, section 1 (2).

²⁰ Ibid, section 1 (3).

A careful perusal of section 1 (3) of the Act reveals that it is not every citizen of Nigeria that is entitled or eligible to legal service under the Act. Only certain class or classes of people are entitled or eligible to it but those that are entitled or eligible to same are not mentioned in the body of the Act. Therefore, in order to identify the category of people that are entitled to legal aid services under the Act, recourse would be made to the preamble to the Act.

3. AIMS OF LEGAL AID ACT AND PERSONS ENTITLED TO LEGAL AID SERVICES UNDER THE ACT

The preamble to the Act provides: "An Act to repeal the Legal Aid Act Cap. L9, Laws of the Federation of Nigeria, 2004 in line with international standards and to provide for the establishment of Legal Aid and access to justice fund into which financial assistance would be made available to the council on behalf of the indigent citizens to prosecute their claims in accordance with the constitution and further to empower the existing Legal Aid Council to be responsible for the operation of a scheme for the grant of Legal Aid and access to justice in certain matters or proceedings to persons with inadequate resources in accordance with the provision of this Act; and for related matters."

Flowing from the above, it becomes apparent that:

- a. The legal Aid Act aims at assisting the indigent citizens of Nigeria to prosecute their claims in accordance with the provisions of the constitution.
- b. The Legal Aid Act intends to grant legal aid and access to justice to persons with inadequate resources in certain matters or proceedings. (Underlining supplied for emphasis).
- c. The Act aims at given legal aid to only people with inadequate resources to prosecute or defend their claims/ rights in the court of law otherwise known as the indigent citizens.

3.1. Scope of Legal Aid Act

The grant of legal aid services to indigent people to prosecute or defend their cases is subject to certain limitations, that is to say, grant of legal aid services under the Act is restricted to certain matters or proceedings enumerated in the Act, particularly under the second schedule thereto which provides thus:

Proceedings in respect of which legal aid may be given are:

- A. Proceedings in a court or tribunal (whether at first instance or on appeal) wholly or partly in respect of crimes of the following descriptions or as near to those description as may be, respectively in any Criminal Code

Criminal Code

1. Murder of any degree.
2. Manslaughter
3. Malicious or willfully grievous hurt
4. Assault Occasioning actual bodily harm
5. Common assault
6. Affray
7. Stealing
8. Rape
9. Armed robbery

Penal Code

- Culpable homicide punishable with death
- Culpable homicide not punishable with death
- Wounding or inflicting grievous bodily harm
- Criminal force occasioning actual bodily harm

- B. Aiding and abetting, or counseling or procuring the commission of, or being an accessory before or after the fact to, or attempting or conspiring to commit any of the offences listed in paragraph A of the schedule.
- C. i. Civil claims in respect of accidents including employee's compensation claim (under the Employee's Compensation Act. (Act No.13 of 2010)
- ii. Civil claims to cover breach of fundamental rights guaranteed under chapter IV of the constitution of the Federal Republic of Nigeria, 1999 (as amended).
- iii. Civil claims arising from criminal activities against person who are qualified for Legal Aid under this Act.

From the above, applying the literal rule of interpretation, there is no doubt that the Legal Aid Act under consideration does not permit granting of legal aid service to any person in respect of matters/proceedings which do not fall under the second schedule, paragraphs A-C of the Act. For instance, land matters, chieftaincy matters etc. This is because express mentioning of one thing excludes others that are not mentioned. This is **expressed in a Latin- maxim "expressio unius est exclusion alterius"**²¹.

Furthermore, it is trite law that the court of law cannot expand the provision of any statute. However, it can only expound it by interpreting the words of the statute as it is and not as it ought to be where the words of the statute are clear and unambiguous. In the case of *INEC v.. PDP*,²² the Court of Appeal held that:

It is well settled that in construing and interpreting the words of the Decree or any other statute, grammatical and plain meaning be accorded them provided the language used is clear and unambiguous. Consequently, it is not the business of the court to bring in, clip in or even interpose any language and or words which

²¹ Ibid (note 8) p. 620. See also the case of *F.M.B.N VS. OLLOH* (2002) 4 S.C (Pt.II) 117 at 122-123

²² (1999) 11 NWLR (pt.626) 194 at 195 paras b-c, see also *NNPC VS. LUTIN* (2006) 1 S.C.N.J. 131 at 143-144; *Gafar v. Govt. Kwara State* (2007) 4 NWLR (pt.1024) 375 at 408 paras B-C; *Adetayo VS. Ademola* (2010) 15 NWLR (pt.1215) 169 at 198 PARAS B-D 205 paras B-D, 190 - 191 paras G-A and 205 paras D-F, *UNIPETROL (NIG). PLC V. E.S.B. T.R* (2006) 8NWLR (pt.983) 624 at 636 paras A-C.

tend to alter or change the intention and meaning of statutory provisions.

In *Fidelity Bank PLC v. Monye*²³, the Supreme Court held that: *"It is a cardinal principle of interpretation of statute that where its provisions are clear and unambiguous, effect must be given to them in their plain and ordinary meaning without the court resorting to any internal aid. It is the duty of the court to interpret the words of the lawmakers as used"*. See also the case of *Kotoye v. Saraki*,²⁴ where the Supreme Court held that, if the Law-makers, in their wisdom thought that they wanted a particular object and made specific provisions which were clear on the point, it is not the court's duty or business to try to avoid the consequences. What the court should do, in the circumstance, is to limit itself to the interpretation of the law.

In the case of *Opia v. I. N. E. C.*²⁵, the Supreme Court was invited to interpret the provision of section 251 (1) of the 1999 Constitution of the Federal Republic of Nigeria that contains the items upon which the Federal High Court has jurisdiction, the court held that: *"Perhaps this is an appropriate place to remind the appellant the expressio unius est exclusio alterius Rule. This means that the express mention of one thing in a statutory provision automatically excludes any other which otherwise would have been excluded by implication."*

With the above legal submission, it is clear that the Legal Aid Act has defined its own scope or boundary with certainty without leaving anyone in doubt as to the matters or proceedings and the class of person(s) upon which legal aid service can be accorded. Those matters or proceedings do not include or extend to land matters, chieftaincy matters, recovery of debts, tenancy matters and the like.

That notwithstanding, the Legal Aid Council appears not to be mindful of this salient fact as the Council allows its counsel to extend legal representation to people whose claims revolve round land matters. A good example is the case of *Shuaib Alabi Babanigida v. Karima Samba & Anor.*²⁶ It should be noted that doing substantial justice to litigants by court of law does not mean bending the law to suit the whims and caprices of any party

²³ (2012) 10 NWLR (pt.1307)1 at 31.

²⁴ (1994) NWLR (PT.357) 414 at 460 – 461.

²⁵ (2014) 7 NWLR (PT.1407) 431 at 464 . See also *P.D.P .VS. I.N.E.C.* (1999) 11 N.W.L.R (pt..626) 200; *Buhari VS. Dikko Yusuf* (2003) 14 NWLR (PT.841) 446; *Udoh VS. Orthopedic Hospital Management Board* (1993) 7 NWLR (pt.304) 1339

²⁶ SUIT NO: KWS /373/2014, The case is still pending before the Kwara State High Court Of Justice, Ilorin, which held in its considered ruling that Legal Aid Council can grant legal aid service to the claimant in that case notwithstanding that the claimant's claims include recovery of landed property

to a case but substantial justice means total compliance with the law as it is not as it ought to be. In the case of *C.B.N. v. Maiwada*,²⁷ J.A Fabiyi, JSC held:

I agree that a judge should be firm and pungent in the interpretation of the law but such should be 'short of a judge being a legislator'. This is because it is the duty of the legislature to make the law and it is the assigned duty of the judge to interpret the law as it is; not as it ought to be. That will be flouting the rule of division of labour as set out by the constitution of the Federal Republic of Nigeria 1999.

His Lordship further held in the same case as follows:

There is also the view of some counsel that the decision in *Okafor vs. Nweke* had to do with technical justice. I agree that the age of technical justice is gone. The current vogue is substantial justice. See *Dada v. Dosumu* (2006) 12 PNJSC 115 but substantial justice can only be attained not by bending the law but by applying it as it is not as it ought to be.²⁸

It should be noted that right to be represented by counsel in Legal proceedings is a right recognized universally. The right has gained international endorsement through promulgation or enactment of international instruments such as Universal Declaration of Human Rights²⁹ and African Charter of Human and People's Rights³⁰. Most of the provisions of these international instruments/conventions have been domesticated in Nigeria and can be found in chapter iv of the 1999 Constitution of the Federal Republic of Nigeria (as amended). For instance, Article vii of the Universal Declaration of Human Rights provides that: "*All are equal before the Law and are entitled without any discrimination to equal protection of law*"

Article viii of the Declaration provides that: "*Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by the law*"

Similar provisions can be found in the African Charter of Human and People's Right, particularly Articles II, III and VII of the charter. Article VII of the charter provides thus: "Every individual shall have the right to have his cause heard. This comprises:

- (a) The right to an appeal to competent national organs against acts violating his fundamental rights as recognized and guaranteed by conventions, laws, regulations and customs in force;

²⁷ (2013) 5 NWLR (PT. 1348) 444 at 485.

²⁸ Ibid; p 485.

²⁹ Adopted by the General Assembly of the United Nations on 10th December, 1948

³⁰ Adopted at the 18th Conference of State and Government of the OAU in June, 1981 at Nairobi, Kenya.

- (b) Not applicable
- (c) The right to defence, including the right to be defended by counsel of his choice:

The 1999 constitution of the Federal Republic of Nigeria (as amended) incorporate the above provision with certain modifications when it states that: *"Every person who is charged with a criminal offence shall be entitled to defend himself in person or by legal practitioner of his own choice"*.³¹

All the above provisions of the Law pointed directly to the fact that right to Legal representation is fundamental without any discrimination on whatever ground. Although, Section 36 (6) (c) of the 1999 Constitution appears to limit representation to criminal matters alone, the constitution further extends the right to other aspect of litigation viz-a-viz, civil causes when it provides:

- (1) Any person who alleges that any of the provisions of this chapter has been, is being or likely to be contravened in any state in relation to him may apply to a High Court in that state for redress.³²
- (2) The National Assembly shall make provisions for the rendering of financial assistance to any indigent citizen of Nigeria where his right under this chapter has been infringed or with a view to enabling him to engaged the services of a legal practitioner to prosecute his claim, and for ensuring that allegations of infringement of such rights are substantial and the requirement or need for financial or legal aid is real.³³

The Nigeria Government is constitutionally mandated to provide financial assistance to the indigent citizens who wish to prosecute or defend his claim but can one say that the Nigerian Government is adhering strictly to the requirement of this aspect of the constitution? The answer is NO. This brings about one of the potholes clearly identified as militating against the effective access to justice to Legal Aid Services in Nigeria.

4. POTHOLES ON THE ROAD TO ACCESS TO JUSTICE THROUGH LEGAL AID SERVICES IN NIGERIA

One of the reasons for the promulgation of the Legal Aid Act is to ensure that both the rich and the poor have equal access to justice irrespective of the nature or type of claim each individual intends to prosecute or defend in the court of law. Therefore, the attempt to limit the proceedings upon which legal aid services can be granted as enumerated the second schedule to the Act is a clog in wheel of dispensation of administration of justice in Nigeria. This assertion is corroborated by the position of the International Commission of Jurists at its conference on the

³¹ Section 36 (6) (c), 1999 Constitution of the Federal Republic of Nigeria (as amended)

³² Section 46 (1), 1999 constitution of the Federal Republic of Nigeria (as amended)

³³ Ibid. Section 46 (4) (b) (i) and (ii)

Rule of Law in a Free Society held in Delhi in 1959 where it was resolved as follows:

Equal access to law for the rich and poor alike is essential to the maintenance of the rule of Law. It is therefore essential to provide adequate legal service and representation to all those threatened as to their life, liberty property or reputation who are able to pay for it.³⁴

The nature or type of claim or the financial position of the citizens should not constitute a barrier to access to justice anywhere in the world if justice would manifestly be seen to be done otherwise; the road to access to justice will continue to experience unnecessary potholes.

Further, it is observed that the Government is not providing enough funds to sustain and maintain Legal Aid Scheme in Nigeria as the counsel employed by the Government to render free legal Aid Services are not adequately and promptly paid their salaries and allowances. The effect of this lapses on the side of the Government is that, the indigent litigants would be forced to source for money to sponsor the counsel assigned to him/her by the Legal Aid Council to enable him/her prosecute or defend his/her claim in the Court of Law. The major step to be taken to achieve justice is to provide equal legal representation for the parties where necessary since legal representation in any given case is a solid express road (free of any potholes) leading to transparency, natural justice, equity and good conscience.³⁵ According to Oputa, JSC in the case of *Josiah v. State*,³⁶ the right to counsel is thus at the very root of, and is a necessary foundation for a fair hearing. The ordinary layman, even the intelligent and the educated layman is not skilled in the science of law and he therefore needs the aid and advice of counsel". Right to representation by counsel in any particular case, being a constitutional right, cannot be compromised or taken away by any legislation.³⁷

It is also observed that the government did not set up monitoring team to monitor or supervise the activities of the Legal Aid Council throughout the country. The absence of the monitoring team/committee makes it difficult for the Government to know how diligent and effective is the Legal Aid Council in the discharge of its statutory duties. One can imagine a situation where a counsel from Legal Aid Council appears in court very late

³⁴ Omidoyin, Taiye Joshua. 'Epileptic Legal Aid Scheme in Nigeria.' A Breach of Right to Fair Hearing in Nigeria. (vol. 10. 2017. Journal of Public Law and Constitutional Practice), 219.

³⁵ Ibid. See also the cases of *R.V. Joseph carter* (1954)1 WLR 678, *R v. Mary Kingston* (1945), 32 CARI83.

³⁶ (1988)1 NWLR (pt. 125), 140 S.C.

³⁷ See the cases of *Ogba V. State* (1992)2 NWLR (pt.22), 1 64 at 199, *Osungwu V. ONyeikigbo* (2005)16 NWLR (pt. 950) 94, *Afonja Community Bank (Nig.) Ltd. V. Akpan* (2002) 16 NWLR (pt.792)154 at 157.

when his/her case had already been called and struck out by the court as a result of lateness to court without lawful excuse. The litigant would in turn suffer the hardship arisen out of the counsel's tardiness or lack of diligence in handling his client's case. Most counsel from Legal Aid Council deliberately put up the inordinate attitude when they realized that they were assigned to represent an indigent citizen who could not offer any money to them aside the salary they will receive from the Government.

5. CONCLUSION

Although, legal aid has been described differently by various legal luminaries, it is worthy of note that the Legal Aid Act itself does not define the term "Legal Aid" it rather specifies the people that are eligible to the grant of legal aid service as already discussed in this paper. The Act also highlights the type of actions or proceedings upon which legal aid service can be granted which is not all encompassing. Therefore, there is more to be done to the Act in order to level the potholes that are found on its road. That is, the grant of legal aid is subject to conditions and restrictions already discussed hereinbefore.

The class of people who are eligible to legal aid service in accordance with the provisions of Legal Aid Act is reasonable enough but the causes of action in which legal aid service can be given are not wide enough to extend the hands of generosity of the National Assembly of Nigeria to its beneficiaries.

6. RECOMMENDATION

It is hereby recommended that the law makers should amend the second schedule to the Legal Aid Act No, 17, Laws of the Federation of Nigeria, 2011 to accommodate other causes of action upon which legal aid service can be granted to the indigent citizens of this great country, such as action premised on land and landed property, torts, recovery of debts, contract generally and the like.

There are indigent citizens of this noble country who intends to prosecute or defend one proceeding or the other but whose financial position renders them handicap in the pursuit of their right in the courts of law and they are not ordinarily eligible to the grant of legal aid service under the law because their claims do not fall within the ambit of the proceedings/matters recognized by the Legal Aid Act.

It is also recommended that the Government should make provision for enough funds to pay the salary and other allowances of the counsel employed under the Legal Aid Scheme adequately and promptly so as to reduce or elevate counsel's demand for money from the indigent litigants. Otherwise, the purpose for which the legal Aid Act was promulgated would be defeated out rightly.

The Government is also advised to set up monitoring team/committee to monitor and supervise the activities of the Legal Aid Council, this will pave way for effective and efficient checks and balances in the discharge of statutory duties imposed on the Legal Aid Council and its Staffs.

Majority of the private legal practitioners are not willing or ready to render free legal service otherwise known as pro bono therefore, in order to encourage and to achieve equal access to justice by every citizen of Nigeria, close monitoring of the activities of the Legal Aid Council is very imperative, hence, the role of the Legal Aid Council in the dispensation of administration of justice in this modern time cannot be over emphasized.