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LAW AND DEVELOPMENT IN NIGERIA: 50 YEARS OF NATIONHOOD

1. The Nigerian Legal System: Reviewing
the Past, Projecting into the Future

Professor E. Azinge SAN

edited by

2. Constitutional Evolution

Professor N. Aduba

Professor E. Azinge SAN

(Director General,

Nigerian Institute of Advanced Legal Studies)

and

Professor N. Aduba

(S.M.A. Belgore Professorial Chair

Nigerian Institute of Advanced Legal Studies)

7. Nigerian Law of Evidence and the Criminal Justice
System: Sixty Five Years After

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8. The Evolution of Telecommunications Regulation in
Nigeria - Fifty Years On

Jamil M. Azogh, Ph.D.



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Foreword

On October 1st 1960, the Nigerian State came into existence with the Union Jack of the British lowered, and hoisted in its place, the green white green Flag of Nigeria. When Nigeria emerged as a nation in 1960, its legal system as well as its political and economic life was inextricably linked to Britain. Thus, at the time of independence, the Nigerian Legal System was made up of Customary and Islamic law, Nigerian legislations, Case law and the received English Law which consisted of Common Law, Doctrines of Equity and Statutes of General Application that were in force in England on 1 January 1900. This terminal date is as entrenched in section 32(a) of the interpretation Act. The received English law remains part of Nigerian law and the courts have continued to apply same where legislations have not being passed.

Over the years, the Nigerian State has evolved, shaping its policies to meet with the challenges and exigencies of its time. Within the municipal legal system, there have been a lot of changes that has altered the structures and institutions in place fifty years on. In the course of fifty years, the Nigeria legal system has seen a marked departure from what obtained at independence. Whilst, remarkable progress and changes have been recorded in certain areas of the legal and political life of the nation, some others have been slow at responding to the challenge of an evolving nation and so have remained substantially the same as when attempts were first made at regulation.

In this tribute to a nation at 50, the Nigerian Institute of Advanced Legal Studies, has chronicled and examined in 26 chapters, the salient features of developments in the period under review, in different facets of the nation ranging from its constitutional evolution and development, different aspects of commercial and criminal law, law of evidence, copyright, company law, environmental protection to family law and inheritance. The discourse in these different areas of Nigeria's legal system in the last 50 years has also exposed the inadequacies of many of the legal framework to address and effectively deal with issues in their respective sector, revealing the

overarching need for legislature to fill relevant gaps or repeal and amend extant laws.

Fifty years is a significant period in the life of a person, entity or nation and often involves retrospective look at the successes, achievements, growth and pitfalls that have occurred within the period. *Law and Development in Nigeria: 50 Years of Nationhood* has aptly done this in 26 chapters, providing an in-depth analysis and overview of the political and legal developments that have marked Nigeria as a Nation.

This master piece is a fitting tribute to our Nation at 50 and there can be no greater honour as citizens than to be called to document the historical growth and development of our law in an analytical and incisive work by an array of distinguished legal and socio-legal scholars. This work is commended to all Nigerians and all those interested in owning a piece of history.

Professor Epiphany Azinge SAN,
Director-General
November, 2010