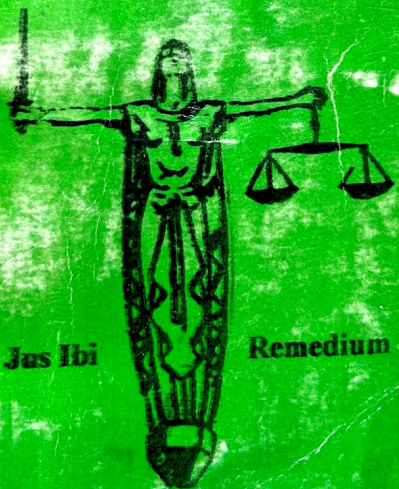
ISSN 1117-3874

# KWARA LAW REVIEW

Journal of the Nigerian Bar Association
Ilorin Branch

VOL. 8 1999



Ubi Jus Ibi Remedium

## ADVISORY BOARD

| | |
|---|---|
| Alhaji Adisa Ololu | Attorney General<br>Kwara State Ministry of Justi |
| Alhaji Adebayo Adelodun | Chairman Nigerian Bar Association, Ilorin Branch |
| Alhaji A. Salman (SAN) | Saraa Chambers, Ilorin |
| Chief A. S. Awomolo (SAN) | Mosaic Chambers, Ilorin. |
| Prince J. O. A. Ijaodola | Ileri Oluwa Chambers, Ilorin |
| Dr. Oluwole Aje | Aje Chambers, Ilorin |
| Professor J. O. Fabunmi | Faculty of Law, Obafemi Awolowo University Ile-Ife |
| Professor J. A. Omotola | Faculty of Law, University of Lagos, Lagos |
| Professor Ayo Ajomo | Director General, Nigerian Institute of Advanced legal Studies, Lagos. |
| Professor Mohammed Imam | Faculty of Law, Ahmadu Bello University, Zaria. |
| Hon. Justice S. A. Olagunju | Court of Appeal |
| Mr. Bayo Ojo | I, Ilofa Road, Ilorin. |

## CONTENTS

### *ARTICLES*

Punishment For Contempt of Court under the Uniform High Court Civil Procedure Rules in Nigeria.....1 - 22

Retributive Theory of Punishment: Any Relevance in the Modern Era? .....23 - 30

Jurisprudence and Legal Theory: A Dialectical Analysis of the Twin Concept.....41 - 56

Legal Practice under Islamic Legal System.....57 - 66

The Relevance of the Banks and Other Financial Institutions Decree 1991 to Credit Administration in Banks.....67 - 75

Disqualification From Contesting Elections on the Ground of Membership of the Board of a Limited Liability Company: A Reflection.....76 - 88

Citizenship and Its Deprivation in Nigeria: Any Statutory Role for the Immigration Department?.....89 - 104

The Creation of the Police Force in Nigeria.....105 - 109

The Jurisprudence of International Patent System.....110 - 121

Insider Dealing: The Problematic Corporate Crime.....122 - 133

Human Rights under the Military in Nigeria.....134 - 151

### CASE NOTES

Denying the Neighbour's Right of Pre-Emption (*Shufa*) – A Proper Interpretation of Islamic Law?: *Alkamawa v Bello*.....152 - 159

# THE CREATION OF THE POLICE FORCE IN NIGERIA

NAJEEM A. O. IJAIYA ESQ*

## NTRODUCTION

Abstract (1) (1)

his work examines an institution of great historical and olitical interest and significance. Together with the udiciary, the Civil Service, the Military, and the Police onstitute one of the important institutions of a modern tate. In particular, the origins, development, and role of he Police have great significance in Nigerian history. he modern Police have not only prevented, detected and unished crimes they have also maintained law and order, reserved public safety and have generally serviced the xisting governments which were at first British and later ligerian.[1]

2c

## REATION OF THE POLICE

efore 1861 there was no officially acknowledged Police rmation in Nigeria. Following the annexation of Lagos the British in 1861 attempt was made to meet up a civil d armed Hausa Police.

us, the Nigeria Police had its origin in Lagos when the presentative of the British Government in Lagos, onsul John Beecroft was given permission in 1861 to list a Consular Guard of 30 men. In 1863 the Guard as re-named "Hausa Police", consisting of 600 men cause of the enlistment into it of some captured run-way slaves at Jebba. In 1879, it became Hausa onstabulary made up of 1,200 men and was mainly

military in character. It operated mainly in the hinterland. In 1896, the Lagos Police Force, made up of about 260 officers and men, was formed. It operated mainly in the Lagos Area.

Following the development in Lagos, the Oil River Protectorate which was declared in1891 with headquarters at Calabar became Niger-Coast Protectorate in 1893 and in 1894, the Niger Coast Constabulary modeled on the Hausa Constabulary was established.

The Colony and Protectorate of Southern Nigeria was proclaimed in 1900 and some members of the Niger Coast Constabulary teamed up with the Lagos Police Force in 1906 to form the Southern Nigeria Police.[2]

In the North, the Royal Niger Company with headquarters at Lokoja established in1886, an armed Constabulary to provide protection for the Company's stations along the Niger. It was however, disbanded in 1900 following the proclamation of the Protectorate of Nigeria in 1903.

As at the time of the amalgamation of the Northern and Southern Protectorates of Nigeria in 1914, the Crown Colony of Lagos, the Northern and Southern Nigeria and their respective Police Force. The situation remained so until 1st April 1950 when the three Police Forces were amalgamated forming the Nigeria Police with Headquarters in Lagos. The aim then was to ensure a smooth administration of the Colonial Government.

In 1943, Legal provision was made for nationwide Police Force.[3]

The Ordinance provided that "there shall be established in Nigeria a Police Force to be known as the Nigeria Police

Force.[4] The Nigeria Police Force of today emerged through the combined effects of the 1958 Police Act.[5] and the various Constitutions of the country.[6] It can be seen from these various Laws, the uniformity in the organisation of the Force which has now been placed under the supervision of the Federal Government. The 1963 Constitution established one Nigeria Police Force[7] but allowed for the continuance of Local Government Forces. The misuse of these Local Forces during the political turbulence of the early 1960s is very well documented, and parallel with the increasing centralization of political decision-making which followed the intervention of the military, it became the main reason for their formal abolition in 1967.[8]

1959

The 1979 Constitution makes provision for the establishment of the Nigeria Police Force. It provides thus:

> There shall be a Police Force for Nigeria, which shall be styled the Nigeria Police Force, and subject to the provisions of this section, no other Police Force shall be established for the Federation or any part thereof.[9]

A similar provision for the establishment of the Nigeria Police Force is contained in the Police Act.[10] It provides:

> "There shall be established for Nigeria a Police Force to the known at the Nigeria Police Force (hereafter in this Act referred to as "The Force").

Since its inception, the Nigeria Police have undergone several changes in its structural arrangements as well as in its administration and operational functioning. This has been because of the changing needs and demands of our society, which has been developing at a rather fast pace.

The merger of the Native Authority Forces into the NPF was accomplished by 1971. Following the absorption, a massive redeployment of lower personnel away from their areas of origin was undertaken, though this policy is now being reversed and Police are assigned to their own areas of origins, mainly because of language difficulties and cultural insensitivity.

The expansion of training colleges, a massive recruitment drive in an attempt to double the Force, increasing specialization in training and equipment all have tended to solidify the centre's take-over of the Police.[11]

## CONCLUSION

Realising the importance of the needs and demands of our society, the Federal Military Government in October 1986 approved the organisational structure that is in vogue in the Force today. Under the present dispensation, the Nigeria Police Force is headed by the Inspector General closely assisted by five (5) Deputy Inspectors-General (in charge of Directorate of Operation, Training Commands, Investigation and Intelligence, Finance and Administration and Logistics and Supply). There are nine (9) Assistant Inspector General, seven (7) of whom are in charge of 'Police Zones' with Headquarters at Kano, Abeokuta, Yola, Markudi, Benin, Calabar and Abuja, while one is incharge of the Police Staff College, Jos and the other is the Force Secretary at Force Headquarters.[12]

There are the Commissioners of Police in charges of State Police Commands and Formations. Below the State Commands are the Area Commands, Divisions, Stations and Posts with their various heads, all responsible to their next superior in a hierarchical claim of command. It is through the instrumentality of the present arrangement

that the Nigeria Police Force has been executing its statutory duties. Similar provisions relating to the establishment of the Police can be found in the Constitution.[13]

## END NOTES

* Lecturer, Faculty of Law, University of Ilorin, Ilorin.

1. T. N. Tamuno, *The Police in Modern Nigeria* (Ibadan University Press, 1970), p. XV.
2. Ibid. P.
3. Police Ordinance, Cap 154, Laws of Federation of Nigeria and Lagos effective 1/4/43.
4. Ibid, Section, 3
5. Cap 154, Laws of the Federation of Nigeria and Lagos, 1958.
6. The Independence Constitution, 1960, The Republic Constitution, 1963, 1979 Constitution and 1989 Constitution.
7. Section 105 (4).
8. H. M. Carter and Otwin Mareni : *The Political Role of the Police and the Nigerian Draft Constitution* p. *94.*
9. Section 194 (1) 214 (1)
10. See S. 3 Cap 350, Laws of the Federation of Nigeria,1990.
11. H. M. Carter and Otwin Mareni *: The Political Roles of the Police and the Nigerian Draft Constitution* 1979 p. 94.
12. Mohammed Gambo, *Police and Law Enforcement in Nigeria*, paper delivered at the Conference of Attorneys General, held at Abuja in 1988.
13. 1989 Constitution.

with objectives of the Authority. This provisions is not good enough because he who pays the pipers dictate the tune. Conditions attached to the gift may not directly compromise the objectives of the Authority but compromise the management of the Authority as well as members of staff of the Authority which eventually may not serve the overall interest of the body.

In these days of rule of law, it does not do any credit to the drafters of the Decree that a litigant cannot enjoy the fruits of his judgment. This is because Section 26 apart from placing statutory limitation of three (3) months on any aggrieved person to institute action S. 26 (2) thereof also prohibits execution of judgments against the Authority.

This position seem to be against the run of events in the legal order today as human rights have transcend unnecessary armstrunging of opponents with legislative clogs.

On the whole, the legislation addressed the fundamental issues in our Inland Waterways and it is hoped that necessary amendment will be effected to improve on the apparent lapses identified.

## END NOTES

• Lecturer, Department of International Law, University of Ilorin, Ilorin.

1 Cap 287, Laws of Federation of Nigeria, 1990.
2 Section 27 of the Decree
3 Sections 1 to 7
4 Sections 8 and 9
5 Sections 10 to 13

| | |
|---|---|
| 6 | Sections 14 to 17 |
| 7 | Sections 18 to 22 |
| 8 | Sections 23 to 31 |
| 9 | First Schedule as provided by Section 3 (3) |
| 10 | Second Schedule as covered by Section 10 |
| 11 | Third Schedule as saved by Section 11. |
| 12 | Fourth Schedule which was based on the provisions of Section 27 |
| 13 | Section 2 of the Decree |
| 14 | Section 3 of the Decree |
| 15 | Section 20 (1) of the Decree |
| 16 | Section 23 (1) (a) |
| 17 | Section 23 (1) (b) |
| 18 | Section 23 (1) (c) |
| 19 | Section 25 |