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Legal Aid Council as a Strategic Partner in Justice Delivery System in Nigeria: A Thorough Appraisal

Dr. Umoru D. Yunusa
Criminal Litigation Department, Legal Aid Council Abuja, Nigeria

Abstract
Access to Justice and the right to legal aid both in the Criminal and Civil litigations are universally accepted principles of fair hearing as enshrined in the 1999 Constitution of Nigeria (as amended). Legal Aid Council is a parastatal under the Federal Ministry of Justice in Nigeria, and its core mandate is to render free legal services in the form of legal representation in courts prison visits, Police solicitors' scheme, Legal Advise, on behalf of indigent Citizens who cannot afford to engage the services of private legal practitioners. Given the strategic position of the Council in the justice delivery chain in Nigeria, the existence and Impact of this agency is not much felt principally due to poor funding from the Government. Against this background, this work examines the mandates/objectives of the Legal Aid Council which qualifies it to fit in as a strategic Partner in Justice Delivery System in Nigeria. This writer is of the view that government at all level and the well to do in the society have to improve their funding and financial contributions towards getting an enhanced justice delivery system for the vulnerable in the society.

Keywords: Justice, Legal Aid Council, Government, Indigent, Citizens, Nigeria etc.

Introduction
The right to Legal Aid Services is as provided formally in several legislations particularly the 1999 constitution (of the Federal Republic of Nigeria (as amended) and other enabling statutes.[66]

The legal Aid Council Act 2011 has widened the scope and horizon of the Council beyond the previous scope[67], and it was meant towards enhancing the

[66]Sections 17(2) a-e, 35(2), 36(1) and (6), 46(4)(b) (i) and (iii), 28 of the Supreme Court Act, 26 of the Court of Appeal Act, 17(2) Administration of Criminal Justice Act ACJA 2015, Legal Aid Act 2011, respectively
[67]Legal Aid Council Act 2004.

delivery of Legal Aid Services in Nigeria by the council if the provisions of the Act are effectively implemented. The Legal Aid Council Act has experienced various amendments and modifications to suit Socio-economic realities in the Country at every particular time.

This study shows that the major challenges militating against optimal performance of the mandates of the council ranges from lack of adequate funding and requisite Manpower to effectively deliver its mandate as a strategic partner in the Justice Delivery System.

To achieve this lofty objectives or goals, this paper examines the historical evolution of Legal Aid Council, the Legal framework for Legal Aid Council, the core mandates of the council and the inherent challenges/prospects and then conclusion.

HISTORICAL EVOLUTION OF LEGAL AID COUNCIL

History had shown that the concept of Legal Aid was birthed in 1961 where the then Chief Justice Of Nigeria (CJN), Sir Adetokumbo Ademola (of blessed memory) , at the African conference on the Rule of Law held in Lagos; pointed out the hollowness of a constitutional right to fair hearing if the financial aspect of access to justice was ignored[68]. This culminated into the sponsorship of an Executive Bill to the parliament by the then Attorney General of the Federation (AGF) Dr. T.O. Elias titled "Legal Aid and Advice Bill" 1961.

Due to the intervening Nigerian Civil War at that time, the Bill could not sail through[69]. A body named "Nigerian Legal Aid Association", which comprises of Legal luminaries, such as Chief Chimezie Ikeazor (SAN), Chief Debo Akande (SAN), (Dr) Solomon Lar C.O.N, Chief Adebayo Ogunsanya, Chief Edwin Ume-Ezekwe and a host of others (who are now late),[70] took it upon themselves to provide and champion the cause of providing free legal aid services to poor Nigerians[71]

The efforts of the above Association and its members resulted to the promulgation of the first Legal Aid Degree and the promulgation of the Legal Aid Act into force on the 2nd day of May 1977.[72]

The Legal Aid Council at the inception was operating from an office on the 4th floor of the Federal Ministry of Justice, Marina Lagos, with staff strength of Twelve (12) persons, the office was relocated to Constanze House, 72 Campbell Street Lagos, then to former National Assembly Complex, Tafawa Balewa Square Lagos in 1992 and relocated to No. 10, Okotie Eboh Street Awolowo Road, Ikoyi Lagos before it was moved to Abuja, the Federal Capital Territory in 1998 due to the then Federal

[68]Chimezie Ikeazor, Legal Aid for the poor in Nigeria, 2003, p85 (Edited) his Legal Aid Council at 40 years P.1
[69]Ibidi
[70] Ibid
[71]Ibid, P.1, The Association was inaugurated on 6th February, 1974.
[72]Legal Aid Act No 56 of 1976

Government's directives for Ministries, Departments and Agencies (MDAS) to move and operate from Abuja, the seat of government.[73]

This study shows that Legal Aid Council is currently operating from its owned Corporate Headquarters (a three story building) located at Number 22 Chimezie Ikeazor House, Off Gimbiya Street, Area 11 Garki Abuja.

LEGAL FRAMEWORK FOR THE ESTABLISHMENT OF LEGAL AID COUNCIL IN NIGERIA

The legal framework for the establishment of the Council can better be discussed and understood from the series of legislations that had enabled the existence of the Council since its inception till date. Prominent among the laws are:

a) **The Legal Aid Decree No.56 of 1976 which clearly spelt out the scope of the Council in section 6(1) thus**:[74]

6(1) Subject to the provisions of this section, proceedings in connection with which Legal Aid may be given shall be criminal proceedings and shall be in respect of the proceedings specified in schedule 2 to this decree and no legal aid shall be provided in respect of criminal, Civil or other proceedings not so specified.

Those specified criminal proceedings as stated in schedule 2 to the Degree are as follows:

1. Murder of any degree
2. Man slaughter
3. Maliciously or willfully wounding or influencing grievous bodily harm
4. Assault occasioning actual bodily harm
5. 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 the above paragraph.

b) **The Legal Aid (Amendment) Decree No.10 of 1986.**

This amendment extended the scope of the council by including civil matters for the first time in the Jurisdiction of the council as follows:[75]: Civil claims in respect of accidents.

This Decree equally contained subsidiary legislation which provided the legal aid regulations.

[73]Historical profile of the Legal Aid Council of Nigeria(in Legal Aid Council at 40 years, op-cit, p.2
[74]Section 6(1) Legal Aid Decree NO.56 of 1976
[75]Second schedule, paragraph C to Decree No.10 of 1986

c) **The legal Aid (Amendment) Decree No.22 of 1994.**

This amendment included damages and reliefs for breach of Fundamental Human Rights Enforcement as guaranteed under the then 1979 constitution (as amended)[76]. In addition to the existing criminal cases the council can defend, common assault, affray, stealing and rape were included in the amendment; while paragraph C to the amended decree provides thus:

1. Civil claims in respect of accidents
2. Civil claims to cover breach of Fundamental Human Rights as guaranteed under Chapter iv of the constitution of the Federal Republic of Nigeria.

d) **Legal Aid Council Act cap L9:**

The decree later codified into the Legal Aid Council Act Cap L9 Laws of the federation of Nigeria 2004. This amendment merely changed the law from Decree to an Act of Parliament without any meaningful or notable change to the laws.

e) **The Legal Aid Act Cap L9 2004:**

This was recently replaced by the Legal Aid Council Act 2011 which has expanded the scope of the Amended Act to includes the following:[77]

i. Civil Claims in respect of accidents Including employees compensation claim (Under the employees compensation Act,
ii. Civil claims to cover breach of Fundamental Rights guaranteed under (chapter iv) of the 1999 Constitution of Nigeria (as amended).
iii. Civil claims arising from criminal activities against persons who are qualified for Legal Aid under this Act.

It is pertinent to note that the 2011 Act did not only expand the mandate of the council, but also provides an enablement for the repositioning of the council to effectively and efficiently contribute significantly towards ensuring the provision of access to justice and Legal aid for all. For ease of reference, the law as provided in section 8 of the Act, provides as follows:[78]

> 8(1) the grant of legal aid, advice and access to justice shall be provided by the council in 3 brand areas namely, Criminal

[76]Second schedule to Decree No 22 of 1994 paragraph C
[77]Section 8(1) to (5) of the Legal Aid Act 2011.
[78]Section 8((1) Supra

Defence Service, Advice and Assistance in Civil matters including legal representation in court and community Legal services subject to merit and indigent tests for the parties.

MANDATE OF THE COUNCIL

The mandate of Legal Aid Council is as enshrined in Part II of the Amended 2011 Act, tagged LEGAL AID ADVICE[79]. The Legal Aid Act established the Legal Aid Council of Nigeria, which exists primarily to provide legal aid to the poor and vulnerable persons in the society and that still remains the hallmark and pillar upon which the council is built.

The legal Aid Act 2011 which is described as a revolution that is meant ordinarily to bring activities of the council to the indigent in the society, makes access to justice seamless and a necessary reality. This enactment has made new provisions and broken the existing barriers to assessing justice in Nigeria. Some of the new innovations brought to bear under the new Act entails amongst others, the inclusion of armed robbery as one of the cases Legal Aid Lawyers can now defend in the law courts and the novel provision on community legal aid services etc.[80]

In other to enhance the financial status and wellbeing of the Council,

another notable provision brought to bear by the 2011 Legal Aid Council Act is the **access to justice fund** for the financial mobilization of the Council[81]. The said enactment in its section 9 provides as follows:

> Section 9: There is established the Legal Aid General fund for the day to day administration of the Council into which shall be paid:
>
> a) Such sums as shall be appropriated annually by the National Assembly pursuant to section 46 of the Constitution of the Federal Republic of Nigeria; and
>
> b) Such sums shall be appropriated annually or otherwise provided from time to time by the Government of each state of the Federation and the Federal Capital Territory.
>
> The wordings of the new Act unlike the repealed 2004 Act, have created a mandatory statutory obligation on all the states of the federation and government at the centre to contribute into.
>
> c) Such sums as shall be appropriated annually by the National Assembly pursuant to section 46 of the Constitution of the Federal Republic of Nigeria; and

[79] Section 8(1) – (8) Legal Aid Council Act 2011 (Supra)
[80] LACON NEWS, Volume 4No. 1, 2016, Page 30
[81] Section 9 of the Legal Aid Council Act, 2011

d) Such sums shall be appropriated annually or otherwise provided from time to time by the Government of each states of the Federation and the Federal Capital Territory.

The wordings of the new Act, unlike the repealed 2004 Act has created a mandatory statutory obligation on all the three tiers of Government at the centre to contribute immensely towards the funding of the council. Regrettably, this study shows that this all important Legal Aid Access to justice fund is yet to be activated since the inception of the law in 2011; as there no pro-active measures or steps taken so far by the office of the Honourable Attorney General of the Federation and Minister of Justice in Nigeria to see to the implementation of this Public Interest laudable legislation.
This piece of legislation[82] could have conferred financial Independence on the council if it is to be implemented to the later by the appropriate authority when compared to the repealed 2004 Act[83] which merely provides in its section 8 as follows:

> Section 8:- There shall be established a fund to be known as the Legal Aid Fund into which there shall be paid sums as may be provided from time to time by the Government of the Federation or of a state for the payment into the fund; such sums as may be paid by way of contribution under or pursuant to the provisions of this Act or any enactment; subject to section 11(2) of this Act, all sums accruing to the Council by way of gifts, testamentary disposition, contributions from philanthropic person's or organisations or otherwise however.

It is of pertinent interest to state that while the repealed 2004 Legal Aid Council Act by implication, reduced the Council **to a beggar status** as the word **"may"** was used interchangeably, the similar provision in the current statute, that is the 2011 Act, made contribution to access to justice fund compulsory by the use of the word **"shall".**

Other innovations thrown up by the 2011 Act towards achieving the core mandate of the Council includes:[84]

a) Civil claims arising from criminal activities against persons who are qualified for legal aid under the Act.
b) Utilize the probono clearing House System at LACON State Offices and National Headquarters to keep a data base of legal aid needs, Legal aid

[82] Section 9 LACON (Supra)
[83] Section 8 LACON Act 2004
[84] National Legal Aid Strategy Nigeria 2017-2022 op- cit, p 20, and sections 14,15,16,17 and 18 LACON ACT, 2011

provides as well as manage/monitor the deployment of legal aid services across the Country

c) Increase in the member of legal aid provides (both within and outside LACON)

d) Training and capacity building of LACON staff

e) The training and utilization of paralegals in providing the services including the provision of Services in correctional centres as well as in communities

f)The establishment of a wide range of partnerships, collaboration and synergy with Non-Governmental Agencies(NGO's) professional bodies, academic Institution etc, to enable the Council contend with the new scope of services as provided and contained in the 2011 Act.

Some of the Partners/donor agencies the Legal Aid Council had synergized with within the recent time towards attaining its statutory mandate are:

a) The World Bank project "Access to justice for the poor" in Kaduna state. This project is funded by the Japanese Social Development Fund and driven by the legal Aid Council of Nigeria as the lead agent[85]
b) Open society initiatives of West Africa (OSIWA)
c) Prisoner's Rehabilitation and Welfare Action(PRAWA)
d) European Union (EU)
e) Justice For All (JFA)
f) National Agency for Prohibition Against Trafficking in Persons (NAPTIP)
g) United Nation Office on Drugs and Crime (UNODC). Through this agency, several trainings on terrorism defence has been organized for defence lawyers in the council with a view to prepare them towards participating actively in the various terrorism trial at Maiduguri and Kanji, in Niger state, Nigeria. Also, the book "User's Guide to the Terrorism (prevention) Act, 2011 (TPA) as amended by the Terrorism (Prevention) (Amendment) Act, 2013 (TPAA) were made available at no costs to the Council's legal officers.
h) Right Enforcement and Public Law Centre (REPLACE)
i) Open Society for Justice Initiatives (OSJI)
j) The Nigerian Bar Association Headquarters(NBA). etc[86]

[85] Joy Bob-Manuel "Report of the Activities of the council made to the NBA, in August 2015 (In LACON NEWS (2007) P.7
[86] Ibid, p.8

In the bid to make access to justice by poor Nigerians seamless, the Legal Aid Council was able to establish Legal Aid Centres in some States of the Federation and some of the centres and states are:[87]

a) Ningi, Bauchi State
b) Gwagwalada, FCT
c) Otuocha, Anambra State
d) Owo, Ondo state
e) Ogbia, Bayelsa State
f) Auchi, Edo State
g) Karu, Nasarawa State
h) Shensam, Plateau State
i) Shagbana, Bayelsa State
j) Suleija, Niger State
k) Bida, Niger State
l) Katsina- Ala, Benue state
m) Abonnema, Rivers State
n) Bwari, FCT
o) Ungogo, Kano State
p) Badagry, Lagos State
q) Warri, Delta State
r) 19 Law Clinics in Kaduna State.

CHALLENGES

It is no longer in dispute that the Legal Aid Council Act 2011, marked a watershed in the annals of the Council's legislation which by implication, had conferred very wide scope on the council to handle both criminal and Civil Cases on behalf of indigent Nigerian Citizens. However, there are some noticeable Challenges that the 2011 Act had portrayed. Some of the challenges are:

Limitation of the scope of the Council

1. The second schedule to the Act[88] had explicitly provided for "proceedings in respect of which Legal Aid may be given thus:
    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 descriptions as may be respectively in any criminal code or penal code-

[87] Ibid p.7
[88] Second Schedule, Section 8(2) (A, B,C) LACON Act, 2011

Criminal Code	Penal Code
1. Murder of any degree	Culpable homicide punishable with Death
2. Man Slaughter	Culpable homicide not punishable with Death
3. Malicious or Willful grievous hurt	Wounding or inflicting grievous bodily Harm
4. Assault occasioning actual bodily harm	Criminal Forces occasioning actual bodily harm
5. Common assault	
6. Affray	
7. Stealing	
8. Rape	
9. Armed robbery	

b. Aiding and abetting, or counseling or procuring 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.

1) Civil claims in respect of accidents including employee's compensation claim (under the Employee's compensation Act,(Act No. 13 of 2010)
2) Civil claims to cover breach of fundamental right, guaranteed under chapter iv of the constitution of the Federal Republic of Nigeria
3) Civil claims arising from criminal activities against persons who are qualified for Legal Aid under this Act.

Going by the principles of strict interpretation of statutes, Legal Aid Lawyers are not expected to defend or participate in any court proceedings outside what is specifically itemized in the said schedule to the Act[89]. The strict interpretation of this schedule would be the exclusion of the items not included in the statute in issue, meaning that the broad and expanded scope given to the Council under the 2011 Act becomes a mirage.

This is equally applicable to civil cases such as matrimonial cases, land matters, contracts, recovery of premises etc. The law is trite that clear provisions of a statute must be given its true and correct meaning. IN **CALABAR CO-OPERATIVES V EKPO[90],** the apex court held as follows:

> Where the words of a statute or constitution are clear and unambiguous, they call for no interpretation, the duty of the Court in such a circumstance being to apply the word as used by the legislature.

[89] Second schedule (Supra)
[90] (2008) Vol. 11 M.J.S.C 104 (P127) Paragraph G-F

However, the Constitution of Nigeria 1999 (as amended) through several of its provisions and the same Legal Aid Council Act 2011[91], have provided reprieve to the aforementioned Legal Quagmire in the following ways:

> Section 36(1) of Nigeria Constitution copiously provides that:
> In the determination of his civil rights and obligations including any question or the determination by or against any government or authority, a person shall be entitled to a fair hearing within a reasonable time by court or a tribunal established by law and constituted as to its independence and impartiality.

A careful understanding of this constitutional provision means that the phrase "any question or the determination" tantamount to includes any legal issue, civil or criminal as the legal rights and obligations of an individual is affected; and the person cannot afford the services of a private legal practitioner; the Legal Aid Council can take up such cases.

In the same vein, under ss(6) of the same constitution, it is clearly provideds interalia as follows:

> ss(6)- Every person who is charged with a criminal offence shall be entitled to defend himself in person or by a legal practitioner of his choice.

The phrase "every person" connotes all person(s) accused of any crime in the law court irrespective of the nature of such crime. Furthermore, the word "shall" is a compulsion without the use or application of any discretion. This Principle was enunciated in the case of **TABIK INVESTMENT LTD. V GTB PLC**[92], where the Apex Court pronounced on the use of "shall" -

> …connotes mandatory discharge of a duty or obligation, and when the word is used in respect of a provision of the law, that requirement must be met. The word "Shall" may have other meanings, for when used in legislation, it may be capable of translating into a mandatory act, giving permission or direction".

Furthermore, the salient provisions of 2011 Act[93] is also a soothing balm which has covered the field in all ramifications. The sub(4) to section 8 of the Act provides thus:

[91] Sections 36(1), (6) 1999 constitution(as amended) and 8(4)(5) Legal Aid Council Act, 2011 respectively
[92] (2011) VOL.6(PTI) M.J.S.C, (P.14) Paragraph A-9
[93] Section 8(4) and (5)

(4)- Legal Aid shall also be granted in respect of any breach or denial of any such right, obligation, duty, privilege or service and the council shall be responsible for the representation before **any court or tribunal** for such Civil Matters;

In the same vein sub (5) of the same section provides as follows:

ss(5) Legal Aid shall consist on terms provided by this Act of

a) The assistance as is usually given to by a private Legal Practitioner in the steps preliminary or incidental to any proceeding,
b) Representation by a Legal Practitioner before any Court; and
c) Such additional aid (including advice) as may be prescribed.

It is of note that the use of words such as '"In respect of any breach or denial of any". Such right, obligation, duty, privilege, or service before any court or tribunal for such Civil matters, and the wordings in sub 4(a) and (b) tend to have covered the field whereby Legal Aid Officers from the Council can represent any litigant in any Court, the ways and manners a Private Legal Practitioner will do.

Based on the foregoing, it is submitted that where an Indigent is denied legal representation simply because the case to be prosecuted or defended is not contained in the second schedule to the 2011 Act, such unlawful act is a denial of fair hearing to the indigent and a challenge to the provisions of section 36 of the Constitution of the Federal Republic of Nigeria 1999 (as amended).

This is in the face of the fact that "schedule" is an appendix to an Act of Parliament or an instrument.[94] By the status of a schedule aforesaid, it ought not to be elevated above a statutory provision or instrument.

The operating word "may" used in the second schedule to the legal Aid Act 2011 in the following pattern – "proceedings in respect of which legal Aid may be given", connotes a permissive or enabling expression. In the decided case in **CHIEF J.O ADEWOR VS CHIEF M. UWEGBA & ORS**[95], the apex court held interlia that:

> The use of the word "may" prima facie conveys that the authority which has power to do such an act has an option either to do it or not to do it. The learned jurist relying on the decided

[94] Osborn's Concise Law Dictionary (Seventh Edition) by Roger Bird. London (Sweet & Maxwell) 1983, page 297
[95] ELC (1987) 1203, pag 1 reported as case SC. 113/1986, ratio 3.

case in **RE DAKOR, MICHELL V BAKER[96] AND JOHNSON'S TYRE FOUNDRY PTY LTD V SHIRE OF MATTRA**[97] further pronounced as follows:-

> But it has been conceded that the word may acquire a mandatory meaning from the context in which it is used; the word may also acquires a mandatory meaning from the circumstances in which it is used. Most of the cases in which the word "may" has a mandatory meaning relate to cases in which they are used in penal status conferring powers to courts.

The implication of the above submission is that, apart from the subservient nature of a schedule to an express provisions of a statute, the word "may" in the context in which it is used in the 2011 Act, does not command or compel the council to handle only cases itemized in its second schedule.

2. **Poor funding:**

The Legal Aid Council is poorly funded and this affects the quality of staff, particularly lawyers. This study reveals that Lawyers working for the Council are also not well catered for in terms of welfare packages such as wardrobe, hazard allowances etc[98]. It is worthy of note that the council's main source of sustenance is largely funds from the Federal Government through "The Federation Account" which the council relies on in running its affairs and actualizing its statutory mandate.[99] In addition to funds accruing to the council through the federation account, the council may accept gifts of land, money or other property upon such terms and conditions, if any as may be specified by the person of organization making the gift.[100]

In response to the same perennial problems of funding of the Council by the government, a legal writer and human right activist, **DELE ALABI**[101] posited thus:

> …hence, its inability to retain the Services of dedicated Legal personnel, and other professionals such as interpreters and psychiatrist, that can cater for the needs of indigents detainees. To this extent, guaranteeing most indigent and

[96] (1800) 44 CH.D 282
[97] (1949) A.L.R 88
[98] Ameh Ochojila, "Legal Aid Council and challenges of fulfilling its mandate" The guardian Newspaper, 1st February 2022, http//www// researchgate net > Publication >accessed on May 20 2024.
[99] Section 162(1) and (2) CFRN 1999 (as amended)
[100] Section 12 (1) Legal Aid Act 2011.
[101] "Legal Aid Council Grapples with challenges of logistics, poor funding" < http//www//legalaidcouncil.gov.ng> accessed May 29 2024.

> vulnerable Nigerians, access to justice remains a myth rather than a reality.

The issue of poor funding of the Council and its attendant negative consequences on its activities was emphasized on recently when the Director General (DG) of Legal Aid Council, Barrister Aliyu Abubakar[102], lamented over the same vex issue of Lack of Manpower and funding of the Council to carry out its operation in the following way:

> In working towards the actualization of its mandate, the Council faces numerous problems, amongst which are inadequate funding and Manpower (minimal numerical staff strength as the magnitude of cases requiring Legal Aid is huge compared to the number of lawyers in the Legal Aid council).

According to the Director General of the council, he is of the opinion that the low participation of experienced private legal practitioners in the legal aid scheme by way of pro-bono is also another challenge. This may be attributed to the fact that the Legal Aid Council does not reimburse the expenses of these private legal practitioners as there is presently no fund for it or total lack of interest in pro-bono services[103].

It is pertinent to note that the issue of poor funding of the Council is central to and inimical to the attainment of the goals/mandates of the Council in respect to staff training, acquisition of operational vehicles, well equipped library to aid research, etc.

Currently, the Legal Aid Council has a total number of 268 lawyers in its employment deployed at the headquarters, the zonal, state offices and the respective law centres of council.[104]

3. **Lack of awareness about the existence of Legal Aid Council.** This challenge is incidental and impari-materia to the poor funding of the Council discussed above. It is of common knowledge that the indigent members of the society that the Council is meant to give voice to, lives in the rural areas; who knew little or nothing about the existence of Legal Aid Council, not to talk of seeking for its services in anyway or form whatsoever, however.

   It is of common knowledge that Legal Aid Council has offices in the 36 states of the Federation, the Federal Capital Territory Abuja in addition to law centres created in few local government areas of some states of the federation. Little

[102] "Legal Aid Council faces funding manpower Deficit" Newswive Law & Events, 7 June 2024.
[103] Ibid
[104] http/www/legalaidcouncil.gov.ng

or not much is done in sensitizing citizens of their rights to seek free legal services through Legal Aid Council.

This has kept a very good number of citizens including the enlightened ones in the dark about the existence and activities of the council.

PROSPECTS

Despite the aforementioned challenges confronting the Council, it was able to achieve certain giant strides as chronicled by the current Director General of the Council under his leadership as follows[105]:-

a) Offsetting all staff and 3rd party liability.
b) Purchase of 64 project vehicles for use by council officers across the zones.
c) Intensive renovation of the Council headquarters building in Abuja.
d) Working assiduously to improve condition of service of the Council staff and other incentive packages.

   In addition to the above stated mile stones,

e) The Legal Aid Council under the able leadership of Barrister Aliyu Abubakar, applied and secured the release of 101awaiting trial inmates from kirikiri correctional centre in Lagos without swapping of prisoners. According to Mr. Bakre,[106] the detainees were not swapped with the 23 remaining suspects connected with the recent past Abuja-Kaduna train passengers attack released on October 5th, 2022.

f) The Council is currently partnering with the United Nations (UN)office on Drugs and Crime to provide Access to Justice tagged **ACCESS TO LEGAL AID** which features prominently in the 2030 agenda for sustainable development, whose target 16.3 of goal 16 is about "promoting the rule of law at the National and International levels and ensuring equal access to justice for all". Legal Aid is a key element of access to justice[107].

   The important role of legal aid was recognized by the "United Nations principles and guidelines on Access to Legal Aid in criminal justice systems as adopted.[108] This made it an obligation for member states to put in place accessible, effective, sustainable and credible Legal Aid Systems with specialized services for groups, particularly children and Women".

[105] Legal Aid Council Hosts 2020 intensive capacity building for zonal staff, 3rd November, 2020 and > http//www legalaidcouncil.gov.ng> accessed on 9/6/2024

[106] Abdul Fattah Bakre, Director FCT office of the council "We applied, secured 101 detainees release, no swapping took place" News Agency of Nigeria (NAN) 14/12/2022. > http//www//legalaidcouncil.gov.ng> accessed 11/5/2024

[107] http//www/unodc.org, Accessed on 8/6/2023

[108] …. United Nations General Assembly in their resolution in 2012 "on principles on Access to Justice among member Countries".

Study shows that the Federal Government of Nigeria through the Legal Aid Council is leveraging on the UN resolution above, to partner with the Federal Ministry of Justice, officer of the National Security Adviser (NSA) alongside other security agencies in Nigeria, to participate fully in the defence (pro-bono) of BOKO HARAM defendants in various detention facilities around the country; wherein the council Lawyers provides legal defence to the defendants.

CONCLUSION

According to the National Bureau of Statistics (NBC),[109] the highlights of the 2022 multidimensional poverty index (MP1) survey reveal that 63% of persons living within Nigeria (133 million people) are multi-dimensionally poor. The national MP1 is 0.257, indicating that poor people in Nigeria experience just over one quarter of all possible deprivations.

The poverty rate in Nigeria according to the World Bank is estimated to have realized 38.9% in 2023, with an estimated 87 million Nigerian living below the poverty line. The world's second-largest poor population after India[110], while the projection in 2024 tilts to an increase to 38.8%. This is attributed to high unemployment rate, low consumer spending and purchasing power prevalent in the country; especially in the absence of commensurate increase in minimum wage to mitigate the inflationary growth in the economy.[111]

To guarantee seamless access to justice by the ever growing population of Nigerians, majority of whom are wallowing in penury and abject poverty, the need for government at all levels to focus more on improved funding of the Council is the most appropriate thing in the circumstance.

It is beyond doubt that Legal Aid Council is one of the formidable and statutorily recognized gate way to access justice by these indigent Citizens in Nigeria. It is the honest believe of the writer that the noticeable challenges confronting the Legal Aid Council are man-made, and can be surmounted through the Political will of those in Government to pay more attention towards adequate and improved funding of the council and the urgent need for amendments to the Legal Aid Council Act 2011, particularly the second schedule. This study further recommends as follows:

a) The office of the Honourable Attorney General of the Federation and Minister of Justice (AGF) should as a matter of urgency, put structures in place towards effective implementation of section 9 of the Act bothering on Legal Aid General Fund. This will go a long way in improving funding to

[109] http//www//nigerianstategov.ng>news
[110] http/www//worldbank.org
[111] http/www/pwcnigeria.typepad.com

the council, thereby enhancing the Capacity of the Council to perform its statutory duties and responsibilities to the citizens.

b) The National Assembly should put measures in place towards amending the provisions of section 10(2) of the 2011 Act; in a way and manners that "instead of giving power to the Board of the Council who sits periodically" to in exceptional circumstances, grant legal aid service to a person whose earnings exceeds the national minimum wage, such rights or powers should be given to the Director General of the Council, who is always available to see to the daily running of the affairs of the Council.

c) Second schedule to the Legal Aid Act 2011 is also to be amended whereby, it covers and reflects every Criminal cases. Also sub (2) 1-3 of the same second schedule to the 2011 Act should be tinkered with to reflect the civil cases Legal Aid Officers can handle. This will go a long way in saving time , energy and resources that opposing lawyers often deploy in court challenging the appearance(s) of Legal Aid Council lawyers in certain cases such as matrimonial courses, land matters etc that are prevalent in most courts in Nigeria at the moment.

d) The Federal Government is to intensify more efforts towards improving funding of the council from what it is currently.
   Improved funding and the implementation of the legal Aid General Fund to the later, will enhance and motivate the staff of the council particularly the lawyers who are the foot soldiers of the organization. Incentives such as wardrobe, hazard allowance and well stuffed library with law reports and other law literatures will greatly impact the Legal Aid Council positively.

It is hoped that religious adherence and implementation of the above suggestions will go a long way in enhancing the activities/capacity of the Council to enable it give voice to the voiceless in the society.