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Assented to this day 11th December, 2008 (14th day of Zhulhijja, 1430A.H.)

MALAM IBRAHIM SHEKARAU,
Governor,
Kano State of Nigeria

**KANO STATE PUBLIC COMPLAINTS AND
ANTI-CORRUPTION COMMISSION LAW 2008**

Law No. 2 of 2009

No. 2



2009

Kano State of Nigeria

BE IT ENACTED by the Kano State House of Assembly as Follows: -

PART I – PRELIMINARY

1. This Law may be cited as the Kano State Public Complaints and Anti-Corruption Commission Law and shall come into operation on 11th day of December, 2008 (14th day of Zhuihijja, 1429 A.H). Citation and Commence-ment
2. In this Law unless the context otherwise requires:- Interpretation
"Commission" means Kano State Public Complaints and Anti-Corruption Commission established by Section 3 of this Law.
"Executive Chairman" means the Chairman of

the Commission.

"Commissioner" means commissioner of the Commission.

"Member" means member of the Commission and includes the Chairman and the Commissioner.

"Governor" means the Governor of Kano State

"State" means Kano State of Nigeria.

"Secretary/Legal adviser" means Secretary appointed under section 10 of this Law.

"Staff" means management and includes supporting staff of the Commission,

"Court" includes Upper Shari'ah Court and Magistrate Court.

"Constitution" means Constitution of the Federal Republic of Nigeria 1999.

"Local Government" means Local Government Council in Kano State of Nigeria.

"Person" means a natural person or juristic personality or anybody of persons corporate or un-incorporated.

"Corruption" includes bribery, fraud, undue influence and other related offences.

"False Pretense" means any representation made by words, writing or conduct, of a fact, either past or present, which representation is false in fact, and which the person making it knows it to be or does not believe it to be true.

"Superior Officer" means an officer not below the rank of Deputy Director in the Commission.

"Gratification" includes money, fees, donation, reward, valuable security, property or interest in property being property of any description whether movable or immovable or

any advantage given or promise to any person in the performance of his duties.

"Public Officer" means a person employed or engaged in any capacity in the public service of the State or Local Government and includes officer serving in the Shari'a Courts, Magistrate Courts (District Courts) and Tribunal.

PART II ESTABLISHMENT AND MEMBERSHIP OF THE COMMISSION

3. (1) There is hereby established a body to be known as Kano State Public Complaints and Anti-Corruption Commission

Establishment of the Commission

(2) The Commission so established under sub section (1) of this section shall be a body corporate with perpetual succession and a common seal with power to sue and be sued in its corporate name and shall also have power to hold, acquire and dispose of property movable or immovable.

4. For the proper coordination of the activities of the Commission in the State, the Governor shall appoint the following persons as members of the Commission upon the confirmation of the State House of Assembly:

Appointment of Members

- a) Executive Chairman who shall be a retired senior civil servant of proven integrity; and
- b) Four other persons of unquestionable character.

5. The Chairman of the Commission shall hold office for a period of five years and shall be eligible for re-appointment for another term of five years and no more. While other members shall hold office for a period of four years and

Tenure of Office

shall also be eligible for re-appointment for another term of four years and no more.

Removal of
Chairman and
Members

6. The Chairman or any member of the Commission appointed under this Law may at any time be removed from office by the Governor acting upon a resolution supported by simple majority of the members of the State House of Assembly praying that he be removed from office for inability to discharge effectively the functions of his office or for any other reason.

Remuneration
and other
benefits of
Members

7. There shall be paid to the Chairman and all other members of the Commission such remuneration, whether by way of salary or allowances, as the Governor may determine.

Independence
of the
Commission

8. In exercising its powers under this Law, the Commission shall not be subjected to the direction and control of any authority.

Powers and
duties of the
Commission

9. (1) The Commission shall have power to investigate either on its own initiative or following complaints lodged before it by any other person on any administrative action taken by:

- (a) any Department or Ministry of the State Government, or Local Government or such other Government Agencies and Parastatals;
- (b) any statutory corporation or public institution set up by the State Government; any company incorporated under or pursuant to the Companies and Allied Matters Act (C.A.M.A.) 1990 owned by the State Government; or
- (c) any officer or servant of any of the aforementioned bodies.

(2) For the purpose of this Law:

- (a) the Commission may determine the

manner by which complaints are to be lodged;
and

(b) the Commission shall have access to all information necessary for the efficient performance of its duties under this Law and for this purpose may visit and inspect any premises belonging to any person or body mentioned under this Law

(3) The Commission shall ensure that administrative action by any person mentioned under this Law will not result in the commission of any act of injustice against any indigene of the State or any other person resident in the State and for that purpose it shall investigate with special care any administrative act, which is or appears to be:

(a) contrary to any Law or regulation;

(b) mistaken in Law or arbitration in the ascertainment of fact;

(c) unreasonable, unfair, oppressive or inconsistent with the general institution of administrative organs;

(d) improper in motivation or based on irrelevant consideration;

(e) unclear or inadequately explained; or

(f) otherwise objectionable, and a member shall be competent to investigate administrative procedure in any court of Law in Kano State.

(4) The chairman, members and the staff of the commission shall maintain secrecy in respect of matters before them by reason of source or contact, however a member may, in any report made by him, disclose such matters as in his opinion ought to be disclosed in order to establish grounds for his conclusion and recommendations.

(5) It shall be the duty of any person required by the Commission to furnish information and

comply with such requirement not later than seven days from receipt thereof.

Appointment and duties of Secretary

10. (1) There shall be a Secretary/Legal adviser who shall be a qualified legal Practitioner with not less than seven years post call experience to be appointed by the Governor.

(2) The Secretary/Legal adviser of the Commission shall conduct the correspondence and keep the records thereof and perform such other duties as the Commission may from time to time direct or which are assigned to him under the provisions of this Law.

Meetings and Quorum

11. (1) The Chairman shall preside at all meetings at which he is present and in his absence members present shall elect one of them to be a Chairman of the meeting.

(2) The Commission shall:

(a) meet at least once in every two months; and

(b) call emergency meetings in such other time as required by the circumstances.

(3) The quorum for every meeting of the Commission shall be half of the members of the Commission.

Votes

12. Questions for determination shall be decided by a simple majority of members present and in the event the votes are equal the chairman shall have a casting vote.

Committees

13. The Commission may appoint one or more committees either standing or adhoc to carry - out on its behalf such functions as the Commission may determine.

Standing Orders

14. Subject to the provision of this Law, the Commission may make standing orders to regulate its proceedings or its committees.

PART III - GENERAL FUNCTIONS OF THE COMMISSION

15. (1) Subject to the provisions of the Constitution of the Federal Republic of Nigeria 1999 and any other Law for the time being in force, the Commission shall have power to:-

General
Functions of
the
Commission

(a) receive and investigate any allegation of corrupt practices against any person and refer the matter to the Attorney General of the State for necessary action;

(b) investigate and refer to the Attorney General any allegation of improper or non-performance of any Government Contract for necessary action;

(c) mediate disputes involving members of the public;

(d) support the promotion and protection of the rights of the citizens in the State;

(e) determine the manner by which complaints are to be lodged;

(f) issue invitation in the manner provided under this Law;

(g) make general policies for the appointments, promotions, and discipline of its staff;

(h) make rules for the general administration of the Commission;

(i) organize educational and sensitization programmes;

(j) establish offices in each Local Government Area of the State;

(k) appoint such additional officers and servants as the Commission may determine from time to time for the discharge of its functions;

(l) do all such other things as are necessary or expedient for the performance of its functions under this Law;

(m) monitor and initiate investigation into all cases

- of alleged corrupt practices in the State;
 - (n) enter upon any land or premises in the performance of its duties under this Law;
 - (o) direct any Law Enforcement Agency within the state to question, investigate or interrogate any person whose conduct or affairs are under investigation or who is likely to impede or interfere with conduct of the Commission's functions under this Law; and
- (2) The Commission after investigation shall give appropriate order remedy or redress to the victims or refer the matter to the Attorney General of the State as the case may be.
- (3) The Commission after the compilation of investigation of a complaint shall recommend any appropriate remedy to any authority or office.

Limitations on
the functions
of the
Commissions

16. (1) The Commission shall not investigate any matter:

- (a) which is pending before the State House of Assembly or the Executive Council of the State; or
- (b) which is pending before any Court of Law;
or
- (c) relating to anything done or purported to be done in respect of any member of the Armed Forces of Nigeria or the Nigeria Police under the Nigeria Army Act, The Navy Act, The Air Force Act or The Police Act as the case may be, except where the case involves members of these Forces and a private citizen or any organization.

(2) In any case where an officer of the Commission decides not to investigate a complaint, he shall state his reasons in writing.

17. (1) Service in the Commission shall be Permanent and Pensionable under the Law of Kano State.

Employment in the Commission to be Permanent and Pensionable Appointment

(2) Notwithstanding the provisions of subsection (1) of this section, nothing in this Law shall prevent the appointment of a person to any office on terms, which preclude the grant of pension or gratuity in respect of that office.

PART IV - RECOMMENDATIONS AFTER INVESTIGATION

18. (1) The Commission may recommend to the appropriate person or relevant administrative agency after due-investigation of any complaint any of the following steps:-

Recommendations after Investigation

(a) that a further consideration of the matter be made; or

(b) that a modification or cancellation of the offending administrative or other act be effected; or

(c) that an alteration of a regulation or rule be effected; or

(d) that full reasons behind a particular administrative or other act be given.

(2) Where appropriate, the Commission may refer cases where it feels that existing Laws or administrative regulations or procedure are inadequate to the State House of Assembly or the Governor or to any other appropriate person or body.

(3) In every case where the Commission discovers, that a crime may have been committed by any person, it shall refer the matter to the Attorney General for necessary action.

(4) In every case where the Commission is of the opinion that the conduct of any person is such that disciplinary action against him be taken, it

shall make a report in that regard to the appropriate authority which shall take such further action as may be necessary in the circumstances.

PART V - FUNDS AND ACCOUNTS

Funds of the Commission **19.** (1) The funds of the Commission shall come from such sums as may be allocated to it by the State Government.

(2) There shall be paid and credited to the funds of the Commission pursuant to Sub-section (1) of this section;

(a) all other sums accruing to the Commission by way of donation; testamentary dispositions, endowments and contributions from Philanthropists and other organizations;

(b) the Commission may accept donation of land, money or other property on such terms and conditions (if any) as may be specified by the person or organization making the donation;

PROVIDED that such donation may not be in contrast to the functions of the Commission; and

(c) the Commission may with the approval of the Governor or in accordance with any specific authority given by the Governor, obtain an overdraft from any source approved by the Governor, such specified amount of money as may be required by the Commission for meeting its obligations and discharging its functions under this Law.

Application of the Funds of the Commission **20.** The Commission may from time to time apply its funds:

(a) to defray administration expenses;

(b) for re-imburement of officers of the Commission or any Committee set up or Consultants appointed by the Commission for such expenses as may be authorized or

approved by the Chairman in accordance with the rate approved in that regard by the Governor;

(c) for payment of salaries, fees or other remuneration or allowances to the Officers of the Commission;

(d) for the maintenance of any property acquired or vested in the Commission; and

(e) for matters connected with or incidental to all or any of its functions under this Law.

PART VI - DEPARTMENTS

21. (1) There shall be established in the Commission the following Departments which shall be headed by Directors:

Establishment
of the
Departments

(a) department of Public Complaints;

(b) department of Citizen's Right; and

(c) department of Anti-Corruption.

(2) Subject to the provisions of this Law, the Commission may establish other departments and make such standing orders to regulate the proceedings of such departments.

PART VII - OFFENCES AND PUNISHMENTS

22. (1) Any person who corruptly: -

Gratification
by an Officer

(a) asks for, receives or obtains any property or benefit of any kind for himself or for any other person on account of:

(i) anything already done or omitted to be done, or for any favour or disfavour already shown in the discharge of his official duties or in relation, to any matter connected with the functions, affairs or business of a Government department or corporate body or other organization in which he is serving as an official; or

(ii) anything to be afterwards done or omitted to be done or favour or disfavour to be afterwards shown to any person by himself in the discharge of his official duties or in relation to any such matter as aforesaid; is guilty of an offence of official corruption and shall be liable to imprisonment for three (3) years.

(2) Where in any proceedings of an offence under this section, it is proved that any property or benefit of any kind or any promise thereof was received by a public officer, or by some other persons at the instance of a public officer from a person: -

(a) holding or seeking to obtain a contract, license, permit, employment or anything whatsoever from a Government, department, public body, organization or institution; or

(b) concerned or likely to be concerned in any proceedings or business transacted pending or likely to be transacted before or by that Public Officer or a Government department/public body or other organization or institution in which that public officer is serving; or

(c) acting on behalf of or related to such a person the property, benefit or promise shall, unless the contrary is proved, be presumed to have been received corruptly on account of such a past or future act, omission, benefit or detriment as is mentioned in sub-section (1) (a) (i) and (ii) of this section.

Corrupt
Offers to
Public
Officers

23. (1) Any person who corruptly: -

(a) gives, confers or procures any property or benefit of any kind or for a public officer or to or for any other person, or

(b) promises to offer or offers, confers, procures, or attempts to procure any property or benefit of any kind, to a public officer or for any

other person, on account of any such act, omission, benefit or detriment to be done or shown to the Public officer, is guilty of an offence of official corruption and shall on conviction be sentenced to imprisonment for two (2) years and shall forfeit to the State Government any such benefit, money or property upon conviction.

(2) Where in any proceedings for an offence under this section it is proved that any property or benefit or any promise thereof was given to a public officer or some other persons at the instance of a public officer by a person:

(a) holding or seeking to obtain a contract, license, permit, employment or anything whatsoever from a Government department, public body or other organization or institution in which that public officer is serving; or

(b) concerned or is likely to be concerned in any proceeding or business transacted, pending or likely to be transacted before or by that public officer of a Government department, public body or other organization or institution in which that public body or officer is serving; or

(c) acting on behalf of himself or a relative to such a person the property, benefit or promise shall unless the contrary is proved be, deemed to have been given corruptly on account of such past or future act/ omission, benefit or detriment as is mentioned in subsection (1) and (2) of this section.

24. Any person who: -

(a) asks for, receives or obtains property or benefit of any kind for himself or any other person; or agrees or attempt to receive or obtain any property, or benefit of any kind for himself or any other person; on account of: -

(i) anything already done or omitted to be done,

any favour or disfavour already shown to any person, by a public officer in the discharge of his official duties or in relation to any matter pertaining to or connected with the functions, affairs or business of a Government department, public body or other organization or institution public officer is serving, or
(ii) anything to be afterwards done or omitted to be done, or any benefit or detriment to be afterwards shown to any person, by a public officer in the discharge of his official duties or in relation to any such matter as aforesaid, is guilty of an offence of official corruption and shall on conviction be sentenced to imprisonment for a period not exceeding four (4) years.

Obstruction
of Investiga-
tion

25. Any person who obstructs the Commission in its investigation on any allegation of corruption under this Law; destroys, alters, mutilates, or falsifies any book, document, valuable security, account, computer system, diskette, CD Rom, disk, computer printout or any electronic device which belongs to him or is in the possession of his employer or employee or has been received by him, or any entry in any such book, document, account or electronic device, or is privy to any such act, is guilty of an offence under this Law and shall on conviction be liable to a term of imprisonment for a period not less than two (2) years.

Making
False
Statement
or Return

26. Any person who being an officer charged with the receipt, custody, use or management of any part of the State / Local Government's revenue or property, knowingly uses any part of the revenue or uses or mismanages or furnishes any false statement or return in respect of any money received by him or entrusted to his care, or any balance of money in his possession or under his control, is guilty of an offence and shall on conviction be sentenced to imprisonment for a period not less than two (2) years.

27. Any person who corruptly: -

(1) (a) accepts, obtains or agrees to accept, or obtains or attempts to obtain from any person for himself or for any other person any gift or consideration as an inducement or reward for doing or forbearing to do or for having done, or forborne to do any act or thing; or

(b) gives or agrees to give or offers any gift or consideration to any agent as an inducement or reward for doing or forbearing to do or for having done, or forborne to do any act or thing in relation to his principal's affairs or business; or

(c) knowingly gives to any agent or being an agent knowingly uses with intent to deceive his principal, any receipt, account or other document in respect of which the principal is interested and which contains any statement, which is false or erroneous or defective in any material particular, and which, to his knowledge, is intended to mislead his principal or any other person is guilty of an offence and shall on conviction be liable to one (1) year imprisonment.

(2) For the purpose of this section, the expression '**Consideration**' includes valuable consideration of any kind, the expression '**Agent**' includes any person employed by or acting for another, and the expression '**Principal**' includes an employer.

Gratification by and through Agents and definition of Agent

28. Any person who offers an advantage to a public servant as an inducement to or reward for or otherwise on account of such public servant's giving assistance or using influence in or having given assistance or used influence in the promotion, execution or procurement of: - (a) any contract with public body for the performance of any work, the provision of any service, the doing of anything, the

Bribery for Giving Assistance, etc in regards to Contracts

supplying of any article, material substance or, any sub-contract work, provide any article, material or substance required to be performed, or supplied under any contract with a public body; or

(b) the payment of the price, consideration or other moneys stipulated or otherwise provided for in any such contract or sub-contract as, aforesaid, shall be guilty of an offence under this Law and upon conviction shall be liable to imprisonment for a term of one (1) year and a refund of the current price of the property and or a fine of not less than five thousand Naira.

Prosecution of Offences under this Law

29. Prosecution for an offence under this Law shall be initiated by the Attorney General of the State or any person or authority to whom he shall delegate his power.

Courts with jurisdiction for Offences under this Law

30. (1) Prosecution of an offence under this Law shall be initiated in an Upper Shari'a Court or a Chief Magistrate Court.

(2) Notwithstanding any jurisdictional limitation on the powers of a Magistrate Court and any other court in relation to the imposition of terms of imprisonment or fine contained in any Law, a Magistrate Court or any other Court before which the offences created in this Law are tried shall have the powers to impose up to the maximum penalties prescribed for the offences created under this Law.

Power to Examine Persons

31. (1) An officer of the Commission investigating an offence under this Law may:

(a) Request any person to attend before him for the purpose of being examined in relation to any

matter, which in his opinion would assist in the investigation of the offence;

(b) request any person to produce before him any book, document or certified copy thereof or any other article which, in his opinion would assist in the investigation of the offence; or

(c) by written notice request any person to furnish a statement in writing made on oath or affirmation setting out therein all such information required under the notice being information which, in such officer's opinion would be of assistance in the investigation of the offence.

(2) A person who has been invited shall;

(a) attend in person to be examined in accordance with the terms of the order and shall continue to attend from day to day as may be directed until the examination is completed and

(b) during such examination disclose all information within his knowledge as required under the notice.

(3) A person to whom a written notice has been given shall, in his statement, furnish and disclose truthfully all information required under the notice which is within his knowledge or which is available to him.

(4) A person to whom an order or notice is given shall comply with such order or notice.

(5) (a) An officer of the Commission examining a person under this Law shall record in writing any statement made by the person and the statement so recorded shall be read over to the maker who on being satisfied that it is a true record of his statement shall sign same before a superior officer of the Commission, and where such person refuses to sign the record, the officer shall endorse thereon under his hand the fact of such refusal and the

reasons there from if any, stated by the person who is examined, and any person who shall write for a person who is an illiterate shall also write on such document his own name and address as the writer of the document; and

(b) any person being examined by an officer of the Commission over any allegation of any offence created by this Law may write in and under his hand the substance of the allegation over which he is being interviewed.

(6) Subject to the rules of evidence, the record of an examination or a written statement made pursuant to the provisions of this Law or any book, document or article produced or otherwise made in the course of an examination shall be tendered in evidence in any proceedings in any Court for an offence under this Law.

(7) Any person who contravenes this section shall be guilty of an offence punishable with a term of imprisonment not exceeding six (6) month.

Invitation
to an
Accused
Person

32. Subject to the provision of this Law, the Commission may issue an invitation directed to a person complained against or any other person to attend, before the Commission for the purpose of being examined in relation to the direction or in, relation to any other matter which may aid or facilitate the investigation of the allegation, and invitation so issued shall state the substance of the complaint, and the time and place at which the inquiry is to be held.

Forms and
Service of
Invitation
and other
Documents

33. Every invitation issued by the Commission under this Law shall be in duplicate and signed by the Chairman or such officer as the Chairman may authorize.

Procedure
for Service
of Invitation

34. Every invitation under this Law shall be served by an officer of the Commission in the manner

prescribed in the Sheriff and Civil Process Act and any other Law relating to service of process and the person effecting the service shall have and exercise all the powers conferred by that Law and any other Law relating to the service of process.

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|--|--|
| <p>35. Where the person invited by the Commission is in the service of Government, the Commission may deliver the invitation in duplicate to the Head of Department in which such a person is employed for the purpose of its being served on that person and such officer shall thereupon cause the invitation to be served on that person.</p> | <p>Substituted Service</p> |
| <p>36. Where an invitation has been served upon a person to whom it is addressed or is delivered to any other person, the person to whom it is addressed or delivered as the case may be shall sign a receipt therefrom on the duplicate and where service is not effected by handing the invitation to an individual but by some other method approved by this Law, the person effecting service shall endorse on the duplicate particulars of the method by which the service was effected.</p> | <p>Acknowledgment of Service</p> |
| <p>37. A person who is required to sign a receipt on the back of the duplicate of the invitation to the effect that he has received the invitation who refuses to do so may be arrested by the police or other Law enforcement agents authorized by Law to effect an arrest and shall be guilty of an offence and upon conviction be liable to one month-imprisonment or to a fine of not less than one thousand naira.</p> | <p>Detention of Person refusing to acknowledge Service</p> |
| <p>38. Where the Commission is satisfied that an invitation directed to a person complained against or any person has been served and that person does not appear at the time and place appointed in the invitation the Commission shall have power</p> | <p>Failure to appear after receipt of Invitation</p> |

to ask the police or other Law enforcement agents to arrest and detain any such person and such person arrested shall be brought to the Commission or before a court of Law as the case may be, within 24 hours, for the purpose of obtaining a court order directing the person to comply with the invitation.

Forcible
Entry into
Premises

39. (1) Where it appears to the Commission upon information and after such inquiry as it shall think necessary, that there is reasonable cause to suspect that in any place there is the evidence of the commission of any offence, the commission may direct its officer to make a report of such place to the police for their prompt action.

(2) No person shall be searched or examined under any of the provisions of this Law except by a person who is of the same gender as the person to be searched.

Seizure of
Movable or
Immovable
Properties

40. (1) Where in the cause of an investigation into an offence under this Law any officer of the Commission on reasonable grounds suspects that any movable or immovable property is the subject matter of an offence or of evidence relating to the commission of the offence he shall report the matter to the police who shall then seize such property and deposit it at the office of the Commission.

(2) A list of all movable or immovable properties seized pursuant to subsection (1) of this section and of the place in which they are respectively found shall be made by the officer effecting the seizure and signed by him at the police station.

(3) A copy of the list referred to in subsection (2) of this section shall be served on the owner of such property or on the person from whom the property was seized as soon as possible.

41. (1) Where any movable property is seized under this Law, the seizure shall be effected by removing the movable property from the custody or control of the person from whom it is seized and place it under the custody of such person or authority and at such place as the officer making the seizure may determine.

Custody of
Seized
Property

(2) Where it is not practicable or it is otherwise not desirable to effect removal of any property under subsection (1) of this section, the officer referred to in that subsection may leave it at the premises in which it is seized under the custody of such person as he may detail for the purpose.

(3) Notwithstanding subsection (1) of this section, when any movable property has been seized under this Law, an officer who effected the seizure may in his discretion: -

(a) temporarily return the movable property to the owner thereof, or to the person from whose possession, custody or control it was seized, or to such person as he may be entitled thereto subject to such terms and conditions as may be sufficient security being furnished to ensure that the movable property shall be surrendered on demand being made by the officer who authorized the release or any other officer of the Commission and that such terms and conditions, if any shall be complied with; or

(b) return the movable property to the owner thereof, or to the person from whose possession, custody or control it was seized or to such a person as may be entitled thereto, with liberty for the person to whom the movable property is so returned, to dispose of the property, such return being subject to security being furnished in an amount not less than an amount which represents

the present market value of such property on the date on which it is returned.

(4) Where any person to whom movable property is temporarily returned under subsection (3) of this section, fails to surrender such property on demand or to comply with any term or condition imposed under that subsection: -

(a) the security furnished in respect of such property shall be forfeited; and

(b) that person shall be guilty of an offence and shall on conviction be liable to a fine of not less than two times the amount of the security furnished by him, and to imprisonment for a term of not less than one year.

(5) Where any movable property seized is liable to decay or deteriorate or is perishable or is that which cannot be maintained without difficulty, or which is not practicable to be maintained and which cannot be dealt with under sub section (3) (a) of this section, the officer may sell or cause such property to be sold at the prevailing market value and shall hold the proceeds of the sale after deducting therefrom the cost and expenses of the maintenance and of the sale of the property to abide by the result of any proceeding under this Law.

Legal
Obligation
to give
Information

42. Subject to such limitation as is provided under this Law, every person required by an officer of the Commission to give information on any subject which is the duty of such an officer to inquire into and which is in that person's statutory power to give, shall be legally bound to give such information, failing which he shall be guilty of an offence and shall upon conviction be liable to imprisonment for one (1) month or a fine of five thousand Naira.

43. Any person who:

(a) refuses an officer access to any premises, or fails to submit to a search by the Police or a person authorized by the Commission; or

(b) assaults or obstructs any officer or any person authorized by the Commission in the execution of his duty under this Law; or

(c) fails to produce to or conceals from an officer any book, document, article or material in relation to which such officer has reasonable grounds for suspecting or believing that an offence under this Law or any other Law prohibiting corruption has been or is being committed or which is liable under this Law; or

(d) rescues or endeavours to rescue or causes to be rescued any person who has been duly arrested or anything which has been duly seized; or

(e) destroys anything to prevent the seizure thereof or the securing of the thing shall be guilty of an offence punishable with imprisonment for six months or to a fine of five thousand Naira.

Obstruction
of
Inspection
and Search

44. (1) For the purpose of obtaining bail for any offence created by this Law, the provisions of the Criminal Procedure Law of Kano State shall apply.

(2) Every person arrested under any of the provisions of this Law may be released from custody on his executing a bond with sureties, as is required by the Criminal Procedure Code.

(3) Any person who has been released from custody may be re-arrested without warrant as follows:

(a) If such an officer has reasonable grounds for believing that any condition on or subject to which such a person was released or otherwise admitted to bail has been violated; or

(b) On being notified in writing by the sureties of

Bail and
application
of the
Criminal
Procedure
Code

such a person that such a person has broken or is likely to break any conditions on or subject to which a person was released and that the sureties wish to be relieved of their obligation as sureties.

Persons arrested to be taken to Court within 24 hours

45. (1) Without prejudice to the provisions of section 42 of this Law, any person arrested under this Law who is not released on bail shall, without unreasonable delay, and in any case within 24 hours (excluding the time for any necessary journey) be produced before a court and where it appears to the Court that any condition on or subject to which such a person was released or otherwise admitted to bail has been or is likely to be broken the Court may: -

(a) such a person in custody; or

(b) admit such a person to bail on the same conditions or on other conditions as it thinks fit.

(2) Where a person who is arrested for an offence under this Law is serving a sentence or imprisonment or is in detention under any Law relating to preventive detention or is otherwise in lawful custody, he shall, upon an order of the Court, such a person may be produced to an officer of the Commission for the purpose of investigation and for such purpose he may be kept in lawful custody for a period not exceeding (48) forty eight hours.

(3) A person who is detained in Lawful custody under subsection (2) of this section or under any other provision of this Law or any other Law for the time being in force may at any time be made available to an officer of the Commission for the purpose of investigation, or may be taken to any other place for the purpose of searching the place or seizure of any property or identifying any person or for any other purpose related to the investigation.

- 46.** Where any person is arrested or is informed that he may be prosecuted for an offence under this Law, he shall be served with notice in writing, in the following manner:
 "You are hereby arrested on the allegations concerning and you have the right to remain silent, or contact your counsel but whatever you say or write may be used in a court of Law against you".
- Any Person arrested has the right to remain silent
- 47.** Where any document is to be used in a proceeding against any person for an offence under this Law is in a language other than English language, a translation of such document into English language shall be admissible where the translation is accompanied by a certificate of the person who translated the document setting out that is a true and faithful translation and the translation has been done by such person at the instance of the Chairman or an officer of the Commission.
- Admissibility of Translation of Documents
- 48.** Where in the cause of an investigation or proceedings in Court in respect of the commission of an offence under this Law, there is disclosed an offence under any written law being an offence whether the offence is committed by the same person or any other person, the officer of the Commission responsible for such investigation or proceeding shall notify the Attorney General of the State.
- Offence disclosed during the investigation of another
- 49.** (1) Where any complaint made by any officer of the Commission states that the complaint is made in consequence of information received by the officer making the complaint, the information referred to in the complaint and the identity of the
- Confidentiality

person from whom information is received shall be confidential, and everything contained in such information, identity of the person who gave the information and all other circumstances relating to the information, including the place where it was given, shall not be disclosed or be ordered or required to be disclosed in public but only to the trial judge and the defence Lawyer in attendance in any civil, criminal or other proceedings in any Court or Tribunal.

(2) Where any book, paper or document, visual or sound recording or other matter or material which is given in evidence or liable to inspection in any Civil or Criminal proceedings before any Court or other authority as are referred to in sub-section (1) of this section, contains an entry or other matters in which any person who gave the information is named or described or shown or which might lead to his discovery, the Court before which the proceedings are held shall cause all such parts thereof or passages therein to be concealed from view or to be obliterated or otherwise removed so far as is necessary to protect such a person from discovery.

(3) Any person who gives the information referred to in subsection (1) of this section knowing the information to be false shall be guilty of an offence and shall on conviction be liable to imprisonment for a term of not less than six months or a fine of not less than six thousand Naira.

EXCEPT THAT subsection (1) and (2) of this section shall not apply to any investigation or prosecution for any offence arising from any breach of the provisions of this section.

50. No legal proceeding, Civil or Criminal shall be instituted against any officer of the Commission or any other person assisting such officer for any act, which is done or omitted to be done in good faith by such an officer or other person pursuant to the provisions of this Law.

Immunity of the Officers of the Commission

51. A person convicted for an offence under this Law for which no penalty is specifically provided shall be liable upon conviction to a fine of not less than five thousand Naira or to imprisonment for a term of not less than one year or both.

General Penalty for Other Offences

52. A person convicted for an offence under this Law or any other Law prohibiting bribery or corruption shall have and exercise any or all such rights of appeal as conferred by the Constitution of the Federal Republic of Nigeria 1999 in any case within thirty (30) days.

Right of Appeal

PART VII - MISCELLANEOUS

53. (1) The Commission shall submit a progress report of its activities to the office of the Executive Governor and to the House of Assembly of the State respectively.

Submission of Progress Report to the Governor and House of Assembly

(2) The report referred to in sub-section one (1) of this section shall be submitted on yearly basis, not later than 31st day of December of every year.

AUTHENTICATION BY CLERK TO THE HOUSE

This Printed impression has been carefully compared by me with the Bill which was passed by the House of Assembly and found by me to be true and correctly printed copy of the said Bill.

MAHMOUD SANI BELLO
Clerk/Permanent Secretary,
Kano State House of Assembly