# Critique of the Administration of Criminal Justice Law 2019 of Katsina State

**By**
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***Abstract***
*Generally, the Administration of Criminal Justice in the whole of the federation from independence up to some few years ago had been a hub of many disappointments which usually culminated to the denial of justice. These ranges from prolong delay in conducting trials, too much adherence to technicality by courts, congestion of detention centres and so on. The negative trends however, started to lose strength in the wake of positive revolution in the area which resulted to the enactments of the Administration of Criminal Justice Act (ACJA) in 2015. The passage of the Act and its domestication by other states counterpart was thus a positive response for a new legal order to transform the criminal justice system in Nigeria. The Act repealed the Criminal Procedure Act (CPA) and Criminal Procedure Code(CPC). It is tailored to reflect international best practices in the administration of criminal justice and is applicable in all federal courts across the Federation. Twenty-nine (29) out of 36 States of the federation have adapted the Administration of Criminal Law (ACJL) in their States, as at February 2020. Kaduna and Enugu enacted ACJL in 2017 respectively, Oyo enacted ACJL in 2016. Katsina state has followed suit in 2019 by domesticating the law. The methodology implored is a doctrinal analysis. The paper critically examines the Law by taking a cursory look at its philosophical foundation, key issues with its attendant laudable provisions. It argues that, the extant law, though a giant leap in the establishment of an effective legislative bench mark for administration of criminal justice in the state, falls short of provisions in the following areas; failure to eliminate lay prosecution; a gap on the provision of non-custodial measures among others. Finally, the paper, recommend the amendment of the law to eliminate lay prosecution and provision on non-custodial measures*
***Keywords****:* Administration of Criminal Justice Act (2015), Administration of Criminal Justice Law Katsina State(ACJL 2019),Laudable Provisions and Loopholes.

## 1.1 Introduction

The Katsina State House of Assembly, had in the wake of the laudable revolution in the area of Criminal Justice Administration spreading in the country, wake up from its slumber to follow suit the National Assembly and some other States lawmakers by enacting the state Administration of Criminal Justice Law and thereby repealing the decades-long bequeathed Criminal Procedure Code. This is commendable despite

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the perceived delay by the State lawmakers to enact the new law. The Law was assented to and becomes operational on the 24th day of May, 2019 by the State Governor, His Excellency, Rt. Hon. Aminu Bello Masari. It repealed the Criminal Procedure Code Law Cap. 37, Laws of Katsina State 1991. It is divided into thirty-three parts of 378 sections long. The law, though expressly claimed to have repealed the old Criminal Procedure Code Law, but it is apparently clear that it is a mere improvement on the old law.

The discourse boarders at taking a critique of the Katsina State Administration of Criminal Justice Law of 2019, with the view of bringing forth the laudable provisions of the law and some loopholes abound therein, in order to offer recommendations on how to rectify and fill the loopholes by means of legislative law-making. The article is divided in to five parts, the first being this introductory, the second part discusses the rationale of the law, some of the laudable provisions of the law discussed in part three, fourth part contained the critique and loopholes ,the last section of the paper is on the findings, way forward and conclusion.

### 1.2 The Rationale of the Law

As briefly pointed out above, that a decade or so, the criminal justice system in Nigeria was nothing but a hub of disappointments characterized by prolong delay, too much adherence to technicalities of justice, congestion of detention centers, litigants resort to delay tactics and so on. The passage of the Administration of Criminal Justice Act (ACJA) in 2015 and other state counterparts[11] was thus a positive response for a new legal order to transform the criminal justice system in Nigeria. These legislations were enacted to reflect the true intent of the Constitution to meet the demands of an egalitarian society and eliminate delays in criminal trials[12] and specifically, for the purpose of improving criminal justice administration in Nigeria through the efficient management of criminal justice institutions, speedy dispensation of justice, as well as the protection of the rights and interests of the suspect, the defendant, the victim and the society so as to ensure the realization of its aim and objectives This situation was lamented by the Court of Appeal in *FGN v Faruk Lawan*[1], where the court noted thus:

> It is important to give a background of the state of the criminal justice system in Nigeria before the enactment of the Administration of Criminal Justice Act 2015 (the ACJA). Before now, the administration of criminal justice was in a chaotic state, and the problem of incessant delay topped the list of the overall malfeasance in the system. There was undue delay in the prosecution of even the most important cases and sometimes the most serious offences. There were long and sometime inexcusable periods of

[1] *Federal Government of Nigeria v Hon. Faruk Lawan* (2018) LPER -43973 (CA)

> adjournments, unpreparedness or un-tardiness in the calling of witnesses, transfer of prosecutors, magistrates and judges without effective plans for the cases they are handling and indeed poor working attitudes of the various stake holders. It was in the light of the above background that the Administration of Criminal Justice Act 2015 was enacted…

It is in the midst of this nearly collapse of the system that the Lagos state lawmakers took the lead by enacting the Administration of Criminal Justice Law[2]. It is from then that the federal lawmakers followed the suit by enacting the Administration of Criminal Justice Act in 2015 and this open the space for the rest of the states of the federation. The Katsina state lawmakers enacted the law in 2019 and while noting the problems bedeviling the system, the lawmakers declared in section 2 (1) of the law thus:

> The purpose of this law is to ensure that the system of administration of criminal justice in Katsina state promotes efficient management of criminal justice institutions, speedy dispensation of justice, protection
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> of the society from crime and protection of the rights and interests of the suspect, the defendant and the victim.[3]

As evidenced from the above provision, the law aims at among other things promoting efficient management of criminal justice system, speedy dispensation of justice, protection of the society from crimes and safeguarding the rights and interests of the parties involved and the society in general.

### 1.3 Laudable Provisions of the Law

#### 1.3.1 Arrest

The mode and manner the police especially, and other security agencies use their power of arrests indiscriminately, without due regards to the extant laws that gives them such powers has been a great challenge. Many of the arrest by the security agencies is done without conformity to the constitutional safeguards.[4] However, now by the combined effect of sections 26, 27 and 29 of the law, it is unlawful in Katsina state to accord a suspect any inhuman treatment or torture.[5] A suspect shall not be accorded an unnecessary restraint save in some exceptional situations.[6] A suspect is

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[2] Lagos State Administration of Criminal Justice Law No. 10 of 2007

[3] Section 2 (1), Administration of Criminal Justice Law of Katsina State 2019, see also section 1 Administration of Criminal Justice Act 2015, section 4 Kaduna state ACJL, section 3 Kano state ACJL.

[4] Such as right to be informed, right against inhuman treatment under section 35 CFRN 1999 (as amended)

[5] See section 29 (1) Administration of Criminal Justice Law of Katsina State 2019

[6] Section 26 ibid

also to be avail with the information as to the reasons of his arrest.[7] The most innovative provisions on arrest are three:

**i) Provision of Arrest in Lieu.**

A very distinct but ugly characteristics of the criminal investigation system in Nigeria, is the situation where law enforcement agencies are of the habit of arresting relatives or close associates of suspects in lieu of the suspects. This usually occurs when such law enforcement agency have challenges in apprehending the suspects. The goal is usually to compel the suspect to give up himself. Sadly though, the person arrested in lieu is in most cases, if not all cases, usually not linked in any way to the crime the suspects is being accused. This is found in section 24 (2) whereby it provides as follows 'A person shall not be arrested in place of a suspect'.[8] The provision has the effect of outlawing the long albeit illegal practice of police arresting a relative in place of a suspect in order to make the suspect give up himself. The law has now henceforth put a halt to this illegal practice. For long, the practice has been condemned by the judicial authorities. A case on point here is the case of *ACB v Mary Okonkwo*[9], where the court stated that, 'Criminal responsibility is personal and cannot be transferred. A police officer who arrest 'A' for the offence committed by 'B' should realize that he acted against the law…' This would also render the officer involved liable to civil liability and his superiors ought to punish him as deterrence to others.[10]

**ii) Prohibition of Arrest in Civil Cases**

The second important provision in the area of arrest is section 29 (2) which prohibits the arrest of a suspect on mere civil wrongs or breach of contract. Wealthy and influential persons in the society are known for using security agents as instruments of intimidating other parties in contractual and other civil matters. Giving judicial backing against the acts contemplated in the section, the Court of Appeal in *Anogwie&ors v Udom*,[11]held that, '… the police have no business helping parties to settle or recover debts'. This provision is quite a laudable one, It checks arbitrary arrest of a person, using guise of criminal wrong.[12]

**iii) Monthly Reports of Arrest by the Police**

Section 47 of the law mandates officers in charge of Police stations to be making a monthly report of all arrests made within their area of operations to the designated Chief Magistrate of their division. This is it submitted will help in checkmating unlawful arrests and congestions in the police cells.

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[7]Section 27 ibid

[8]See similar provisions in section 7 ACJA, Section 30 Kano state ACJL of 2019 and section 29 Kaduna ACJL of 2017

[9]*A.C.B v Mary Okonkwo* (1997) 1 NWLR pt. 480 (CA)

[10]*Akpan v State* (2008) 14 NWLR (pt.1106)

[11]*Anogwie&ors v Udom&ors* CA/OW/337/2014 (2016) (CA)

[12]See also*Ogbonna v Ogbonna* (2014) LPER – 22308 (CA)

### 1.3.2 Charges

This is yet another area where litigants cum lawyers used to exploit in taking advantage of the loopholes inherent in the former law. On many occasions meritorious cases will be lost due to one or another defect or error in charges. And the accused will be set free by the courts thereby escaping the cause of justice leaving the victim(s) and the larger society groaning helplessly. It is therefore commendable how the new law brings some innovative provisions in moving away from the lacunas inherent in the repealed CPC. The outstanding provision here is section 194 which in effect do away with the hitherto daunting challenges of mis-joinder, non-joinder, duplicity, omission or error in stating the particulars of offences. The section now mandated the courts to regard such errors as immaterial unless the defendant was in fact misled and thereby occasioning a miscarriage of justice, and section 196 (1) appeared to have saved the situation when the court on appeal sees that the defendant was in fact misled. The appellate court here is allowed to direct the framing of new charges. This provision is submitted to have the effect of blocking the mischievous ways of escaping justice that litigants often devised for themselves. Many cases are lost because of the technicalities involved in the aspect of charges. So, the courts are hereby enjoined to apply the mischief rule of interpretation[13] in construing these novel provisions of the law.

Section 195 of the law provides that objections shall not be entertained during proceeding on the ground of imperfect charges. This provision seeks to foster a speedy dispensation of justice by whittling down the delay tactic, However the paper submit that, it will be better if the objection is taken and a ruling giving promptly, so as to effect any correction as may be necessary in the charges.[14]

### 1.3.3 Speedy Dispensation of Justice

The most disturbing delay tactic lawyers are fond of employing in trials is the stay of proceedings. This makes the cases in courts dockets to last for long without any meaningful progress. For instance, when a party raises an objection and it is dismiss, he will appeal and apply for a stay of proceedings, holding the main trial for many years, if taking up to Supreme Court.

Section 306 ACJA, is on stay of proceedings, the section provides that, an application for stay of a proceedings in respect of a criminal matter before the court shall not be entertain, this provision is to simply eliminate unnecessary delays in criminal trials, which are occasioned by such applications.

Similar provision raises controversies among the jurists and practicing lawyers, many arguing the provision to be unconstitutional for depriving litigants the right to fair hearing (sic). However, the apex court of the land had laid the matter to rest in

[13]Established in *the Heydon's case*

[14]Giving the ruling at the end of the case may also be counterproductive because the appellate court may reverse the whole judgment if it upheld the objection and at best remit the case back for retrial.

the recent case of *Metuh v FRN*,[15] where it held the section to be in accord with the provisions of the constitution, which by necessary implication is connected to the provisions of section 36 (4)[16] that provides for holding and completing trial within reasonable time. The practice of stay of proceedings is submitted to be antithesis to trial within reasonable time, therefore, unconstitutional. The Supreme Court has on many occasions lamented the use of stay of proceedings to stalled trials, it observed thus:

> Before concluding this judgment we observe that the interlocutory appeal of the third accused person against the ruling of the trial court epitomizes the frustration of trials at first instance, which our adversarial system of criminal justice unwittingly perpetuates. It actually speaks ill of our criminal jurisprudence. [17]

By way of modification, section 383 of the Enugu State ACJL provides thus, that, subject to the provision of the Constitution, an application for stay of proceedings in respect of a criminal matter brought before the court shall not be entertained until judgment is delivered. This provision is commendable as it spells out the intent of ACJA in clear terms.

Similar provision contained in Katsina state ACJL, which categorically provides that 'Subject to the provisions of the Constitution of the Federation, application for stay of proceedings in respect of any criminal matter brought before High Court and Magistrate Court shall not be entertained until judgment is delivered'.[18]

### 1.3.4 Establishment of Administration of Criminal Justice Committee

Establishment of Administration of Criminal Justice Monitoring Committee, the committee is to ensure that criminal matters are speedily dealt with and that congestion of criminal cases in courts is drastically reduced, while person awaiting trial are, as for as possible, not detained in prison custody. The Act is the first legislation in the Nigerian administration of criminal justice framework to have established body solely charged with the responsibility of ensuring effective application of the Act. Such innovative provision is quite remarkable.

Section 469 ACJA, is on the establishment of the Administration Criminal Justice Monitoring Committee (ACJMC). Section 466 Kaduna State ACJL, expanded the list provided by the ACJA to include the Grand Kadior Kadi, President of the

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[15] *Olisa Metuh v Federal Republic of Nigeria* [2017] 4 NWLR (pt. 1554) SC

[16] Section 36 (4) Constitution of the Federal Republic of Nigeria, 1999 (as amended)

[17] *Federal Republic of Nigeria v Babalola Borisade* (2015) All FWLR (pt. 785) which took seven years on interlocutory appeal; also *Joshua Dariye v Federal Republic of Nigeria* (2015) 10 NWLR (pt. 1467) SC took eight years on interlocutory appeal

[18] See sections 306 ACJA, 307 Kano state ACJL, 317 Kaduna state ACJL and 273 Lagos state ACJL for similar provisions

Customary Court of Appeal or a Judge, Director of Public Prosecution and DSS or his representative. ACJL of Katsina state makes similar provision in Section 370 to 377 therein.

### 1.4 Loopholes Inherent in the Law

As was pointed out above, there are some loopholes inherent in the law, which this work aims at identifying and offering recommendations to fill the gaps.

#### 1.4.1 Trials in the High Court

As we have earlier stated, criminal trials now in the country due to the aims of achieving justice with speed are made to be time bound. Many states legislations provides the time frame within which the trials are mandated to commence and be completed. In this regard, the paper recommend the incorporation of a section in ACJL of the state to provide 'time for raising certain objections, day-day trial and adjournments' as are contained in section 396 ACJA, and other states legislations for example section 403 KD, 390 Kano ACJL, and section 260 Lagos ACJL. The Kaduna ACJL provides as follows:

> (1) The Defendant to be tried on a charge shall be arraigned in accordance with the provisions of this Law relating to the taking of pleas and the procedure on it. (2) After the plea has been taken, the defendant may raise any objection to the validity of the charge at any time before judgment provided that such objection shall only be considered along with the substantive issues and a ruling thereon made at the time of delivery of judgment. (3) Upon arraignment, the trial of the defendant shall proceed from day-to-day until the conclusion of the trial. (4) Where day-to-day trial is impracticable after arraignment, no party shall be entitled to more than five adjournments from arraignment to final judgment provided that the interval between each adjournment shall not exceed 14 working days. (5) Where it is impracticable to conclude a criminal proceeding after the parties have exhausted their five adjournments each, the interval between one adjournment to another shall not exceed seven days inclusive of weekends (6) In all circumstances, the Court may award reasonable costs in order to discourage frivolous adjournments. (7) Where a Judge or Magistrate conducting a trial is transferred to another jurisdiction he shall be given a dispensation by the Chief Judge to conclude any part that matters in his last jurisdiction within a reasonable time after assuming office in the new jurisdiction. (8) Notwithstanding the provision of any other Law to the contrary, a Judge of the High Court who

> has been elevated to the Court of Appeal shall have dispensation to continue to sit as a High Court Judge only for the purpose of concluding any part-heard criminal matter pending before him at the time of his elevation and shall conclude the same within a reasonable time[19]:

The law in this regards fail to include a similar section that will provide for a time limit within which all trials must commenced and end in the State High Courts. Inclusion of provision for time limit cannot be overemphasis, and for this for the paper recommend the maximum limit of 180 days within which a trial must be completed in the State High Courts upon arraignment.

Inclusion of provision on 'proof of evidence'[20]when filing the charge, this will act like a frontloading in civil actions and will improve the prompt conclusion of trials as the defense are given chance of knowing the full case against them in time and would prepare for defense if any. Section 204 of the Kano ACJL provided thus:

> (1) A charge shall be filed in the registry of the High Court before which the prosecution seeks to prosecute the offence, and shall include:- (a) the proof of evidence, consisting of: i. the list of witnesses, ii. the list of exhibits to be tendered, iii. summary of statements of the witnesses, and iv. copies of statement of the defendant,(b) any other document, report, or material that the prosecution intends to use in support of its case at the trial where available; (c) particulars of bail or any recognizance, bond or cash or cash deposit, if the defendant is on bail where available; (d) particulars of place of custody, where the defendant is in custody where available; (e) particulars of any plea bargain arranged with the defendant if any; (f) particulars of any previous interlocutory proceedings, including remand proceedings, in respect of the charge; and(g) any other relevant document as may be directed by the court. (2) The prosecution may, at any time before judgment, file and serve notice of additional evidence. (3) The charge and all accompanying processes shall

[19] This subsection is presently under controversy because a similar one contained in Section 396 ACJA was recently declared as unconstitutional by the apex court of the land in the case of Ude Jones Udeogu v Federal Republic of Nigeria (unreported appeal no. SC. 662C/2019 delivered on May 9, 2020. So it now behoves on the federal lawmakers to amend section 290 (1) of the Constitution to accommodate this laudable provision.

[20] This is provided under sections 379 ACJA, 204 Kano ACJL,

be served on the defendant person or his legal representative.

### 1.4.2 Prosecution of Offenders

ACJA in Section 106 provides that only the Attorney general, a legal practitioner authorized by the Attorney General and a legal practitioner authorized to prosecute under the Act can prosecute offences thus eliminating lay prosecution as endorsed in FRN V Osahon[21] . ACJLKT, restated the practice of allowing lay prosecutors to prosecute offences under section 216, this is obviously against the intent of ACJA, which seeks to encourage speedy trial by doing away with the practice of using lay prosecutors who lack requisite knowledge to handle cases of prosecution. It is therefore important for the law to be reviewed to include the provision eliminating lay prosecution as in other jurisdictions, for example, ACJL of Oyo by Section 107 and Kaduna by Section 119 provides same as the ACJA.

### 1.4.3 Time and Protocol

**Time for rising objections, day-to-day trial and adjournments**

Section 396 (4) ACJA provides that where day-to-day trial is not practicable, each party shall not be entitled to more than five adjournments (a total of ten adjournments) from arraignment to final judgment.

Enugu ACJL[22] stipulates that each party shall be entitled to two adjournments while two adjournments shall be at the instance of the court making it a total of four adjournments. This provision indeed appears to fulfill one of the purposes of ACJA, which is to ensure speedy trial. States that are yet to adopt the ACJA in that regard are encouraged to key into this innovation.

### 1.4.4 Plea Bargaining

Section 270 of the ACJA 2015 recognizes plea bargaining and extends it to all kind of offences except capital offences. This is a departure from the practice whereby plea bargain was used majorly in corruption cases. More so, the ACJA, 2015 attempts to institutionalize the concept of restorative justice by providing for the right of the victim in section 270(2). By this, it is paramount to obtain the victim's consent before the prosecutor enters the plea agreement. In addition, the offer and acceptance of plea bargaining should be in the interest of justice, public interest, public policy and the need to prevent the abuse of legal process. Section 270(10) provides another innovation which requires a plea agreement entered to be voluntary, without force or inducement on the defendant. This mechanism is important innovation on the society, the convict and the victim if truthfully and judiciously implemented. The society will be saved of the resources to waste in holding a long trial and serving the convict in prison if at all convicted.

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[21] (2006) 5 NWLR Pt 973/361

[22] Under section 258 therein. See also Oyo – Section 397 same as the ACJA Kaduna – section 403

The lone section on the plea bargain under the Katsina State ACJL needs some improvements as recommended below. The law under its section 171 provides for the plea bargain however, the section by its silent on the category of offences it would apply to, create a big lacuna which is prone to abuse by those concerned in the negotiation especially the prosecution of the defendant to the detriment of the victim(s) and the society at large. There is no specification as to the offences the plea bargain provided in the law will apply to, this is a serious lacuna.

### 1.4.5 Non Custodial Alternatives

Following a shift from punishment to correction as the end of justice, the Administration of Criminal Justice Act and that of other states have made some copious provisions on probation and other non custodial alternatives which include a community service sentence, keeping the convict in rehabilitation centers and so on. These non-custodial sentences are applicable either at pre-sentencing, or post-sentencing stages[7.]

Suspended Sentence and Community Service: These are innovations provided under sections 460-464 of the Act, where the court is empowered to suspend a sentence passed on a convict. This form of non-custodial sentence also empowers the court to order the convict to perform specified service(s) in his community or such other community or place as ordered by the court. The nature of such services includes environmental sanitation, washing of drainages in public places, assisting in the production of agricultural produce and, constructions .The court should apply such measures as these will aid in decongesting the prisons, rehabilitating and reintegrating offenders in the society.

However, their application as provided under the ACJA, 2015 and the Nigerian Correctional Services Act, 2015 are yet to gain full acceptance by the Federal Court considering that there are hardly pronouncements on these measures. However, some states such as Lagos and Oyo that have taken steps to enact their Administration of Criminal Justice Law have utilized these measures especially as it relates to applying community service for simple offences such as traffic offences.

The attitude of our courts show a preference to custodial measure, even in glaring situations where the circumstances of the case, conduct and criminal antecedents of the accused warrant the application of non-custodial sentence. Application of the non custodial alternatives, we submit will help in drastically reducing the congestion of the prison facilities, rehabilitation of the offenders, saving the cost of feeding and taking care of their needs when in confinement, saving the cost of employment as some menial works will be performed by these convicts, preventing the simple offenders from mixing with hardened criminals and so on.

To this end, we recommend the incorporation in to the law of two separate parts on probation & non -custodial sentences and Parole as are contained in virtually all the

new Administration of Criminal Justice Act and Laws[23]. This is because the state law has failed to provide for probation and other non- custodial sentences which help in rehabilitation of offenders and decongestion of prisons. There is also need to call on all the stakeholders concerned in the state to ensure the full and justifiable application of the provisions on probation & other non- custodial alternatives if incorporated, because of their potentiality to salvage a lot of problems in the criminal justice system.

### 1.4.6 Execution of Death Sentence

The execution of death sentence on persons convicted accordingly by the courts as a matter of public policy is a task that ought to be carried into effect as soon as possible to avoid a prison congestion, to serve as deterrence to others, to rid society of bad persons. It need to be noted that the requirement for the approval of Governor before execution of death sentence is one of the arbitrary powers bequeathed to us by the colonial masters and they put that in place to curtail the powers of our local Islamic courts from passing death sentence which is not in accord with their own 'civilization'. This is why the paper recommends the adoption of a proviso to section 420 of the Administration of Criminal justice Law of Kaduna state, which worded thus:

> Provided that, where the Governor fails or neglects to sign the execution order, the execution order shall take effect on the First working day after the First anniversary of the death sentence.[24]

The provision is to the effect that the execution of the death sentence passed and signed by the court shall take effect a year after where the Governor failed or neglect to perform his duty to sign the execution order. This is laudable as it will check the neglect and undue delay by the executive Governors to sign the execution orders after the pronouncement by the court thereby complicating the congestion problems of the prison facilities.

## 1.5 Conclusion

From the discussions above, it is clear how the Katsina State Administration of Criminal Justice Law is left behind by other sister legislations of the federation and some states, in making innovative provisions towards promoting an efficient system of justice delivery. The enactment of the Katsina State Administration of Criminal Justice Law of 2019 though commendable as pointed out above has in many respect failed to make the desired changes on the repealed Criminal Procedure Code. It therefore behooves on the State Lawmakers to act promptly and follow suit other revolutionary legislations by effecting the recommendations the work has proffered.

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[23]See sections 453 to 468 ACJA, 450 to 465 of the Kaduna, 436 to 450 Kano, and 340 to 349 of Lagos States Administration of Criminal Justice laws

[24]This proviso should be added also as a proviso to section 298 of the Administration of Criminal Justice Law of Katsina state.

## 1.6 Findings

The work while focusing on the loopholes inherent in the newly enacted Administration of Criminal Justice law of Katsina state has made the following findings:

- The law has made some significant changes over the repealed Criminal Procedure Law especially in the areas of arrest and charges, though not enough.
- The law has made a provision abolishing the stay of proceedings, which is commendable.
- It has provided for the establishment of Administration of Criminal Justice Implementation Committee and it scope expanded.
- The law has given the State Governor too wide discretion in assenting to the order of execution of death sentence which needs some restriction as obtained in other laws.
- The law failed to provide a time limit for commencement and completion of criminal trials.
- There is no specification as to the offences the plea bargain provided in the law will apply to.
- The law maintains its position regarding lay prosecution as against innovative provision of the ACJA pointed above.
- The law has failed to provide for probation and other non- custodial sentences which help in rehabilitation of offenders and decongestion of prisons.

For consistency, coherence and strengthening an efficient administration of criminal justice in Nigeria, the ACJA should take the lead while Katsina state and other states counterparts review their law to align with the ACJA in the following provisions:

## 1.7 Recommendations

The following recommendations are proffered:

i) The law should make a provision for periodical visit of detention facilities by designated judicial officers to checkmate the cases unlawful detention and related matters. A model provision from other laws is provided as a suggestion in the work.

ii) The law should make a provision requiring for a periodical report to be given to the State judiciary and the Attorney-General by the Prison Authorities in the state.

iii) The law should provide a time limit of one year maximum for Governor's assent on the execution order, otherwise the sentence should take effect on the first anniversary of the sentence.

iv) The law should provide for 30 days maximum for the commencement of trials upon arrests and 90 days maximum for its

completion in the case of Magistrates and other lower courts and 180 days in the case of High Courts.

v) The application of plea bargain should be limited to property related crimes though it is recommended to accommodate the Islamic principle of *diyyah*in cases of homicides under plea bargain.

vi) The paper also recommend the amendment of section 216 of the law to restrict the prosecution of offences to lawyers only. This will promote diligence in prosecution, police and other security agents should only assist in carrying out investigations

vii) The law should provide for separate parts on probation and other non- custodial alternatives as suggested in the work.