

**A LAW TO ESTABLISH THE KADUNA STATE
VIGILANCE SERVICE, 2016**



Kaduna State of Nigeria

Law No. _____ 2016

(1st June, 2016)

Date of Commencement

BE IT ENACTED by the House of Assembly of Kaduna State as follows:

Enactment

1. This Law may be cited as the Kaduna State Vigilance Service Law, 2016.

Short Title

2. This Law shall come into operation on the^{1st} day of^{June} 2016.

Commencement

3. In this Law, unless the context otherwise requires:

Interpretation

"Area" means a place of residence or business of a member or an approved operational area of the Service;

"Commander" means the Head and operational leader of the Service;

"Committee" means the State Vigilance Committee established under Section 14 of this Law;

"Community" means the service of people living in one or contiguous location and having the same or similar values or interest;

"Governor" means the Governor of Kaduna State;

"Local Government Command" means Local Government operational office;

"Member" means a registered member of the Service;

"State Command" means Head Office of the Vigilance Service;

"Vigilance Service" means a registered Service of people in a community that have agreed to render assistance on crime detection, prevention, and promotion of security consciousness in the community.

PART II

ESTABLISHMENT AND FUNCTIONS OF THE SERVICE

4. There is hereby established in Kaduna State a Vigilance Service which shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its name.
5.
 - (1) The Service shall consist of uniformed and non-uniformed members as may be determined from time to time by the State Command.
 - (2) The Service shall discharge the following functions:
 - (a) Assist the Nigeria Police and other Security Agencies in prevention and detection of crime, the apprehension of offenders, the protection of lives and property and the preservation of law and order.
 - (b) Protect and preserve public utilities.
 - (c) Maintain law and order in all social gatherings.
 - (d) Making available relevant information on crimes to the relevant agencies.
 - (e) Establish links with other Services in intelligence gathering and dissemination.
 - (f) Responding to distress alarms of residents of the community.

Establishment, Composition
and Functions of the
Service

- (g) Mobilising labour for and supervising community development activities.
 - (h) Carry out other lawful duties as may from time to time be assigned by the Government.
- (3) In the exercise of the functions conferred by this section, members of the service shall have power to arrest any person or persons reasonably suspected of having committed or attempting to commit criminal offence.
6. Membership into Vigilance Service shall comprise only of trusted persons within the community who must be nominated by the Ward Head(s) or Community Leader(s), the Village Head(s) or District Head(s), and forwarded to the Divisional Police Officer(s) of the area for screening by the Department of State Services and approved by the Committee. Membership
7. A person to be qualified for the membership of a Service under this law must:
- (a) Attain the age of 18 years;
 - (b) Have been resident within the said locality community for a continuous period of seven (7) years;
 - (c) Satisfy the criteria for the appointment of members of the Service as set out by the Committee.
 - (d) Non-Nigerians are not eligible to be members of the Service.
8. No person shall be qualified for membership of the Service if he: Disqualification
- (a) is adjudged to be a lunatic or otherwise declared to be of unsound mind;
 - (b) has been convicted of any criminal offence anywhere in Nigeria;
 - (c) is a member of a Secret Society.

9. (1) Any member of the Service may arrest:

Powers of the Service

- (a) Any person who commits an offence in his presence;
- (b) Any person in whose possession property is found which is suspected to be stolen;
- (c) Any person who escaped or attempts to escape from lawful custody;

(2) To assist other Law Enforcement Officers requesting their aid in the suppression of breach of peace or in the prevention of any damage to any public property.

(3) To intervene for the purpose of preventing the commission of any offence or damage to any public property.

(4) To take from any person arrested any offensive weapon(s) which he has about his person and shall deliver all such weapon(s) so taken to the police.

(5) In the event of an arrest made, the arrested person shall immediately be transferred to the nearest Police Station.

(6) No torture or any form of inhuman or degrading treatment shall be used on any person during arrest, except that reasonable force may be applied to prevent the suspect from escaping.

10. The operational control and command of the Service shall be under the Commander who shall operate in liaison with the Commissioner of Police, the Director, State Security Service, Nigeria Security and Civil Defence Corps and the Divisional Police Officers of the Local Government Area.

Operational Control
of the Service

11. (a) The Service shall be under the command of the State Commander, and members of the Service stationed in Local Government Areas shall be subject to the authority of the Local Government Sector Coordinator or an Officer of the Vigilance Service appointed by the State Command.

- (b) Members of the Service shall bear such ranks as may be assigned to them by the Committee in the following order:
 - (i) State Commander;
 - (ii) Assistant Commanders;
 - (iii) Local Government Sector Coordinator;
 - (iv) Assistant Local Government Sector Coordinator;
 - (v) Ranks and Files.
- 12. The Service may consider and promote from time to time officers and members who are qualified to be elevated to the next rank. Promotion
- 13. (1) The operational control and supervision of the Service shall cover all the Local Government Areas of Kaduna State. Jurisdiction
 - (2) The Government shall provide such equipment as the Service may consider necessary for the effective and efficient discharge of the functions conferred by this Law.

PART III THE STATE VIGILANCE COMMITTEE

- 14. (1) There is hereby established a coordinating body to be known as the State Vigilance Committee. Establishment, Composition and Functions of the Committee
 - (2) The Committee shall comprise of:
 - (a) a Chairman;
 - (b) State Commander of the Vigilance Service;
 - (c) One person each representing:
 - (i) Office of the Secretary to the State Government;

- (ii) Special Adviser, Security Matters;
- (iii) Ministry of Justice;
- (iv) Ministry for Local Government and Chieftaincy Affairs;
- (v) Kaduna State Council of Chiefs
- (vi) Nigerian Army;
- (vii) Nigerian Air Force;
- (viii) State Police Command;
- (ix) Department of State Service (DSS);
- (x) representative of the Civil Society Organizations, one from each of the three Senatorial Zones of the State;
- (xi) Nigeria Security and Civil Defence Corps;
- (xii) Man O, War, Nigeria;
- (xiii) representative of Women; and
- (xiv) the Secretary of the Service to serve as the Secretary.

15. The Committee shall perform the following functions:

Functions of the Committee

- (a) To advise the Service and the Government on security matters in the State;
- (b) To advise the State Government on matters referred to it by the State Commander or other persons regarding the services rendered by the Service.
- (c) Provide guidelines for the recruitment, promotion, discipline and operations of the Service;
- (d) Approve sub-committees in each Local Government Area;

- (e) Approve Local Government Area Command;
- (f) Consider applications for the setting up of other Services and recommend to the Government;
- (g) Draw up and submit to Government the budgetary requirement of the service for every financial year for its approval;
- (h) Disburse funds approved for the setting up of other Services;
- (i) Monitor other non-registered Services and draw Government attention on their activities and implications; and
- (j) Provide Code of Conduct Handbook.

16. The Chairman shall be appointed by the Governor on the recommendation of the Honourable Attorney-General and Commissioner for Justice subject to confirmation by the State House of Assembly.

Appointment of Chairman

17. The Chairman shall:

Duties of the Chairman

- (a) Preside over all meetings of the Committee;
- (b) Direct the summoning of meetings;
- (c) Provide direction and leadership to the Committee.

18. The Secretary shall be appointed by the Governor who shall not be below the rank of a Director from the Public Service.

Appointment of Secretary

19. The Secretary shall:

Duties of the Secretary

- (a) Record and keep minutes and attendance at meetings;
- (b) Be in charge of, and keep custody of all records of the Committee;
- (c) Keep record of all correspondences of the Service;

(d) Perform all such other duties as may be assigned to him by the Chairman from time to time.

20. There shall be appointed by the Governor, the State Commander who shall be a person with experience in community policing and security intelligence.

Appointment of State Commander

21. There shall be paid to the Chairman, Secretary and such other staff of the Service such remunerations and allowances as the Governor may determine.

Remunerations

22. (1) There is hereby established for each Local Government Area in the State a coordinating body to be known as the Local Government Vigilance Sub-Committee.

Establishment of Sub-Committees

(2) The Sub-Committee shall comprise of the Chairman, Secretary and one representative each from:

(a) the Local Government Council;

(b) each Chiefdom or Emirate Council in the Local Government Area;

(c) State Police Command;

(d) Department of State Security;

(e) Nigerian Security and Civil Defence Corps;

(f) Man O'war Nigeria;

(g) a Representative of Women; and

(h) two other reputable persons from the Local Government Area.

(3) The Chairman, Secretary and Members of the Sub-Committee shall be appointed by the Local Government Chairman subject to approval by the State Committee.

(4) The Sub-Committee shall be charged with responsibility for policy implementation and administrative matters of the Service at the Local Government Level.

23. (1) Any person who obstructs any member of a Vigilance Service while in the performance of his duty under this Law commits an offence and shall be liable on conviction to a fine not exceeding ₦10,000.00 or a term of imprisonment not exceeding six months or to both such fine and imprisonment.
- (2) Any person who not being a member of the Vigilance Service contravenes any of the provisions of this Law shall be liable on conviction to a fine not exceeding ₦10,000.00 or a term of imprisonment not exceeding six months or to both such fine and imprisonment.

Offences and Penalties

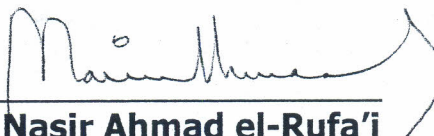
PART IV FINANCIAL PROVISIONS

24. (1) The Service shall maintain a fund to be managed by the Committee into which all sums accruing to the Service shall be paid and from which shall be defrayed all expenses incurred by it.
- (2) There shall be credited to the fund:
- (a) such money as may be appropriated from time to time to the service by the State House of Assembly;
 - (b) all monies that may accrue to the service by way of grants or gifts from Government, donations or endowment from Corporate Bodies, Non-Governmental Organisations and Agencies;
 - (c) the funds shall be managed subject to the provisions of the Financial Instructions in force in Kaduna State.
- (3) The funds shall be applied for:
- (a) the discharge of the functions of the Service:

Funds of the Service

- (b) payment of allowances to members of the Committee and Staff as determined by the Government;
 - (c) any other purpose that may be necessary or incidental to the discharge of the functions of the Service.
25. The Service shall cause to be kept proper records of accounts in respect of its activities in each financial year and shall cause same to be audited not later than 6 months after the end of each year by Auditor appointed by the Auditor-General of the State. Records of Account
26. Any Association which has been in operation prior to the commencement of this Law and performing similar or related functions to the Service shall cease to exist within 30 (Thirty) days from the date of commencement of this Law. Existing Service(s)
27. The Committee shall have powers to make regulations for the establishment of sub-committees at the Emirates/Chiefdoms, District, Village and Ward Levels as may be deemed appropriate from time to time. Regulations
28. No staff of the Service shall be sued in his personal capacity for any act done or omitted to be done in the lawful performance of his duties under this Law. Protection of Staff
29. No suit shall be commenced against the Service before the expiration of a period of thirty (30) days after written notice of intention to commence the suit shall have been served upon it by the intending plaintiff or his agent and the notice shall clearly state: Legal Proceedings
- (a) the cause of action;
 - (b) particulars of claim; and
 - (c) the relief which he claims.
30. The Kaduna State Vigilance Service Law, 2013 is hereby repealed. Repeal

DATED AT KADUNA this 20th day of May 2016.

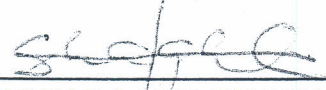

Malam Nasir Ahmad el-Rufa'i
Governor, Kaduna State.

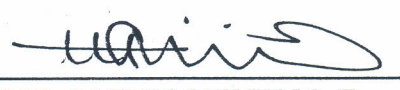
EXPLANATORY NOTE

(This note does not form part of this Law and has no legal effect)

The purpose of this Law is to establish the Kaduna State Vigilance Service for crime detection, prevention and control and generally the maintenance of Law and Order in their various communities.

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


HON. AMINU ABDULLAHI SHAGALI
(Speaker)


UMMA ALIYU HIKIMA Esq.
(Clerk to the Legislature)