

**KNOW YOUR
CIVIL RIGHTS
AGAINST
OTHER PEOPLE**

By: Barrister Manuel Akinshola

**The Complete “Know Your Rights” Titles Under Our
PUBLIC ENLIGHTENMENT CAMPAIGN SERIES (PECS):**

1. Know Your Rights As A Tenant *(2016 Edition)*
2. Know Your Rights As A Landlord *(2016 Edition)*
3. Know Your Rights Against The Police And In Court In Criminal Matters. *(2016 Edition)*
4. Know Your Fundamental Human Rights Under Nigerian Constitution *(2016 Edition)*
5. Know Your Civil Rights Against Other People *(2017 Edition)*
6. Know Your Rights As An Employee *(2017 Edition)*
7. Know How And Where To Safely Buy Landed Properties In Nigeria. *(Abridged Version, 2016).*

Published in Nigeria by:

Centurion Publishers

2nd Floor (Kings Oil House)

No. 495 Ikorodu Road

Ketu, Lagos State.

Nigeria.

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Preface

Nigerians have become so militarized. I surely want to believe this is a fall-out of our long years of military rule. This military orientation has so much affected the average Nigerian that we believe every little issue must be settled by military might. A man promises marriage to a woman and disappoints her. The next thing the woman does is to employ her “connections” with the military to “punish the guy.” John borrows money from James and fails to pay at the scheduled time. The next thing that comes to James’ mind is to lodge a criminal complaint with the police and get John arrested.

Where on the other hand his consciousness is not militarized, the average Nigerian is so religious and/or complacent that he is ready to “leave everything to God.” A neighbor indulges in public nuisance which is disturbing the peace of the whole neighborhood but nobody knows the right thing to do to put a stop to this. The man next street indulges in dangerous activities which is detrimental to your health and security but you prefer God to “take control” or “touch his heart” rather than do your part. A man enters into a business transaction with another person who fails to perform his part of the contract. The only thing the person wronged knows is to engage his pastor/Alfa/herbalist for spiritual assistance to recover his money.

It hurts so deeply when the average citizen puts all his trust and hope in the Police. Some believe the Police are the Alfa and Omega as far as citizens’ relationships to each other is concerned. Some believe this out of ignorance while some have deliberately refused to be educated on their civil rights. Most people even fear consulting a lawyer and dread going to court. As a matter of fact, the average Nigerian believes that the courts are there for the sole purpose of punishment and imprisonment. They refuse to believe and accept that the courts were created for the purpose of adjudicating on the rights and obligations of the citizenry as well as to civil settle disputes. Mention to an average citizen that he should go to court to enforce his rights and you will never see him again. The ordinary man will even tell you that he does not have time for the court because of the long delays and numerous adjournments. He prefers using the Police or other security agencies to redress the wrong and get justice “*sharp sharp.*”

Let me give you an everyday example: Mr. A enters into a joint business with Mr. B to buy agricultural products like cocoa and resell. Mr. A happens to be the sole financial of the business, committing N100, 000 into the business while Mr. B is the active partner who has the experience in that business. In the course of the business, the prices of cocoa in the market falls, so the business runs at a loss rather than make profit. Mr. A consults his lawyer or is advised that the best avenue to recover his money is to file a civil suit in court. He refuses saying he cannot afford the long delays in court. The next thing he does is to get Mr. B arrested by the Police and detained for days. Of course Mr. A must have “settled” the police to have this done. The Police insist Mr. B must make a deposit of at least half of the N100,000 before his release. After some days, the Police release Mr. B whether he is able to pay the sum or not, and forces him to make an undertaking on when and how to pay this sum. The matter drags for months. In the end Mr. B is not able to pay and is charged to court by the Police, most likely on the charge of obtaining money under false pretenses. (Note that Mr. A has now been forced back to the court he avoided initially). Both parties engage lawyers and after months/years of trial, the case is dismissed because the evidence before the court shows that this is a purely business affair with no element of crime. Even atimes Mr. A gets discouraged by the numerous adjournments and abandons the matter altogether, notwithstanding the substantial sum he had spent to get the matter to this stage.

Or another example. A man assaults another, causing him grievous injuries. The victim is forced to seek medical treatment, incurring a lot of expenses in the process. He reports to the Police upon which the offender is arrested and charged to court. Probably because of lack of evidence or diligence in prosecution, the offender is released and walks around freely. Or he is found guilty and sentenced to imprisonment with an option of fine. He pays the fine to the government and walks away free. Does this leave the victim any better off? In most cases, the victim is not enlightened enough to know that he is entitled to take a separate civil suit against the offender to claim monetary damages and compensation for the injury sustained. His ignorance leaves him to lick his injuries. Even when he is advised, he says he prefers to wait to see the outcome of the criminal case first. I see many people walking the streets in penury who ought to have been multi-millionaires as a result of one wrong or another against them.

This is a daily occurrence which I get to experience in the course of my profession as a legal practitioner. Consider what would have happened if Mr. A in the above example had consulted a

lawyer right from the onset who would have advised him on the proper steps to be taken to recover his investment. He would probably have spent lesser amount of money and time in recovering it.

I have also discovered that majority of Nigerians do not seek legal advice and opinions before engaging in their daily business and personal activities. When you mention a lawyer, the first thing that comes to the mind of the average Nigerian is that crime is involved. But I have always strived to educate people that lawyers are involved in every aspect of your life, from the womb to the tomb. Majority of lawyers in Nigeria do not charge fees for legal consultations and advice. The citizens however fail to exploit this opportunity for their own betterment. In advanced countries, lawyers charge their clients per hour and you must even pay consultation fees before you see the lawyer. In spite of these fees, most people in those parts of the world would hardly do anything without first consulting their lawyers. The reality in Nigeria is not so except in few cases. Majority here would rather consult a policeman who is only trained in crime detection and prevention or a soldier trained only in the art of war, than a lawyer who is trained in every aspect of law and human endeavors. Some would even consult the lawyer after they have embarked upon their action or only when their actions have backfired, while some would even fail to heed the advice given them by their lawyers.

Like I said, most people make these fatal mistakes out of ignorance. In the end, they are forced to return to the first person they ought to have consulted initially. Some people do not even realize they have a right which is being infringed upon. When you try to educate them on their rights, they tell you they don't want problem and would rather endure the infringement than take steps to correct it. Some will even tell you rights are not enforceable in Nigeria, as if we do not have laws.

I agree that cases get delayed in courts as a result of congestion and other factors. I equally agree that atimes it takes a lot of efforts to enforce one's rights, because of our peculiar socio-economic circumstances. But has anything good ever come easy? I remember the saying that he who would eat honey from the rock must not worry about the axe-head. These things don't come easy even in developed countries.

This is why I have decided to write this book to let you know that you have a plethora of rights which are enforceable under Nigerian laws. It only requires you to know these rights and have the will to claim and enforce them.

As in my other books, I have only attempted to lay the foundation of your civil rights. I have only enlightened and educated you on the basics of these civil rights. It is for you to consult your lawyer when you think any of these rights have been infringed upon. Your lawyer is in a better position to inform and advice you on the right steps to be taken.

Once again, I welcome you to the world of knowledge.

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