

WHAT YOU NEED TO KNOW ABOUT THE FRIVOLOUS PETITION BILL 2015 (“SOCIAL MEDIA BILL”)



The Bill makes it unlawful for a person to make a report against any person and for whatever purpose without swearing to an affidavit.



The Frivolous Petitions (Prohibition, etc.) Bill 2015 (SB. 143) is a bill sponsored by Senator Bala Ibn Na’Allah, (Deputy Majority Leader, APC: Kebbi South) seeking to prohibit frivolous petitions intended to report the conduct of any person of an investigation, inquiry or inquest without a duly sworn affidavit. The Bill is

divided into 4 sections.

Section 1 of the Bill makes it unlawful for a person to make a report against any person and for whatever purpose without swearing to an affidavit.

Furthermore, it is proposed that any report or petition made without an accompanying affidavit would be treated as

“incompetent” and will not be used by any government institution, agency or bodies.
(Section 2)

Section 3 deals with penalties and sanctions. The section provides for four different categories of offences and penalties, namely: -

OFFENCES AND PENALTIES	OFFENCE	PENALTIES
	1. Making a petition or complainant without swearing to an affidavit	6 months imprisonment without option of fine
	2. Acting on or using any petition that was not accompanied by an affidavit.	2 years imprisonment; or N200,000.00 (or both)
	3. Use of any mass media platform with malicious intent to discredit or disparage any person, group or government institution	2 years imprisonment; or N4,000,000.00
	4. Use of any social or new media to post any abusive statement which is false and with the intent to set the public against any person, group or government institution	2 years imprisonment; or N2,000,000.00 (or both)

ISSUES ARISING FROM THE BILL...

- The Bill is aimed at curbing the spread and circulation of malicious and defamatory messages either through criminal complaint/petitions or online petitions.
- The Bill seeks to protect the rights of Nigerians from false and frivolous petitions
- The Bill draws from attempts by different parliaments such as India, Bangladesh etc. to monitor and regulate the excesses of users' of the social media and new media.
- Some provisions of the Bill seem to be vague in interpretation. It is therefore suggested that the Bill should have an interpretation clause to give objective, clear and precise definition to some terms used such as "abusive statement", "intent to set the public against a person" etc.
- The Bill does not provide for the court that shall have jurisdiction over the offences created (whether magistrate court, state high court or federal high court).
- The Bill does not state the types of reports or petitions covered. Will the Bill cover reports or complainants on rape cases, sexual offences, violence against persons etc. that has been duly covered in their respective legislations?
- The Bill does not take cognizance of the limited territorial jurisdiction of Nigerian laws over the Internet. As such, the provisions of the Bill cannot be invoked against persons living or operating outside the territory of Nigeria.
- The Bill does not state the agency of government that would be in charge of monitoring and enforcing the provisions of the legislations. Would the prosecutorial and enforcement powers lie in the Police, DSS or any other government body as created?
- The Bill did not create a defense for persons whose identities have been stolen online and are used to scandalize another person. Such defense must be created to protect innocent persons from undue prosecution.
- The Bill should provide for a clear and precise mechanism for proper checks and balances on the expression of views and opinions on the new media.



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