

CHAPTER 151
TRADITIONAL RULERS LAW

Arrangement of section

PART 1—PRELIMINARY

Section

1. Short title
2. Interpretation

PART II— SELECTION RECOGNITION OF TRADITIONAL RULER

3. Selection, etc., and presentation of traditional ruler
4. Conditions for recognition
5. General method of presentation
6. Method of presentation of existing traditional ruler enjoying support
7. Recognition
8. Recognition, etc., shall be published in the Gazette
9. Certificate of recognition, etc.
10. Suspension and withdrawal of recognition
11. Highest authority in a town or community, etc.
12. Town or community constitution.
13. Contents and validity of town or community constitution
14. Customary code of conduct

PART III— FUNCTIONS OF TRADITIONAL RULER

15. Functions of a recognized chief.
16. Allegations of misconduct
17. Disputed selection, etc.
18. Wrongful installation Of a chief
19. Wrongful holding out as a chief
20. Prohibition of ala festival
21. The role of persons designated chiefs
22. Penalty for contravention
23. Town or community to designate “Igwe” or “Obi”
24. Validation of recognition

PART IV—MISCELLANEOUS

25. Regulations
26. Status of chiefs inferior to a recognized chief
27. Commissioner may specify towns or communities entitled to appoint traditional rulers.
28. Action by traditional ruler

CHAPTER 151
TRADITIONAL RULERS LAW

A Law to provide for the method of selection, appointment, recognition, suspension or withdrawal of recognition of a traditional ruler; to prescribe title and style for a traditional ruler; and to provide for other incidental matters,

[27th August. 1991]

PART I— PRELIMINARY

Short title

1. I This Law may Be cited as the Traditional Rulers Law.

2. In this Law—

Interpretation

“Chief means a traditional chieftaincy title or honorary chieftaincy title conferred on a person by a community or a recognized chief of a community which shall not attract Government recognition in accordance with this Law and shall not entitle such person to operate under the title and style of "Igwe" or “Obi" or to ascribe to himself the title “His Royal Highness” or “His Highness”;

"Commissioner means Commissioner charged with responsibility for chieftaincy matters;

"Government” means Government of Enugu State of Nigeria;

“Customary Code of Conduct”, in relation to town or community having a traditional ruler means a list of forbearances set out in its town or community constitution the breach of which by such chief constitutes under its customary law an act of misconduct which may be penalized with suspension or deposition of such traditional ruler; “Governor" means Governor of Enugu State of Nigeria; "Igwe” or “Obi” means a title designated exclusively to describe the office, style or title of a recognized chief;

“Property” means all regalia, possession or other things of whatever nature attached to the office of a recognized chief by v virtue of his stool;

"town or "community" means an autonomous community bound together by a common tie. usage and custom who inhabit a definite area of land which comprises villages and has for some time been identified as a town, and in some cases, forms a sub-division of a community or forms a division;

“town" or community constitution", in relation to a town or community who has selected or appointed a traditional ruler, means the written document regulating the selection, appointment, stallation, deposition, suspension and prescribing cod of conduct of the traditional ruler prepared for the purposes of this Law;

"recognized chief means an “Igwe” or “Obi" selected and appointed by a town or community as the town's or community's traditional ruler and recognized as such by the Governor in accordance with the provisions of this Law, so however that such a recognized chief shall ascribe to himself the title of "His Highness.

"State" means Enugu State of Nigeria;

“traditional ruler” means a means a person selected and appointed as “Igwe” or Obi" of a town or community in accordance with this Law, who, on his recognition by the Governor, shall be styled or known as a recognized chief.

PART II SELECTION AND RECOGNITION OF

TRADITIONAL RULER

3. (I) Subject to the provisions of section 6 of this Law, where on the date of coming into force of this Law, there is in a town or community a person who is the traditional ruler of the town or community such community may, at any time thereafter and in accordance with the provisions of this Law, present such a traditional ruler to the Governor for the purpose of his being recognized by the Governor as the traditional ruler of the town or community in accordance with this Law.

(2) Where, on the date of coming into force of this Law, a town or community has not selected or appointed any person as traditional ruler, such community or town may at any time thereafter and in accordance with the customary law of that town or community select or appoint a person as the traditional ruler of that community.

(3) At any time after a person is selected or appointed as a traditional ruler of a town or community under subsection (2) of this section, the town or community may in accordance with the provisions of this Law, present such traditional ruler to the Governor for recognition in accordance with this Law,

4. The Governor shall not recognize any person as a traditional ruler of a town or community unless the Governor is satisfied, that such person—

- (a) was selected or appointed in accordance with the—
 - i. customary law of the town or community concerned, or
 - ii. town's or community's constitution, where documented;
- (b) has broad support of his town or community :
- (C) is not under twenty-one years age;
- (d) is not a full-time public servant;
- (e) is ordinarily resident within the area of his town or community;
- (f) has not been convicted in any part of Nigeria of a capital offence or any offence involving fraud and sentenced to death or to a term of imprisonment; or if he has been so convicted and sentenced, has received a free pardon;
- (g) has not, under any law for the time being in force in Nigeria been found or declared to be of unsound mind or adjudged to be a lunatic, or if has been so found, adjudged or declared has received a certificate of sanity;
- (h) has good reputation

5. (1) Subject to the provisions of section 6 of this Law. the presentation of a traditional ruler of a town or community for the purpose of his recognition under this Law shall be carried out on a date and at a place and time fixed by the town or community, such place being a place to which members of the public may have access;

(2) such date, place and time shall be publicized in the traditional manner or otherwise within the town or community;

General
method of
presentation

Selection etc
and
presentation
of traditional
ruler

Condition for
recognition

Method of presentation of existing traditional ruler enjoying support.

(3) a written notice of a proposed presentation and of the date, place and time of the presentation shall be delivered to the Secretary to the Local Government of the town or community concerned.

(4) The traditional ruler of a town or community shall be deemed to be presented to the Governor for the purpose of his recognition under this Law- if, on the date and at the place and time publicized and notified in the manner specified in subsection (1) of this section, and in the presence of members of the town or community, such traditional ruler is presented by the town or community to—

- (b) the Commissioner; or
- (c) the Secretary to the Local Government in charge of the town or community concerned, or
- (d) any other person appointed by the Governor in that behalf.

6. where a town or community certifies in writing to the secretary to the Local Government of such town or community that the town or community has on the date of coming into force of this law, a traditional ruler commanding popular support and selected or appointed in accordance with the customary law of the town or community the town or community shall present such a traditional ruler to the Governor for recognition under this Law, by forwarding to the secretary to the Local Government of the town or community particulars of the traditional ruler —

- a) the traditional ruler's personal name;
- b) his chieftaincy designation or title which shall be either "Igwe" or "Obi": and
- c) the date on which he was selected or appointed as such traditional ruler

7. Where a traditional ruler of a town or community is presented to the Governor under the provisions of section 5 or section 6 of this Law, the Governor may, in accordance with the provisions of this Law, recognize such a person as a traditional ruler of the town or community.

Recognition

8. The recognition of a person as a traditional ruler and the withdrawal of such recognition shall be published in the State Gazette.

Recognition, etc. shall be published in the Gazette.

9. (1) The Governor may, at any time after the date of publication in the Gazette of the recognition of a traditional ruler of a town or community, issue the certificate of recognition to the traditional ruler.

Certificate of recognition etc

(2) Whenever the recognition of a traditional ruler who has received the certificate is suspended or withdrawn, he shall within one month from the date of such suspension or withdrawal, surrender the certificate to the Secretary to the Local Government in charge of the town or community which the traditional ruler represents.

10. Notwithstanding anything contained in this Law, the Governor may suspend or withdraw the recognition of a recognized chief or traditional ruler if the Governor is satisfied that such suspension or withdrawal is—

Suspension and withdrawal of recognition.

- (a) necessary having regard to the code of conduct required by the customary law existing between the traditional ruler or recognized chief and the town or community which he presents or
- (b) necessary in the interests of peace, order and good government.

11. Where under this Law, anything is required to be done or received by a town or community, that thing shall be deemed to be done or received by the town or community if it is done or received by or at the direction of the person or persons or group or body of persons who, or which, under the customary law of the town or community, has or have functional roles to play in the selection or appointment of their chief.

Highest
authority in a
town or
community
etc

12. (1) Every town or community whose traditional ruler has been recognized, as a traditional ruler by the Governor shall forward to the Secretary to the Local Government in charge of the area of that community—

- (a) the town or community constitution of that community, and
- (b) the customary code of conduct existing between the town or community and the traditional ruler and which shall be signed by the traditional ruler.

(2) The provisions of section 10 of this Law shall apply to a traditional ruler who has subscribed to such code of conduct.

13. (1) The town or community constitution of a town or community shall consist of—

- (a) a detailed statement of the customary law of the town or community regulating the selection, appointment, suspension, deposition, rights, privileges of the traditional ruler of the town or community;
- (b) prerogatives and customary code of conduct existing between the traditional ruler and the town or community concerned and identifying the persons or group or body of persons specified in section 11 of this Law.

(2) Such town or community constitution after it has been duly forwarded to the secretary to the Local Government shall not be amended unless the Governor is satisfied as to the reason for such amendment.

(3) Such town or community constitution as so forward or amended shall be deemed to the state customary law of the town or community relating to the selection appointment and deposition of the traditional ruler and to the matters in respect of which the customary law is stated.

(4) The Commissioner shall have custody of all town or community constitutions forward under the Law.

14. (1) The traditional ruler of a town or community shall, subject to the provisions of subsection (2) of this section, subscribe to the customary code of conduct of that community.

Customary
code of
conduct.

(2) Notwithstanding anything contained in this Law, where the traditional ruler of a town or community is recognized as a traditional ruler of the town or community under this Law, such recognition may be suspended or withdrawn if before or within six months of such recognition such traditional ruler did not or does not subscribe to the customary code of

Town or
community
constitution

Contents and
validity of
town or
community
constitution.

conduct of that community and shall be withdrawn if, within one year of such recognition, he does not subscribe thereto.

PART III— FUNCTIONS OF TRADITIONAL. RULER

15. The functions of a recognized chief shall be—

Function of a
recognized
chief.

- (a) to represent his town or community on ceremonial occasions,
- (b) to receive important visitors to the town or community;
- (c) to preside at community festivals and important public gatherings of the town or community;
- (d) to act as the custodian of culture, custom and tradition and advise the town or community on those matters:
- (e) to assist in the maintenance of law and order in the community.
- (f) to take steps to recounicle disputing parties in civil matters whether or not such matters are matters of the customary law of the community, which the disputing parties bring to him for reconciliation;
- (g) to encourage and co-operate with the Local Government Council in his town or community;
- (h) to encourage and stimulate development projects in the town or community:
- (i) to assist the Local Government Council of the area of his town or community in the collection of taxes, rates and communal levies.
- (j) to promote stability and peace in the town or community;
- (k) to attend any ad hoc meeting of chiefs:
- (l) where he is selected to be a member of the Traditional Rulers Council to attend and contribute to the deliberations of the Council:
- (m) to attend meetings summoned by the chairman of the Local Government in charge of the town or community for which he is appointed for the purposes of consultation and advice;
- (n) to carry out such other functions, including the celebration of a ceremony commonly known as "ofala" or such like celebration by whatever name called to the exclusion of any other person not being a recognized chief in the town or community as the town or community in its constitution or code of conduct, may prescribe

Allegations of
misconduct.

16. (I) Notwithstanding section 10 of this Law, whenever there are allegations of grave misconduct against a recognized chief, the Commissioner shall cause an administrative enquiry to be held in respect of such allegations.

(2) Where the Commissioner, after such enquiry, is satisfied that such allegations are proved against the recognized chief or that the recognized chief has ceased to enjoy the popular

support of his town or community, the Commissioner shall advise the Governor to withdraw the recognition of such recognized chief.

17. Where the selection or appointment of a traditional ruler is disputed in a town or community, the Commissioner may take steps to reconcile the disputants, or cause administrative enquiry to be held in respect of such dispute.

18. After the Governor has recognized a person as a traditional ruler of a town or community any person who—

Wrongful
installation of
a chief.

- (a) instals or purports to instal another person as such traditional ruler, or
- (b) allows himself to be installed as traditional ruler of that town or community in the stead of the person so recognized;

is guilty of an offence, and on conviction is liable to imprisonment for twelve months or a fine of one thousand naira or to both such imprisonment and fine.

19. Whether or not there is a recognized chief in a town or community. a person not being a recognized chief who—

Wrongful
holding pout
as chief

- (a) holds himself out, or
- (b) portrays himself; or
- (c) allows himself to be portrayed: or
- (d) addresses other person; or
- (e) addresses himself; or
- (f) allows himself to be addressed:

as a recognized chief of that town or community, is guilty of an offence and. on conviction, is liable to imprisonment for two years without option of fine.

20. Whether or not there is a recognized chief in a town or community, any person not being a recognized chief, who carries out any functional act or ceremony prescribed for a recognized chief by this Law or any other Law or by the town or community's constitution or code of conduct, including the celebration of the festival or ceremony known as and commonly called "ofaIa" or any celebration or the like effect, character or implication by whatever name called, shall be guilty of an offence and on conviction shall be liable to imprisonment for two years without option of fine.

Prohibition
of *Ofala*
festival

21. (1) The title "chief as referring to, or having the meaning of, a traditional ruler of a town or community identified, selected by such town or community and recognized by the Governor in accordance with this Law shall, as from the commencement of this Law, cease to be used to describe or refer to a recognized chief or a traditional ruler.

(2) Notwithstanding the provisions of any other Law to the contrary, a recognized chief or traditional ruler shall be addressed as, called or styled as "Igwe" or "Obi" as the case may be. Accordingly, it shall be unlawful for any chief not recognized by the Governor to assume, take up, call, answer, adopt, use, allow himself to be addressed as, arrogate to himself or another or secure for himself or another, the title or designation of "Igwe" or "Obi".

Disputed
Selection

The role of
persons
designated
chiefs

Penalty for
contravention

Town or
community to
designate
"Igwe" or
"Obi"

Validation of
recognition.

(3) A recognized chief shall, in addition to his style or title as "Igwe" or "Obi", as the case may be, addressed, and referred to, as "His Highness" and no more. Accordingly, it shall be unlawful for—

- (a) a chief not recognized by the Governor to appropriate to, or address himself or allow himself to be addressed and referred to as "His Highness" or "His Royal Highness";
- (b) any other person to called or address a person not recognized by the Government as "Igwe" or "Obi".

22. Any person who contravenes section 21 above shall be liable to imprisonment for two years without option of fine.

23. A town or community shall determine or designate either in its town or community constitution or otherwise, the title, either "Igwe" or "Obi" by which the town's or community's recognized chief shall be known and addressed; and upon such determination, the recognized chief of the town or community shall be addressed accordingly to the exclusion of any other person in the town or community.

24. Any recognition or withdrawal of recognition made by the Governor pursuant to any Law in force immediately before the commencement of this Law shall be deemed to be validly made under the Law.

PART IV— MISCELLANEOUS

25. The Commissioner may make regulations generally for carrying into effect the provisions of this Law -

Regulations

26. For the avoidance of doubt, nothing in this Law shall affect the existence of chiefs but such chiefs shall rank below, and be subject to, any recognized chief of their town or community.

Status of
chiefs inferior
to a
recognized
chief.

27. (1) For the avoidance of doubt, the Commissioner may by notice published to the State Gazette specify such of the towns or communities as are entitled in accordance with this Law to select or appoint a person to be traditional ruler of a town or community.

Commissioner
may specify
towns or
communities
entitled to
appoint
traditional rulers

(2) The Commissioner may by a subsequent notice amend, vary or alter any provisions of the notice made pursuant to subsection.

28. A traditional ruler shall not commence a suit against the Governor or Government functionary whether or not the cause of action arose from any act of commission or omission in this Law until one month at least after a written notice of intention to commence the suit shall have been served upon the Governor or Government functionary by the traditional ruler or his agent and such notice shall clearly and explicitly state—

Action by
traditional
ruler against
Governor etc

- (a) the cause of action.
- (b) the particulars of the claim;
- (c) the name and place of abode of the traditional ruler; and
- (d) the relief sought by the traditional ruler.