
Nigeria: A State in Need of Social Justice

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Abstract

Nigeria as a country cries for social justice considering all the happenings around the country. Social justice refers to a political and philosophical theory that focuses on the concept of fairness in relations between individuals in society and equal access to wealth, opportunities, and social privileges. Social justice is the view that everyone deserves equal economic, political and social rights and opportunities in the society. Social justice promotes fairness and equity across many aspects of society. Examining the situation of things in Nigeria, the level of corruption, injustice, it can be seen that the country still has a very long way to go if we are to talk about social justice. This paper examines social justice and the principles of social justice. It is observed that the principle is not fully in force in Nigeria and there is a need for social justice to have its way in the country if the country will move forward. This paper makes adequate recommendations on the way forward.

Keywords: *Nigeria, social justice, principles, human right, equity.*

Introduction

Social justice is at stake when there is an unending political, religious, economic, social and electoral problems such as ineffective governance, corruption or poor service delivery which have be deviled Nigeria for the past few years.¹

The global social justice issues are racial discrimination, ageism, sexuality and gender, child welfare, poverty and economic justice and human rights for all.¹

Social justice is the view that everyone deserves equal economic, political and social rights and opportunities in the society.² Social justice promotes fairness and equity across many aspects of society. For example, it promotes equal economic, educational and work place opportunities. It is also important to the society and security of individuals and communities.³

The term social justice has five important principles namely.

- 1) Equity
- 2) Access to resources
- 3) Participation
- 4) Diversity and
- 5) Human rights⁴

Historically and in theory, the idea of social justice is that all people should have equal access to wealth, health, wellbeing, justice, privileges and opportunities regardless of their legal political, economic or other circumstances.⁵ Social justice can only be guaranteed by law or legal system and institutions either by law especially the constitution of a state. We shall look at Nigeria Constitution on this later.

thus social justice is a political and philosophical theory which asserts that there are dimension to the concept of justice beyond those embodied in the principles of civil or criminal law, economic supply and demand or traditional moral framework. So social justice tends to focus more on just relations between groups within society as opposed to the justice of individual conduct or justice for individuals.⁶

¹ www.un.org.ruleoflaw

² Plato.stanford.edu

³ www.dictionary.com

⁴ www.americanbar.org

⁵ www.americanbar.org

⁶ Hainonline.org

In modern practice, social justice revolves around favouring or punishing different groups of the population, regardless of any given individuals choices or action based on value judgments regarding historical events, this often means distribution of wealth, income, and economic opportunities from group whom social justice advocates consider to be the oppressors to those whom they consider to be the oppressed. Social justice is often associated with identity politics like socialism and revolutionary communism.⁷

Proponents of social justice can seek to advance their goals through a wide range of peaceful or non peaceful means including various government programmes, social campaigns, public activities, violent revolution or even terrorism. At the government level, social justice initiatives can be pursued through various direct redistribution of wealth and income, protected legal status in employment, government subsidies and other areas for under privilege groups up to and including expropriation, collective punishment and purges. Social justice advocates push for policy reforms in areas such as healthcare, immigration or criminal justice system to remedy potential biases towards certain demographic groups.⁸

What is Social Justice?

Social justice refers to a political and philosophical theory that focuses on the concept of fairness in relations between individuals in society and equal access to wealth, opportunities, and social privileges.

History and Evolution of Social Justice

The concept of social justice first arose in the 19 century during the Industrial Revolution as attempts were made to promote more egalitarian societies and reduce the exploitation of certain marginalized groups due to the vast disparity between the rich and poor at the time. Social justice initially focused on issues such as the distribution of capital, property, and wealth due to the extreme levels of inequality and economic distress prevalent at the time, resulting from the European social class structure.⁹

Today, social justice has shifted towards a stronger emphasis on human rights and improving the lives of disadvantaged and marginalized groups that have historically faced discrimination in society. Many of these groups have been discriminated against on the basis of factors such as sex, age, wealth, ethnicity, heritage, social status, religion, and others. Social justice often leads to efforts to redistribute wealth to some of the underprivileged groups through providing income, jobs, and education support and opportunities.¹⁰

⁷ John carey rule of law www.justiceinitiative.org>voice

⁸ www.britannica.com

⁹ *ibid*

¹⁰ Chwkwuma Chinwo: Principle of Constitutional Law in Nigeria. Princeton and Associates Publishing Ltd Lagos (2020) p.75.

Social Justice and the Government

While activists and advocates significantly influence the widespread emphasis on social justice in the world today, the actual implementation of social justice policies is often left to administrators, such as the government, non-profit organizations NPO (Non-Profit Organization) An NPO (non-profit organization) is an entity that is driven by a dedication to the areas of religion, science, research, or educational, foundations, or agencies within the bureaucracy. Such organizations are responsible for shaping public policies to address Social justice Issues, and as a result, political factors influence the extent to which social justice plays a role in the policies shaped by the government the administration of the day.¹¹

Social justice initiatives can be pursued through many different types of government programs via wealth and income redistribution, government subsidies, protected legal status in employment, and even legalized discrimination against privileged groups through fines. Social justice initiatives are commonly seen in socialist societies. Socialism is a system in which every person in the community has an equal share of the various elements of production, distribution, in communist counties, which integrates them into their economic policies, as well as in the platforms of letter-leaning political parties within such democracies.¹²

Five Principles of Social Justice

There are five main principles of social justice that are paramount to understanding the concept better. Namely, these are access to resources, equity, participation, diversity, and human rights.

1. Access to Resources

Access to resources is an important principle of social justice and refers to the extent to which different socio economic groups receive equal access to give everyone an equal start in life. Many societies offer a multitude of resources and services for their citizens, such as health care Affordable Care Act (ACA) The Affordable Care Act (ACA), also known as Obama care, is a healthcare reform that includes a list of provisions that open opportunities for Americans to have access to food, shelter, education, and recreational opportunities, but there often exists unequal access to such services.¹³

For example, individuals from wealthy households among the upper and upper-middle classes are often able to attend good schools and access post-secondary education, which leads to a greater chance of obtaining jobs with higher income in the future, while those from the lower

¹¹ ibid

¹² Barnett Hillaries Constitutional and Administrative Law 5th edition Cavendish press 1920

classes face fewer opportunities. It, in turn, limits access to education for future generations and continues the cycle of tacking disadvantages.¹⁴

2. Equity

Equity refers to how individuals are given tools specific to their needs and socio-economic status in order to move towards similar outcomes.¹⁵

It contrasts with equality, where everyone is offered the same tools to move towards the same outcome. As such, often, things that are equal are not equitable due to the more advanced needs of some individuals and groups. Social justice, integrated with addressing equity issues, might include advancing policies that provide support to overcome systemic barrier.¹⁶

3. Participation

Participation refers to how everyone in society is given a voice and opportunity to verbalize their opinions and views and have a role in any decision-making that affects their livelihood and standard of living. Social injustice occurs when a small group of individuals makes decisions for a large group, while some people are unable to voice their opinions.¹⁷

4. Diversity

Understanding diversity and appreciating the value of cultural differences are especially important because policymakers are often better able to construct policies that take into consideration differences that exist among different societal groups. It is important to recognize that some groups face more barriers in society, and by considering the inequities, policymakers and civil servants will be in a stronger position to expand opportunities for marginalized or disadvantaged groups.¹⁸

Discrimination in employment on the basis of factors, such as race, gender, ethnicity, sex, age, and other characteristics are constant issues in society, and enforcing policies to countermand discriminatory practices are one way in which diversity, Diversity Management Diversity management promotes greater inclusion of employees from different backgrounds into an organization's structure through policies and programs. is taken into consideration.¹⁹

5. Human Rights

¹⁴ *ibid*

¹⁵ *ibid*

¹⁶ Olufemi Abifarin Essay on Constitutional and Administrative law the 1999 constitution of Nigeria as amended Mafolayomi Press Kaduna 2000 p 45

¹⁷ 1970 6 NSCC 143

¹⁸ PHC/232/73

¹⁹ 1990 2 NWLR (Part 133) 420 at 437

Human rights are one of the most important principles of social justice and form a foundational part of the concept. Human rights and social justice are certainly interrelated, and it is impossible for one to exist without the other. Human rights are fundamental to societies that respect the civil, economic, political, cultural, and legal rights of individuals and governments, organizations, and individuals must be held responsible if they fail to ensure the upholding of these rights. They are extremely important in many societies and are recognized internationally through institutions, such as the International Criminal Court and the United Nations Human Rights Council.²⁰

OBLIGATION OF GOVERNMENT TO CITIZENS

Chapter II of the constitution sets out the Fundamental Objectives and Directive Principles of State Policy. S. 13 to S. 24. S. 13 for instance provides that:

It shall be the duty and responsibility of all organs of government and of all authorities and persons, exercising legislative, executive and judicial powers to conform to, observe and apply the provisions of this chapter of this Constitution

The concept of Fundamental Objective and Directive Principle of State Policy became popularized by the decision of Justice Bhagwati of Indian Supreme Court in *Minerwa Mills v Union of India*²¹

Wherein, the Court held as follows:

To a large majority of people who are living in almost subhuman existence in conditions of abject poverty and for whom life is one long unbroken story of want and destitution, notions of individual freedom and liberty, though representing some of the cherished values of a free society would sound as empty words banded about in the drawing rooms of the rich and well-to-do, and the only solution for making these rights meaningful to them(is) to remake the material conditions and usher in a new social order where socio economic justice (will) inform all institutions or public life so that the pre-conditions of fundamental liberties for all may be secured.

The inclusion of this Chapter II in the 1999 Constitution is no doubt a significant innovation. For the purpose of a clear understanding of the subject it is pertinent to define the terms "Fundamental Objectives and Directive Principles" fundamental objectives has been described as the directive principle laid down by the policies which are expected to be issued in the efforts of the nation to realize the national ideals. The rationale for this innovation is that government in developing

²⁰ 1986 1 NWLR (Part 18) at 633-634

²¹ (1980) AIR SC, 1789

Countries have tended to be preoccupied with power and its material perquisites with scanty regards for political ideals as to how society can be organized and ruled to the best advantage of all. This rationale is of special relevance to Nigeria Police force whose cardinal features are heterogeneity of the society, the increasing gap between the rich and the poor, the growing ravage between the social groupings, all of which combined to confuse the nation and bedevil the concerted march to orderly progress. It must also be pointed out at the onset that Nigeria multi-ethnicity and heterogeneity, dictated the federal option in the instance and contemptuous disregard of the federal institution and flagrant intervention in governance in Nigeria. Therefore, it is safe to conclude that an explicit statement of objective and directive principles which clearly set out the parameters of government and informs its policies and actions can generate spirit of cooperation, unity and progress. However, it must be stressed at this point that in spite of the far reaching provision of S. 13 which imposes specific obligations on government to conform to, observe and apply the provisions of chapter II of the Constitution, there are some obstacles and barriers that are deliberately created in the Constitution in order to make the chapter in operative and non justice able.²²

Section 6 (6) (c) for instance provides as follows:

The judicial power as vested in accordance with the foregoing provisions of this section:

- (c) Shall not, except as otherwise provided by this Constitution, extend to any issue or question as to whether any act or omission by any authority or person or as to whether any law or any judicial decision is in conformity with the Fundamental Objectives and Directive Principles of State Policy set out in Chapter II of this Constitution.

This provision has clearly isolated the power of the Court to entertain any action on whether or not government has complied with the provisions of the Constitution. This provision is unfortunate and it has rendered the whole laudable innovation of chapter II in the Constitution irrelevant and a mirage. The judicial interpretation of the chapter has not been helpful. In *Anthony Olubumi Okogie Vs Attorney General of Lagos State*²³ where the court came to the Conclusion that the objectives are no more than ideals towards which the nation was to run. The Court held as follows:

The Fundamental Objectives identify the ultimate objectives of the Nation and the Directive principles lay down the policies which are expected to be pursued in the efforts of the Nation to realise the natural idea. While Section 13 of the Constitution makes it a duty and

²² (1981) 2 NCLR 337.

²³ 1989 1 NWLR (Part 106) at 652

responsibility of the judiciary among other organs of Government to conform to an apply the Provisions of Chapter II, Section 6 6 (c) of the same Constitution make it clear that no Court has jurisdiction to pronounce any decision as to whether any organ of Government has acted or is acting in conformity with the fundamental objectives and Directive Principles of State Policy. It is clear therefore that Section 13 has not made Chapter II of the Constitution justiceable.

Secondly-item 59(1) of Exclusive legislative list which provides that:

The National assembly shall have power to make laws with respect to the establishment and regulation of authorities for Nigeria to promote and enforce the observance of the fundamental objective and directive principles contained in the constitution.

This provision has the effect of conferring on the National Assembly power to make laws that will establish and regulate authorities to enforce this principles and policies. It would however, seem that the National Assembly has not explored this window since the return of the Country to civil rule in 1999.

In sum total therefore, it would appear that the duty and responsibility on all organs of government is limited to the extent that the judiciary cannot enforce any of the provisions, and thus to that extent, the executive do not necessarily have to comply with any of the provisions unless and until the legislature have enacted specific laws for the enforcement. Although by strict interpretation of the chapter, the government has a binding duty to perform those functions. It is disheartening that when government failed to perform, you cannot seek a court's order of mandamus to compel it perform.

Thus in Archbishop Anthony Olubumi Okogie Vs Attorney General of Lagos State²⁴ - It was held that the directive principles of the policy in chapter II of the constitution have to conform to and is subsidiary to the fundamental rights and that chapter II is project to legislative powers conferred on the state, but the section is not justiceable.

THE GOVERNMENT AND THE PEOPLE

S. 14 (1) Provides of the Constitution provides that:

The Federal Republic of Nigeria shall be a state based on the principles of democracy and social justice.

(2) It is hereby accordingly declared that:

²⁴ *Supra*, see also AG Ondo State v AG Federation (2002) FWLR (pt111) 1972 SC

(a) Sovereignty belongs to the people of Nigeria from whom government through this constitution derives all its powers and authority.

b) The security and welfare of the people shall be the primary purpose of government.

c) The participation by the people in their government shall be ensured in accordance with the provisions of this constitution.

(3) The composition of the Government of the federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the federal character of Nigeria and the need to promote national unity, and also to command national loyalty, thereby ensuring that there shall be no predominance of persons from a few states or from a few ethnic or other sectional groups in that government or any of its agencies.

(4) The composition of the Government of state, a local government council or any agencies of such government or council and the conduct of the affairs of the government or council or such agencies shall be carried out in such a manner as to recognize the diversity of people within its area of authority and the need to promote a sense of belonging and loyalty among all the peoples of the federation.

It can be seen that subsection (1) and (2) above are mere declaration of the facts and principles that underlines democratic system of government. They therefore evoke no controversy since it is a reaffirmation of the provisions of the constitution. While S. 14 (3) has drawn attention to the need for the states of the federation including ethnic groups. This provision has the effect of ensuring protection of various Communities or a combination of few ethnic groups that made up the federation. If not few ethnic groups will be permitted to dominate the government to the exclusion of others and also that all Nigerians should have a sense of belonging. This provision is capable of protecting the rights of the minority groups in Nigeria.

On the other hand, the evolution of national loyalty may be retarded by playing up the role of sectional representatives in the conduct of the affairs of the state. With this provision it is quite possible that the situation is being created in which a person, ethnic or linguistic affiliation is the primary definition of quality as an individual; this can be equated to the attitude of those who regard a man's racial identity as a basis for assessing his quality as human being.

Subsection 4 follows logically on the previous subsection because the same sense of belonging must be created among the various ethnic groups within each particular state and local government since we operate a federal government system. The term federal character was defined in S. 210 (I) of the same constitution as follows;

S. 210 (I) The term "federal character of Nigeria refers to distinctive desire of the peoples of Nigeria to promote national unity, foster national loyalty notwithstanding the diversities of ethnic

origin, culture, language or religion which it is their desire to nounce, harness to the enrichment of the federal Republic of Nigeria”.²⁵

It follows from the foregoing that Federal character in Nigeria is no more than the culmination of the operative forces of multi-ethnicity, has been accepted as the basic principle that could guide governmental action at all level. However, if ethnic state consideration have to be the salient factors in determining public appointments it is more than likely that tinkering after power and high federal appointments/office would inordinate and aggressive identification with the ethnic or the state to the detriment of higher loyalty to. the nation and from the fact that it places undue emphasis on federal character or quota system and this can promote mediocrity over the above merit because a state or an ethnic will present what it has no matter its quality and credibility and when it has none the position will be reserved for them until they have qualified persons.

POLITICAL OBJECTIVES

Section 15 provides that

- (1) The motto of the Federal Republic of Nigeria shall be Unity, Faith peace and progress.
- (2) Accordingly, national integration shall be actively encouraged, whilst discrimination on the ground of place of origin, sex religion, status, ethnic or linguistic association or ties shall be prohibited.
- (3) For the purpose of promoting national integration it shall be the duty of the state to:
 - (a) Provide adequate facilities for and encourage free mobility of people, goods and services throughout the federation;
 - (b) Secure full residence rights for every citizen in all parts of the federation;
 - (c) Encourage intermarriage among person from different places of origin or of different religions, ethnic or linguistic association or ties and
 - (d) Promotion and encourage the formation of associations that cut across ethnic, linguistic, religions or other sectional barriers.
- (4) The state shall foster a feeling of belonging and of involvement among the various peoples of the federation to the end that loyalty shall override sectional loyalties.
- (5) The state shall abolish corrupt practices and abuse of power.

From the above provision of the law, promotion of loyalty to the nation which transcends sectional loyalties. The political objectives are indeed laudable and desirable but the enforcement and observance of some of them are virtually impossible, if not indeed impracticable they are

²⁵ 1985 2 NWLR (Part 7300) at 346

ideals which the state should strive to attain. If the whole chapter had been, made justiceable, concerned citizens would have been able to bring action to enforce the provisions that are breached by the government.

Sub Section (2)' prohibits discrimination on any ground whatsoever, the effect of this provision is that every citizen of Nigeria should mix freely regardless of place of origin, tribe, ethnic, religion, status, sex or linguistic association. The Court of Appeal has ruled in the case of Yinka Badejo Vs Minister of Education and Anor²⁶ that fixing of different cut-off marks for different states of the federation for purposes of admission of candidates to unity schools is discriminatory and this violates the right of each candidate to freedom of assembly with' other pupils in her school of choice.

It is good to note that Inter-ethnic marriage is of common place in Nigeria including religious and interdenominational marriages.

ECONOMIC OBJECTIVES

S 16.(1) The State shall, within the context of the ideals and objectives for which provisions are made in this Constitution –

- (a) harness the resources of the nation and promote national prosperity and an efficient, a dynamic and self-reliant economy;
- (b) control the national economy in such manner as to secure the maximum welfare, freedom and happiness of every citizen on the basis of social justice and equality of status and opportunity;
- (c) without prejudice to its right to operate or participate in areas of the economy, other than the major sectors of the economy, manage and operate the major sectors of the economy.
- (d) without prejudice to the right of any person to participate in areas of the economy within the major sectors of the economy, protect the right of every citizen to engage in any economic activities outside the major sectors of the economy.

(2) The State shall direct its policy towards ensuring-

- (a) the promotion of a planned and balanced economic development;

²⁶ 1986 1 NWLR (Part 25) at 710

- (b) that the material resources of the nation are harnessed and distributed as best as possible to serve the common good;
 - (c) that the economic system is not operated in such a manner as to permit the concentration of wealth or the means of production and exchange in the hands of few individuals or of a group; and
 - (d) that suitable and adequate shelter, suitable and adequate food, reasonable national minimum living wage, old age care and pensions, and unemployment, sick benefits and welfare of the disabled are provided for all citizens.
- (3) A body shall be set up by an Act of the National Assembly which shall have power -
- (a) to review, from time to time, the ownership and control of business enterprises operating in Nigeria and make recommendations to the President on same; and
 - (b) to administer any law for the regulations of the ownership and control of such enterprises.
- (4) For the purposes of subsection (1) of this section –
- (a) the reference to the “major sector of the “major sector of the economy” shall be construed as a reference to such economic activities as may, from time to time, be declared by a resolution of each House of the National Assembly to be managed and operated exclusively by the Government of the Federation; and until a resolution to the contrary is made by the National Assembly, economic activities being operated exclusively by the Government of the Federation on the date immediately preceding the day when this section comes into force, whether directly or through the agencies of a statutory or other corporation or company, shall be deemed to be major sectors of the economy;
 - (b) “economic activities” includes activities directly concerned with the production, distribution and exchange of wealth or of goods and services; and
 - (c) “participate” includes the rendering of services and supplying of goods.

These provisions merely confirm the existing practice namely mixed economy. Major sectors of the economy as defined sufficiently wide to enable the government to assume any degree of control over the economy of the nation. With such mixed economy, the public sector plays large leading role and it is able to determine basic and to some extent militate the large effects of private competition but it is possible that this may not allow for sufficient private initiative. The recent privatization and commercialization of public utilities like NITEL, NIPOST, NEPA and Nigeria Ports etc have removed whatever measure of mitigation the public sector had hitherto played in the economy. In fact this has led to viral or galloping inflation. Although privatization will definite enhance efficiency and reduce waste of public resources and fund. The setting up of Bureau of Public Enterprises and National Council on privatization in this regard in the right direction.

SOCIAL OBJECTIVES

S 17. (1)The State social order is founded on ideals of Freedom, Equality and Justice.

(2) In furtherance of the social order -

- (a) every citizen shall have equality of rights, obligations and opportunities before the law;
- (b) the sanctity of the human person shall be recognized and human dignity shall be maintained and enhanced;
- (c) governmental actions shall be humane;
- (d) exploitation of human or natural resources in any form whatsoever for reasons, other than the good of the community, shall be prevented; and
- (e) the independence, impartiality and integrity of courts of law, and easy accessibility thereto shall be secured and maintained.

(3) The State shall direct its policy towards ensuring that -

- (a) all citizens, without discrimination on any group whatsoever, have the opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment;
- (b) conditions of work are just and humane, and that there are adequate facilities for leisure and for social, religious and cultural life;
- (c) the health, safety and welfare of all persons in employment are safeguarded and not endangered or abused;
- (d) there are adequate medical and health facilities for all persons;
- (e) there is equal pay for equal work without discrimination on account of sex, or on any other ground whatsoever;

- (f) children, young persons and the aged are protected against any exploitation whatsoever and against moral and material neglect;
- (g) provision is made for public assistance in deserving cases or other conditions of need; and
- (h) the evolution and promotion of family life is encouraged.

This is the section of substantive manifesto in the constitution. It gives to the employees all the common law obligations imposed on employers to ensure safe place of work, safe system of work, provision of adequate and good equipment, supervision of the employee while at work. It also provides for welfare of workers and prohibited discrimination of pay and exploitation: But since Nigeria is not yet a welfare state in the western European accepted sense, all the provisions for welfare assistance remain unattainable goals for now, children and young persons are protected from exploitation by this section and the aged men and women who are begging on the streets. Government should address these issues. Easy accessibility to court is still a mirage. It is costly to engage a lawyer. The powers of Public Complaint Commission should be extended to cover cases between individuals while the scope of legal Aid should also be extended. Subsection (h) is an addition to the provision of S. 17 (3) of 1999 constitution. S. 17(3) h seeks to encourage and promote family life, this will complement S. 37 that protects privacy of citizens and their homes.

Section 19 - This section expresses the foreign policy objective of the government of Nigeria which shall be the promotion and protection of national interest, promotion of African integration and support for African unity, Promotion of international cooperation, respect for international law and treaty obligations as well as seeking of settlement of international dispute by negotiation, mediation, conciliation, arbitration and adjudication and promotion of a just world economic order.

The provision is far-reaching because of its inclusion of the global trend in international diplomatic and commercial settlement of dispute which is now negotiation, mediation, conciliation, arbitration or adjudication. The Bakassi Peninsula conflict, Lake Chad problem are better solved through any of these media.

Section 21 - provides that the state shall protect, preserve and promote Nigerian cultures which enhance human dignity and are consistent with the fundamental objectives as provided in this chapter and encourage development of technological and scientific studies which enhance cultural values. Although this section is not new but it introduces a new dimension which seeks to subject our culture to acid test similar to the colonial era of repugnancy doctrine test of culture of the people of Nigeria, that is the culture that the state shall protect, preserve & promote must be that culture that seeks to enhance or enhances the dignity of human beings. More importantly the state shall promote only the development of science and technology as far as it enhances our

cultural values that in turn enhances human dignity. These are plausible and lofty goal of the state.

EDUCATIONAL OBJECTIVES

Section 18 (1) Government shall direct its policy towards ensuring that there are equal and adequate education opportunities at all levels.

(2) Government shall strive to eradicate illiteracy; and to this end government shall as and the when practicable provide:

- (a) Free compulsory and universal education;
- (b) Free, secondary education;
- (c) Free university education; and
- (ci) Free adult literacy programme.

The Federal Government has not been able to implement this section but states like Oyo, Ogun, Ondo, defunct Bendel state has operated free education at all level between 1979 and 1983.

This had been possible by inclusion of education in the concurrent legislative list, thereby allowing for state legislation. But as there is no duty to provide free education, no citizen can force any government to provide free education at any level. Some of those states are still giving bursary to their undergraduate in all the universities in Nigeria. The word “government shall when practicable” is indefinitely Massive. It has not vested any legal obligation on the government. Civilian regime in Nigeria has often tried to operate this, principle but it is the military regimes that had always wanted to introduce tuition fees and other levies in our educational system. The educational system is gradually being destroyed by turning it to money making ventures. No provision is specially made for the education of The handicapped. This oversight should be avoided in the next constitution. The Federal Government keep on telling our tertiary institutions to look in-ward for internal generation of revenue, this is a gradual drift to commercialization of education. S.20 of the 1999 constitution is an improvement on 1979 constitution. The state has now realized the need to protect and improve the environment and safe guard the water, air and land, forest and wild life of Nigeria.

OBLIGATION OF THE PRESS

Section 22 provides that. The press, radio, Television and other agencies of the mass media shall at all times be free to up hold the fundamental objective contained in this chapter and up hold the responsibility and accountability of the Government to the people.

The press had used this provision in their demand for a more specific provision for press freedom in the constitution. Their argument being in order to fulfill specific obligation imposed on them

they must have corresponding facilities to ensure effective performance. But it must be realized that the obligation is non justifiable, it is a mere hope and aspiration. Although S.39 of the constitution remedied the defect in this section. For the press to perform its obligation effectively press freedom is a necessity which S. 39 guaranteed but the military had always suppressed the press when reports and editorial opinions are critical of Government policies. Remember the cases of Thompson and Nduka Irabor in 1984. The present Civilian Regime of President Buhari, has also detained some Journalists and raided press houses with security operatives. This is not good for democracy and social justice.

Conclusion

Finally, Chapter Four of the Constitution made provisions for Fundamental rights enforcement, the section is in sharp contrast with Chapter Two of the Constitution. While the former is enforceable, the later is not enforceable. Despite the non enforceability of Chapter Two of the constitution which provides for Fundamental Objectives and Directive Principle of State Policy, African Charter on Human and Peoples' Right has made provisions similar to that of Chapter Two of the Constitution. Since Nigeria has domesticated the African Charter on Human and Peoples' Right by virtue of African Charter on Human and Peoples' Right (Ratification and Enforcement) Act which makes the African Charter to be of equal force as any Nigerian legislation. By and large an action can be maintained to enforce the provisions of the African Charter on Human and Peoples' Right which are similar to that of the Chapter Two of the Constitution before the Federal High Court, State High Courts and the ECOWAS Court.