

CITIZENSHIP EDUCATION



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CHAPTER TWELVE

RIGHTS AND OBLIGATIONS

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THE CONCEPT OF RIGHTS AND OBLIGATIONS

In any given State (i.e. a sovereign community of people politically organized to provide social security and public welfare), the citizens possess certain rights which they must enjoy. These rights carry along with them certain obligations. Citizens are those people who are organized as members of a State and with full political, social and economic rights and are normally accorded a special status of citizenship.

The concept of rights has been variously defined by different scholars. According to Procter (1978), rights are "the political, social etc., advantages to which someone has a just claim, morally or in law". On the other hand, to Oyovbaire *et al.*, (1991: 60), the "rights of citizens are the just and legal entitlements and claims which are inalienable to the citizens of a State and which the government of a State has a duty to protect and guarantee."

From these definitions, it is clear that rights are the privileges which the citizens of a State could enjoy by virtue of being citizens of that State. Rights could be political, social, economic, moral, civil or legal. These rights are normally entrenched in the written Constitution of every country and their enjoyment must be within the limits of the law. The limits of these rights and the protection accorded them by the government are normally specified in the Constitution (Adefolarin, 1989:95).

Just like the citizens of a State possess certain inalienable rights, they also owe the State certain responsibilities and duties which they must perform as citizens. The government in turn has certain responsibilities and functions which it must perform to the citizens on behalf of the State. All these are obligations. Thus, an obligation is a duty that is expected to be performed by an individual citizen, organization or the State through the government. For example, it is the responsibility of the State to guarantee the rights of citizens and also to determine the limitations of these rights. Such limitations are aimed at ensuring that the citizens enjoy these rights equally and that no citizen encroaches on the rights of others.

FUNDAMENTAL RIGHTS

Right to Life

This is about the most fundamental and the most crucial of all the rights. Every person has the right to live and no citizen should be intentionally deprived of his life either by an individual or a group of persons or even the government. This right is however limited by the execution of the sentence of a court in respect of a criminal offence of which a person has been found guilty in Nigeria.

A person cannot be regarded as having been deprived of his life if he dies as a result of the use of such force as is reasonably necessary and in such circumstances as are permitted by law such as in the defence of a person or property; to effect a lawful arrest or prevent the escape of a person legally detained; and for the purpose of suppressing a riot, insurrection or mutiny. However, a judicial inquiry to determine the cause of the death of such a person must be held within one month after his death.

Right to Dignity of Human Persons

Every individual has the right to, and respect for the dignity of his person. Thus, a person should not be subjected to any form of torture or to any inhuman and degrading treatment. He should not be held in slavery or servitude and neither should he be required to perform a forced or compulsory labour. Any labour that is required and reasonably necessary as stated in the constitution shall not be regarded as forced or compulsory labour. Every individual has a right to a good reputation and a good name and could seek redress in the court of law for any defamatory statement made about him.

Right to Personal Liberty

Every person is entitled to his personal liberty and should not be deprived of this liberty. He could enjoy his life the way he deems fit as long as it is within the limit of the law of the land. He has the right to free movement without restriction, detention or imprisonment. A citizen is free from any form of assault and battery or molestation through this right.

An individual unlawfully arrested and detained could, through the application of writ of habeas corpus, regain his freedom. The writ of habeas corpus is a court order which commands any person or authority detaining a person to either produce him in court for fair trial or to release him (Oyovbaire *et al.*, 1991:61). Such an unlawfully arrested or detained person

is entitled to compensation and public apology from the appropriate authority or person. However, the right to personal liberty is limited by lawful arrest, detention or imprisonment by a court of law for an offence committed; confinement of persons below 18 years for the purpose of their education or welfare; and confinement of persons with contagious diseases as well as the confinement of lunatics and drug addicts for the purpose of their care or treatment or the protection of the community.

Right to Fair Hearing

In the determination of his civil rights and obligations, including any question or determination by or against any government or authority, a person is entitled to fair hearing within a reasonable time by a court or other tribunal established by law. Such a court or tribunal should be constituted in such a manner as to secure its independence and impartiality.

A person is also entitled to fair hearing within a reasonable time by a court or tribunal whenever he is charged with a criminal offence. In fact, he should be presumed to be innocent until he is proved guilty. A person so charged should be informed promptly of the nature of his offence and should be given adequate time and facilities to enable him prepare for his defence.

A criminal offence for which a person could be convicted must be one defined and with its penalty prescribed in a written law such as an Act of the National Assembly or law of a State. A person could appeal to a higher court against a judgement which he considers to be unfair.

Right to Private and Family Life

Individual citizens are entitled to the privacy of their lives, their homes, correspondence, telephone conversations and telegraphic communications. An individual has a right to marry and rear children. Couples have the right to run the affairs of their homes the way they deem fit without any external interference. The right to private and family life should be guaranteed and protected.

Right to Freedom of Thought, Conscience and Religion

Every person is entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief and freedom to manifest and propagate his religion or belief, in worship, teaching, practice and observance. Thus, an individual could hold any belief he chooses. He could also manifest and propagate his religion either alone or in his religious group in public institutions such as schools, prisons, hospitals and military

barracks. However, no person should forcefully impose any religion on others. This right does not also entitle any person to form or take part in the activity or be a member of a secret society.

Right to Freedom of Expression and the Press

Every person has the right to freely express himself. He is also free to hold opinions and to receive and impart ideas and information without interference. He is free to say, write or publish anything as long as it is not slanderous, defamatory, libellous, obscene or seditious. This implies that although a person has the right to freely express himself, he should not defame others' good reputation neither should he incite the general public against the government. The right to freedom of expression and the press is consequently limited by the laws of libel, slander, sedition and official secrets acts.

Right to Peaceful Assembly and Association

Every person is entitled to assemble freely and associate with other persons. He could form or belong to any political party, trade union or any other association for the purpose of furthering and protecting his interests. He also has the right to hold lawful public assemblies and all such meetings that do not constitute a threat to the rights of other people or to public peace and order. This implies that such meetings in which members conspire to commit crime or to destroy life and property are prohibited.

Right to Freedom of Movement

Every Nigerian citizen is entitled to move freely throughout Nigeria and to reside in any part of the country. No Nigerian citizen should be expelled from or refused entry into or exit from Nigeria. However, restrictions could be imposed on the residence or movement of any person who has committed or is reasonably suspected to have committed a criminal offence. This is in order to prevent him from escaping from the country. A government also reserves the right to restrict free movement by imposing a curfew during a 'state of emergency'. A person suffering from a contagious disease could have his movement restricted in order to prevent the spread of the disease.

Right to Freedom from Discrimination

A Nigerian citizen should be free from any form of discrimination merely on the basis of his place of origin, ethnic group, circumstance of birth,

sex, religion or on the basis of the political opinion he holds. He should not be subjected to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, place of origin, circumstance or birth, sex, religion or political opinions are not made subject. Neither should he be accorded any privilege or advantage that is not accorded to citizens of other communities, ethnic groups, sex, religion, etc.

Right to Property

A citizen of Nigeria has the right to own private property including land, house and business. Under the provision of this right, no movable property or any immovable property shall be taken away compulsorily by government without prompt payment of adequate compensation. While individuals could own as much property as they could legitimately acquire in capitalist societies, the State owns all the wealth in the socialist societies. Although there is the right to private ownership of property in Nigeria, the State owns, regulates and controls all the mineral resources such as petroleum and natural gas as they constitute a major sector of the economy. Individuals can be made to pay tax and rates on private property.

In addition to all these fundamental rights discussed above, the citizens of Nigeria also have the right to the basic necessities of life such as food, shelter and clothing; right to education, good health, gainful employment and such political rights as the right to vote and be voted for at elections provided the required age is already attained by that citizen. Citizens also have the right to participate in government through objective and constructive criticisms and suggestions which could help the government to perform more effectively.

The rights of citizens could be safeguarded through a number of means. First, is by the entrenchment of all the rights in a written and rigid constitution. Second, is by the existence of the principle of the rule of law. This principle is based on equality, law and liberty. Since the law is supreme and must be respected by both the government and the governed, it provides and protects human rights. Third, is by independence of the judiciary. This would enable judges to discharge their duties without any form of partiality. Other means include freedom of the press, existence of opposition, vigilance of citizens as well as decentralization and separation of powers (Oyovbaire *et al.*, 1991: 64-66).

RESPONSIBILITIES AND DUTIES OF NIGERIAN CITIZENS

There are duties and responsibilities which rights carry along with them. The duties of Nigerian citizens are clearly stated in the 1989 Constitution of the Federal Republic of Nigeria under Chapter 2, Section 24. According to the Constitution, it is the duty of every citizen:

- (a) to abide by this Constitution, respect its ideals and its institutions, the National Flag, the National Anthem, the National Pledge, and legitimate and properly constituted authorities;
- (b) to protect and preserve public property, and fight against misappropriation and squandering of public funds;
- (c) to help enhance the power, prestige and good name of the country and to defend the country and render national service as may be required;
- (d) to respect the dignity and religion of other citizens and the rights and the legitimate interest of others and to live in unity and harmony and in the spirit of common brotherhood;
- (e) to make positive and useful contributions to the advancement, progress and well-being of the community where he resided;
- (f) to work conscientiously in his lawful and chosen occupation and to abstain from any activity detrimental to the general welfare of other citizen or to the country;
- (g) to ensure the proper upbringing of his children;
- (h) to participate in and defend all democratic processes and practices;
- (i) to render assistance to appropriate and lawful agencies in the maintenance of law and order; and
- (j) to declare his income honestly to appropriate and lawful agencies and to pay his tax promptly (FGN, 1989: 22-23).

From the foregoing, it is clear that it is the responsibility and duty of

every Nigerian citizen to abide by the Constitution and also to respect such national symbols as the National Flag, the National Anthem and the National Pledge. He is to comply with and obey the laws of the land. In addition, he owes his allegiance to the nation and must be faithful, loyal and honest to the nation. He is to protect and preserve public or government property the same way he will normally do his.

It is the duty of every Nigerian citizen to remain patriotic, be prepared to answer national calls whenever they are made and should be willing and prepared to render useful service to the nation. He is expected to aid the law enforcement agents in checking crime by exposing the criminals known to him. Besides, he should willingly and honestly pay his tax promptly. And just like he has the right to vote and be voted for, it is his civic responsibility and duty to register and vote during elections if he has already attained the required age.

RESPONSIBILITIES AND DUTIES OF NIGERIAN GOVERNMENT

Just like individual Nigerian citizens have responsibilities and duties to perform, the Nigerian government, like any other government has the responsibility of performing certain functions and duties. It is the duty of the government to maintain peace and to ensure internal security and harmonious relations among citizens through enactment, enforcement and interpretation of laws. The government organises the State for the benefit of every citizen; preserves individuals liberty; ensures social, political and economic justice and also protects the citizens against any form of external aggression (Awolowo and Adesanya, 1990:2). The government determines the political rights and duties of the people in the State. It passes laws to regulate voting and delimits constituencies. These and other responsibilities and duties are further discussed below.

Personal Security and Protection of Citizens

The right to life and liberty must be guaranteed by the government. Individual personal security must be ensured and every citizen must be protected. It is the duty of the government to maintain law and order through the law enforcement agencies. The government must define and punish crime and also administer justice.

General Welfare and Education of Individuals

The government through the State must show concern for the general welfare of the citizens. It is the duty of the government to establish schools

through which the people could be educated and develop themselves. It must provide welfare services including the provision of infrastructural facilities such as good roads, supply of water and electricity, health facilities, education and also take care of the aged through the old age pensions and also to take care of the motherless babies and the disabled.

Promotion of Economic and Social Development

The government must promote economic and social well-being of the people. Respective government agencies should direct and utilize both human and natural resources in conjunction with the appropriate technology for the provision of man's basic needs including food, shelter and clothing. Local industries must be established and existing indigenous manufacturers and inventors must be protected against foreign domination to enable them to grow. The development of the agricultural sector is also important for national economic growth.

Maintenance of Diplomatic Relations

It is the duty of the government to ensure that the country maintains a friendly and good diplomatic relations with other countries. Some of the problems facing the nation are such that their solution transcends national boundaries and hence require international unity as a necessary condition for solving them. In order to facilitate and concretize international relationship, Nigeria has her embassies in other foreign countries.

Protection Against External Aggression

The government must preserve the sovereignty of the country and protect her against external aggression. A country must have a strong defence base to guard against external invasion. The armed forces including the Army, the Navy and the Air Force must always be at alert. Any national government that is unable to perform this duty of protecting and preserving the sovereignty of the nation places the nation at a very great risk and such a government is certainly not desirable. The government must maintain a properly equipped armed forces in order to achieve this objective of protecting the country against external aggression.

Taxation

Another responsibility of the Nigerian government is that of imposing taxes and rates on the people thus generating some revenue. The revenue so generated is in turn used for development purposes. The payment of tax by

individuals and industrial establishments is compulsory and it is enforced by the government.

Maintenance of Law and Order

The maintenance of law and order within a society is the responsibility of the government. The government makes, enforces and administers the laws of the land. It is the duty of the Nigerian government to provide the necessary instruments of law and order and also ensure the general protection of lives and property.

Protection of Right to Property

The means to protect the right to private property and the right to free transference of property by gift and sales must be provided by the government through the state. The government also enforces the right to fulfil contracts that are freely entered into with people within or outside the state.

Formulation and Implementation of Policies

It is the duty of the government to formulate and implement necessary and relevant policies that will enable the people to produce, exchange and distribute goods and services and other such policies that will enhance the general wellbeing of the people.

CONCLUSION

Having clarified the concepts of rights and obligations and highlighted the fundamental rights as well as the responsibilities and duties of Nigerian citizens and government, the onus lies with both individual citizens and government of Nigeria to awake to their respective responsibilities and adequately perform them. We cannot truly promote good government and welfare of all persons nor build a strong, united and self-reliant nation if citizens and government maintain an attitude of indifference or fail to discharge their respective duties.

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