

# A BILL

## FOR

AN ACT TO FURTHER ALTER THE CONSTITUTION OF THE FEDERAL  
REPUBLIC OF NIGERIA TO PROVIDE FOR THE ESTABLISHMENT OF STATE  
POLICE AND OTHER RELATED MATTERS

*Sponsored by Senator Ike Ekweremadu*

[ ] Commencement

BE IT ENACTED by the National Assembly of the Federal  
Republic of Nigeria:

- 1           **1.** The Constitution of the Federal Republic of Nigeria (in this Act  
2 referred to as "the Principal Act) is hereby further altered as set out under this  
3 Bill. Constitution  
Alteration
- 4           **2.** Section 34 (2) (b) of the Principal Act is altered by substituting Alteration of  
section 34 (2)  
5 for the words, "Nigeria Police Force", in line 2, the words, "Federal Police".
- 6           **3.** Section 35 (7) (b) of the Principal Act is altered by substituting Alteration of  
section 35 (7)  
7 for the words, "Nigeria Police Force" in line 3, the words, "Federal Police".
- 8           **4.** Section 39 (3) (b) of the Principal Act is altered by substituting Alteration of  
section 35 (3)(b)  
9 for the words, "Nigeria Police Force", in line 3, the words, "Federal Police".
- 10          **5.** Section 42 (3) of the Principal Act is altered by substituting for Alteration of  
section 42 (3)  
11 the words, "Nigeria Police Force", in line 4, the words, "Federal Police".
- 12          **6.** Section 84 (4) of the Principal Act is altered by substituting for Alteration of  
section 84 (4)  
13 the words, "The Nigeria Police Council" and "The Police Service  
14 Commission", in lines 17 and 18, with the words, "National Police Service  
15 Commission" and "National Police Council",
- 16          **7.** Section 89 (2) of the Principal Act is altered by substituting for Alteration of  
section 89 (2)  
17 the words, "Nigeria Police Force", in line 2, with the words, "Federal  
18 Police".
- 19          **8.** Section 129 (2) of the Principal Act is altered by substituting for Alteration of  
section 129 (2)  
20 the words, "Nigeria Police Force", in line 2, with the words, "State Police",

Alteration of  
section 53

1           **9.** Section] 53 of the principal act is altered:

2           (a) In Section 153(1 )(J) by substituting the words "Nigerian Police  
3 Council" with the words "National Police Council".

4           (b) In Section 153(1)(m) by substituting the words "Police Service  
5 Commission" with the words "National Police Service Commission".

Alteration of  
section 162 (2)

6           **10.** Section 162 (2) of the Principal Act is altered by substituting for  
7 the words, "Nigeria Police Force", in lines 4 and 5, the words, "Federal Police".

Alteration of  
section 197

8           **11.** Section 197 is altered by inserting a new "paragraph "d" after the  
9 existing paragraph (c) in subsection 1 thus:

10           "(1)(d) State Police Service Commission"

11           **12.** The existing header of Chapter VI, Part III (B), is substituted with  
12 the words "Federal Police Service",

Alteration of  
section 214

13           **13.** Section 214 is altered by substituting the provisions with the  
14 following:

15           *"Establishment of Federal and State Police"*

16           214 (1) The following bodies are hereby established for the  
17 maintenance of public security, preservation of public order and security "of  
18 persons and property throughout the federation:

19           (i) The Federal Police, and

20           (ii) State Police.

21           (2) The National Assembly shall by an Act prescribe for the structure,  
22 organisation, administration and powers of the Federal Police and provide  
23 framework and guidelines for the establishment of State Police.

24           (3) The Federal Police shall:

25           (a) be responsible for the maintenance of public security, preservation  
26 of public order and security of persons and property throughout the federation  
27 to the extent provided for under this constitution or by an 'Act of the National  
28 Assembly;

29           (b) Provide state policing for any state that is unable to operate a State  
30 Police until such a time that a State Police is established by the House of

1 Assembly of that state.

2 (4) Subject to subsection 4 and other provisions of this  
3 Constitution, the Federal Police shall not interfere with the operations of any  
4 State Police or the internal security affairs of a state except in the following  
5 instances:

6 (a) To contain serious threats to public order where it is shown that  
7 there is a complete breakdown of law and order within a state which the State  
8 Police is unable to handle;

9 (b) Where the Governor of the state requests the intervention of the  
10 Federal Police to prevent or contain a breakdown of law and order in the  
11 state;

12 (c) Where a State Police is unable to function owing to  
13 administrative, financial or other problems which render it inoperative at a  
14 given time:

15 Provided that any intervention under this sub-section shall only be  
16 made after approval by two-third majority of the Senate".

17 (5) State Police shall be organised and administered in accordance  
18 with such provisions as may be prescribed by a Law of the House of  
19 Assembly of a State subject to the framework and guidelines established by  
20 an Act of the National Assembly.

21 **14.** Section 215 is altered by substituting the provisions with the  
22 following:

23 "Appointment of Inspector General of Police and the Commissioner of  
24 Police of a State"

25 215 (1)(a) The Federal Police shall be headed by an Inspector-  
26 General of Police who shall be appointed by the President on the advice of  
27 the National Police Council from among serving members of the Federal  
28 Police, subject to confirmation of such appointment by the Senate;

29 (b) The term of office of the Inspector General of Police shall be for  
30 a period of five years only or until he attains a retirement age as provided by

Alteration of  
section 214

Alteration of  
section 215

1 law, whichever is earlier.

2 (2) The Federal Police shall be under the command of the Inspector-  
3 General of Police including contingents of the Federal Police service stationed  
4 in a state for the enforcement of federal laws and regulations and other  
5 administrative or collaborative roles in a state.

6 (3) The President or such other Minister of the Government of the  
7 Federation as he may authorise in that behalf may give to the Inspector-General  
8 of Police such lawful directions with respect to the maintenance and securing  
9 of public safety and public order as he may consider necessary, and the  
10 Inspector-General of Police shall comply with those direction or cause them to  
11 be complied with.

12 (4) State Police shall be headed by a Commissioner of Police who  
13 shall:

14 (a) be appointed by the Governor of the state on the advice of the  
15 National Police Service Commission, subject to confirmation of such  
16 appointment by the House of Assembly of the State;

17 (b) The term of office of the Commissioner of Police under a State  
18 Police shall be for a period of five years only or until he attains a retirement age  
19 prescribed by law, whichever is earlier.

20 (5) The Governor or such other Commissioner of the Government of  
21 the State as he may authorise in that behalf may give to the Commissioner of  
22 Police such lawful directions with respect to the maintenance and securing of  
23 public safety and public order as he may consider necessary, and the  
24 Commissioner of Police shall comply with those directions or cause them to be  
25 complied with:

26 Provided that where the Commissioner of Police feels that any order  
27 given under this subsection is unlawful or contradicts general policing  
28 standards or practice, he may request that the matter be referred to the State  
29 Police Service Commission for review and the decision of the State Po lice  
30 Service Commission shall be final.

1 (6) The question as to whether any, and if so what, directions have  
2 been given under this section shall not be inquired into by any court.

3 (7) An Act of the National Assembly may prescribe a bi-annual  
4 certification review of the activities of State Police by the National Police  
5 Service Commission to ensure they meet up with approved national  
6 standards and guidelines of policing and their operations do not undermine  
7 national integrity, promote ethnic, tribal or sectional agenda or marginalize  
8 any segment of the society within the state.

9 **15.** Section 216 is altered by substituting the provisions with the  
10 following:

Alteration of  
section 216

11 *"Removal of Inspector General of Police and the Commissioner*  
12 *of Police of a State"*

13 216 (1) An Inspector General of Police shall only be remove! by  
14 the President upon the recommendation of the National Police Council  
15 praying that he be so removed on any of the following grounds:

16 (a) Misconduct in the performance of his official duties;

17 (b) Serious breach of policing standards;

18 (c) Conviction of any offence by a court of law or tribunal,  
19 including administrative tribunals set up by the police authorities for  
20 internal discipline of police officers;

21 (d) Indictment by a judicial body or tribunal for corruption, fraud,  
22 embezzlement or other unacceptable conducts in office;

23 (e) Bankruptcy;

24 (f) Mental Incapacity; and

25 (g) Participation in political activities of any kind either within or  
26 outside the country and including sponsoring or giving aid to any political  
27 group or movement:

28 Provided that such removal shall be subject to approval by a  
29 resolution of a simple majority of the Senate.

30 (2) A Commissioner of Police of a State shall only be removed by

1 the Governor upon the recommendation of the National Police Service  
2 Commission praying that he be so removed on any of the following grounds:

- 3 (a) Misconduct in the performance of his official duties;  
4 (b) Serious breach of policing standards;  
5 (c) Conviction of any offence by a court of law or tribunal, including  
6 administrative tribunals set up by the police authorities for internal disciplining  
7 of police officers;  
8 (d) Indictment by a judicial body or tribunal for corruption, fraud,  
9 embezzlement or other unacceptable conducts in office;  
10 (e) Bankruptcy;  
11 (f) Mental Incapacity; and  
12 (g) Participation in political activities of any kind either within or  
13 outside the state and including sponsoring or giving aid to any political group  
14 of movement:

15 Provided that such removal shall be subject to approval by two-third  
16 majority of the House of Assembly of the State.

17 (3) The Federal Government may from time to time provide grant or  
18 aids to State Police on the recommendation of the National Police Service  
19 Commission subject to the approval of the National Assembly.

20 (4) Members of the Federal and State Police shall be entitled to bear  
21 arms in the execution of their policing duties and an Act of the National  
22 Assembly shall specify from time to time the type of arms that members of  
23 State Police shall bear."

Alteration of  
Second Schedule

24 **16.** The Second Schedule to the Constitution is altered as follows:

- 25 (a) In Part I by deleting item 45;  
26 (b) In Part II by inserting a new subsection "29A" after the existing  
27 sub-paragraph 29:

28 (a) the National Assembly may make laws for the organisation and  
29 administration of the Federal Police and the framework for the structure,  
30 powers and approved guidelines of State and community Police;

1 (b) The House of Assembly of a State may make laws for the  
2 establishment, organisation and administration of state and community  
3 police within the state and ancillary matters related thereto."

4 17. Part I of the Third Schedule to the principal Act is altered as  
5 follows:

Alteration of  
Part 1 of the  
Third Schedule

6 (a) In item "L" by Substituting the words 'Nigeria Police Council'  
7 with the words 'National Police Council' in the header and throughout 'Item  
8 L';

9 (b) Altering sub-paragraph C of Paragraph 27 to read 'Chairman of  
10 the National Police Service Commission'.

11 (c) Substituting the provisions of sub-paragraph "cc" of paragraph  
12 "27" as follows:

13 "Chairman of the State Police Service Commission of each State of the  
14 Federation"

15 (d) Altering Paragraph 28 of Item L by substituting the words  
16 "Nigeria Police Force" with the phrase "Federal Police and State Police"  
17 throughout paragraph 28.

18 (c) By altering item "M" as follows:

19 (a) Substituting the name 'Police Service Commission' with  
20 'National Police Service Commission' in the header and throughout 'Item  
21 M';

22 (b) Deleting the existing Paragraphs 29 and 30 of Item M and  
23 replacing them with new Paragraphs 29 and 30 as follows:

24 "(29). The National Police Service Commission shall comprise the  
25 following:

26 (a) A Chairman to be appointed by the President subject to the  
27 confirmation of the Senate;

28 (b) Two members representing the National Human Rights  
29 Commission;

30 (c) One representative of the Public Complaints Commission;

1 (d) A representative of the Nigerian Labour Congress to be appointed  
2 by the President of the Nigerian Labour Congress;

3 (e) Six retired police officers not below the rank of Assistant  
4 Commissioner of Police representing each of the Geo-Political zones of the  
5 country to be appointed by the President subject to confirmation of the Senate;

6 (f) A representative of the Nigerian Bar Association to be appointed  
7 by the President of the Nigerian Bar Association;

8 (g) A representative of the Nigerian Union of Journalists to be  
9 appointed by the President of the Nigerian Union of Journalist;

10 (h) The Attorney General of each of the States of the Federation:

11 "(30) (1) The National Police Service Commission shall be  
12 responsible for:

13 (i) the appointment of persons to offices (other than office of the  
14 Inspector-General of Police) in the Federal Police;

15 (ii) exercising disciplinary control over members of the Federal  
16 Police;

17 (iii) Recommending to the Governor of a State the appointment of the  
18 Commissioner of Police, Deputy Commissioners of Police and Assistant  
19 Commissioners of Police of the State Police based on a list submitted to it by  
20 the State Police Service Commission of the relevant state and subject to  
21 confirmation by the House of Assembly of the State;

22 (iv) Recommending to the Governor, the discipline and removal of  
23 the Commissioner of Police, Deputy Commissioners, of Police and Assistant  
24 Commissioners of Police of the State Police;

25 (v) Supervising the activities of the Federal Police and State Police to  
26 the extent provided for in this constitution or by an Act of the National  
27 Assembly;

28 (vi) Prescribe standards for all police forces in the country in training,  
29 criminal intelligence data bases, forensic laboratories and render assistance to  
30 State Police in areas as may be requested by such State Police.



- 1                   **18.** Part II of the Third Schedule to the Constitution is altered by     Alteration of  
2                   inserting a new item "D" after the existing item "C":                   Part II of the  
3                   "D- State Police Service Commission"                   Third Schedule
- 4                   A State Police Service Commission shall comprise the following members:
- 5                   (a) A Chairman to be appointed by the Governor subject to the  
6                   confirmation of the State House of Assembly;
- 7                   (b) A representative of the Federal Government to be appointed by  
8                   the National Police Service Commission;
- 9                   (c) Two members to be appointed by the National Human Rights  
10                  Commission who must be indigenes of the respective State;
- 11                  (d) One representative of the Public Complaints Commission.
- 12                  (e) A representative of the Nigerian Labour Congress to be  
13                  appointed by the Chairman of the state branch;
- 14                  (f) Three retired police officers to be appointed by the Governor  
15                  one from each senatorial zone of the state subject to confirmation of the  
16                  State House of Assembly;
- 17                  (g) A representative of the Nigerian Bar Association to be  
18                  appointed by the President of the Nigerian Bar Association who must be a  
19                  lawyer from the respective state;
- 20                  (h) A representative of the Nigerian Union of Journalists to be  
21                  appointed by the Chairman of the state branch.
- 22                  The Commission shall be responsible for:
- 23                  (a) Recommending the appointment of a Commissioner of Police,  
24                  Deputy Commissioner of Police and Assistant Commissioner of Police to  
25                  the National Police Service Commission;
- 26                  (b) the appointment, discipline and removal of members of the  
27                  state police below the rank of Assistant Commissioner of Police;
- 28                  (c) other functions and powers of the commission as may be  
29                  specified either in the Constitution or a Law of the House of Assembly of a  
30                  State; and

1 (d) In recommending the appointment of a Commissioner of Police,  
2 the Commission shall propose three qualified candidates to the National Police  
3 Service Commission.

4 **19.** The Third Schedule Part 1, Paragraph 8(1)(a) line 4, is altered by  
5 substituting the words "Nigeria Police Force", with the words "Federal  
6 Police";

Citation

7 **20.** This Bill may be cited as the Constitution (Fifth Alteration) Bill,  
8 2020.

## EXPLANATORY MEMORANDUM

This Bill seeks to alter the provisions of the Constitution to establish State and Community Police; change the names of Nigeria Police Force to Federal Police Service; the Nigerian Police Service Commission to National Police Service Commission; the Nigerian Police Council to the National Police Council.