AN ANALYSIS OF THE RIGHT TO FAIR HEARING PROVISIONS UNDER THE CONSTITUTIONS OF NIGERIA AND GHANA*

Abstract
This article confined itself to examining the seemingly perceived gapes existing between the Nigerian and Ghanaian Constitutions on the doctrine and constitutional right of fair hearing. The objectives were to examine the relevant legal concepts ranging from evolution of 'audi alteram partem'; effects of its breach; grounds for waiver; attitude of courts in Nigeria and Ghana on its fundamentality; relationship between Natural Justice, fair hearing and fair trial; recognition under the 1999 Nigerian and 1992 Ghanaian Constitutions vis-à-vis notable points of convergence and divergence, as well as to assess the lessons from both jurisdictions. The research methodology was doctrinal approach, using expository and analytical research design. The main sources of data collection were literatures from physical library and e-library. It was observed, among others, that there are notable points of convergence and divergence between the Nigerian and Ghanaian Constitutions on fair hearing. It was recommended, among others, that the Nigerian Government should take a clue from Ghanaian Constitution and protect its democracy against unconstitutional disruption, also make corruption punishable with life imprisonment. And that, the Ghanaian Government should take a clue from Nigerian Constitution to specify a short-day period to obtain lower court proceedings to proceed for appeal.

Keywords: Right to Fair Hearing, Constitution, Nigeria, Ghana

1. Introduction

Undoubtedly appreciated as one of the twin pillars of Natural Justice[1], Right to Fair Hearing often expressed by the Latin Maxim 'Audi Alteram Parterm'[2] is classified as procedural rights which must be observed wherever the occasion for their observance arises; they are intrinsic to the trial itself, failure to observe these variants gives rights to enforcement only by way of appeal or any other process of like nature, spanning: Certiorari, prohibition, mandamus, etc[3]. Simply put, fair hearing denotes the right to due process, as well as having one's case heard[4]. Hence, it is imperative to stress that, its trajectory as a procedural Doctrine, currently retains in most jurisdictions, is traceable to the scenario at the Garden of Eden[5], wherein God was seen to have accorded Adam and Eve an opportunity to put up their defence, irrespective of the fact that He knew that both disobeyed Him, having eaten the fruit He had instructed them not to.

Consolidating on the above laid down rules, most written constitutions of sovereign states contain intensive and most at times extensive provisions safeguarding Human and Fundamental Rights, Nigeria and Ghana are not left behind as both countries dedicate chapters[6] for Fundamental Rights with fair hearing given its pride of place. Accordingly, this paper shall confine itself to examining the seemingly perceived gapes existing between the Nigerian and Ghanaian Constitutions on the aforementioned Doctrine. In quest to achieve this objective, relevant legal concepts shall be considered ranging from evolution of '*audi alteram partem'*; effects of its breach; grounds for waiver; attitude of courts in Nigeria and Ghana on its fundamentality; relationship between Natural Justice, fair hearing and fair trial; recognition under the 1999 Nigerian and 1992 Ghanaian Constitutions vis-à-vis notable points of convergence and divergence, as well as respective lessons to learn from both Jurisdictions.

2. Evolution of Right to Fair Hearing, Effects of its Breach, Grounds for Waiver and Attitude of Courts in Nigeria and Ghana on its Fundamentality

The aphorism that 'No proposition can be more clearly established than that a man cannot incur the loss of liberty or property for an offence before a judicial proceeding until he has had a fair opportunity of answering the against him[7]; unless indeed the legislature has explicitly or implicitly given an authority to act without that necessary preliminary[8], underscores the place of fair hearing as an adjudication concept in our contemporary jurisprudence.

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[1] Natural justice denotes among others thus: Justice according to the laid down procedure by God, right, fair and just judgment; Judgment according to conscience; justice in strict observation of the inherent rights of parties in dispute to have fair and just treatment by judicial or quasi-judicial bodies.

[2] Literally translated to mean: 'Hear from both side',

[3] S.T. Hon, *Constitutional and Immigration Law in Nigeria* (Pearl Publishers International Ltd, 2016) p.315.

[4] O. N. Ogbu, *Human Rights Law and Practice in Nigeria* (Snaap Press Ltd, 2013) p.25.

[5] Genesis 3 v. 6-17 (Holy Bible, King James Version).

[6] Chapter IV of the 1999 Constitution of the Federal Republic of Nigeria provides for Fundamental Human Rights, with 'Right to Fair Hearing' captured under section 36; Chapter V of the 1992 Constitution of the Republic of Ghana provides for Fundamental Human Rights with 'Fair Trial' captured under Article 19.

[7] The rule was said by Hawking to be implied in the construction of all penal statute (pleas of the crime); also see *Painter v. Liverpool Oil Gas Light Co.* (1836) 3. A. & E. 433, where it was held that 'a party is not to suffer in person or in pure without an opportunity of being heard'.

[8] *Bank v. Evans* (1850) 16 QB 162

Worthy of mention is that, most of the earliest reported decisions in which the rule of fair hearing was applied cuts across but not limited to summary proceedings before Justices. Hence, service of a summon upon the party affected was regarded as a condition of the validity of such proceedings[9]; not only in criminal matters but also in application for the issue of distress warrants and orders for the levying of taxes and other charges imposed by public authorities upon the subjects. Justices who adjudicated summary without having issued summons were at one time punishable in the court of King's Bench for Misdemeanor[10].

Deducing from the forgoing, it is pertinent to stress that the effects of breach of the *audi alteram partem* rule is such depending on the circumstances of the case. Hence a decision reached or proceedings conducted in breach of the rule will be reviewable by means of certiorari, prohibition[11], mandamus[12], an injunction[13] or a declaration[14]. Also, if a man is deprived of his liberty without the hearing to which he was entitled, he will be able to secure his release on application for habeas corpus[15]. Although breaches of natural justice used to be assignable as 'error in fact', a ground of challenge presupposing that the impugned order was merely voidable[16], there is a substantial body of recent Judicial decisions to the effect that beach of the *audi alteram partem* rule touches on jurisdiction, hence can be best akin to a jurisdictional defect, which renders an order or determination reached void[17].

However, often asked is the question whether right to fair hearing can be waived? In swift response, it is educating to note that, failure or neglect to take advantage of an opportunity to be heard or to insist on one's rights at a hearing is not a waiver of breach of the rule. The question of such waiver arises only if adequate notice and a fair opportunity to be heard are not afforded. In few cases, the courts have held that failure to give due notice is immaterial if in fact the person affected has a proper opportunity to be heard; this further suggest that minor aspect of the rule may be impliedly waived. Nevertheless, in modern law the decisions on the effect of non-service of process are numerous and not always reconcilable[18], but instances are not wanting of the strict application of the general principle that service is mandatory in civil as well as criminal proceedings before judicial tribunals. Notably, one of the most remarkable illustrations of the *audi alteram partem* principle is reported in the case of *Capel v. Child*[19], brief fact of which a Bishop was empowered by Statute to order a vicar to appoint a curate (to be paid by the vicar) when satisfied, either of his own knowledge or by affidavit, that the vicar had neglected his duty and was held to be under an absolute duty to give the vicar notice and opportunity to be heard before making the order.

The above established principle springs forth a high water mark of Judicial intervention in the breach of fair hearing right of accused persons. In later cases the courts in England[20], Nigeria, Ghana and other parts of the world practicing adversarial system of justice generally showed themselves disciplined to require investigation conducted by ecclesiastical authorities to conform to judicial standards in line with the twin pillars of Natural Justice[21].

Accordingly, Courts in Nigeria as well as Ghana have given recognitions to the fundamentality of the rule of fair hearing through plethora of verdicts. For instance; in the case of *Adigun v. A.G Oyo State*[22], Nnaemaka-Agu JSC (as he then was0 averred thus: 'The rule of *audi alteram partem* has been incorporated in our jurisprudence that a man cannot be condemned without being heard… the requirement that both side must be heard is applicable in all cases in which a decision is to be taken in any matter, whether in a judicial, quasi-judicial or even in purely administrative proceedings

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[9] *R v. Dyer* (1703) 1 Salk 181; R v. Benn and Church (1975) 6 T.R. 198
[10] *R v. Venables* (1725) 2 Ld, 1405, R v. Alington (1726) 2 Str, 678.
[11] *R v. Kent Police Authority, ex. p. Golden* (1971) 2 Q.B, 662
[12] *R v. Canterbury* (Archbishop) (1859) I. E. & E.
[13] *Andreas v. Mitchell* (1905) A. C. 78.
[14] *Stevenson v. United Road Transport Union* (1977) I. C. R. 893, in this case a declaration of invalidity was granted, without the court finding it necessary to characterize the decision 'void' rather than 'voidable'.
[15] E. G. Bassey, The Genealogy of Natural Justice Doctrine and the Place of Judicial Review of Administrative Action in Nigeria, being a research project submitted to Faculty of Law, University of Uyo, in Partial Fulfillment of the Requirements for the award of Bachelor of Law (LL. B) Degree, 2019, P.33.
[16] Voidable: Literally denotes such capable of being set aside; it is such susceptible of being void; something that may be set aside or annulled. In simpliciter, voidable acts in the eyes of the law remains valid until it is challenge in court through a suit and subsequently set aside by order of Court. Until this is done, a voidable act, say contract, remains good.
[17] Void: Literally means of no legal effect; a nullity. (see Osborn's Dictionary of Law, 12th edition, at p.433 for lettered explanation of 'Void' and 'Voidable' contracts in law).
[18] Authorities reached on such ground are reviewed: See Marsh v. Marsh (1945) AC. 271; and most detailed in Posner v. Collector for Inter-State Destitute Persons (Victoria) (1946) 74, A.C.
[19] (1832) 2 Cr & J. 488
[20] *locus classicus* cases of *Board of Education v. Rice* (1911) A.C,179- Per Lord Loreburn L. C; *Local Government Board v. Arlidge* (1915) A. C 120; *Sparkman v. Plumstead District Board of Works* (1885) 10 App. Cas. 229.
[21] Being- '*Audi Alteram Partem'*- (Hear from both side); and' *Nemo Judex in Causa Sua'*- (No one should be a Judge in his own case 'Rule against Bias').
[22] (1988) 3 NWLR pt.80, p.27 at 40.

involving a person interest in a property, right or personal liberty'. In *Garba v. University of Maiduguri*[23] Chukwudifu Oputa, JSC (as he then was), explained the rule of fair hearing thus: 'God has given you two ears, hear both sides'. Furthermore, *Ayo Gabriel Iriikefe, CJN, GCON* (as he then was) in *Eperokun v. University of Lagos*[24] stated that 'constitutionally entrenched provisions, particularly those safeguarding individual rights, should not, save in a fascist system, be lightly trampled upon. An appointee should not have the spectra of misconduct hanging on his head without being given an opportunity of clearing his name'. Collaboratively, *Ademola, CJF, in Kano Native Authority v. Obiora*[25], held thus: 'Natural justice requires that an accused person must be given the opportunity to put forward his defence fully and freely and to ask the court to hear any witness whose evidence might help him'. Similarly, the supreme court of Ghana, as well as lower Courts of the Republic, have demonstrated same stand with Nigeria on the fundamentality of fair hearing through plethora of cases spanning: *Republic of Ghana v. Euhene Baffoe-bonnie and 3 ors*[26], wherein a question relating to the interpretation of Article 19 (2) (g) of the 1992 Constitution of the Republic of Ghana over five accused persons who were facing various charges ranging from conspiracy to causing financial loss to the State contrary to section 179 (A), conspiracy to steal contrary to sections 23 (1) and 124, stealing contrary to section 124, using public office for profit contrary to section 179 (c) all of the Criminal and Other Offences Act, 1960, (Act 29), were the court accordingly held that accused persons are entitled to be afforded fair trail which encompasses the duty to be accorded facilities to examine witnesses booked to testify against them. Other notable Ghanaian cases on the crux of fair hearing are; *Tsatsu Tsikata v Republic of Ghana*[27], *Cabiri v Assasie-Gyimah*[28]; through these cases, the central idea has been on the duty to avail parties the opportunity to have their cases heard.

3. Relationship between Natural Justice, Fair Hearing and Fair Trial

Fair hearing is synonymous but not coterminous with natural justice. In *Ori-Oge v. A. G Ondo State*[29] it was maintained that the two principles of natural justice are justice are inherent in the provision for fair hearing but the provision goes beyond the rules of natural justice. The distinction was succinctly made by *Lord Denning in Breen v. A.E.U.*[30], to wit: 'It will be seen that they are analogous to those required by natural justice but not necessarily identical. In particular a procedure may be fair although there has not been a hearing of the kind normally required by natural justice. Conversely, fairness may sometimes impose a higher standard than that required by natural justice. Thus, the giving of reasons for decisions is probably not required natural, but, it has been said, may be required by fairness because 'The giving of reasons is one of the fundamentals of good administration'. On the other hand, the relationship between fair hearing and fair trial was lucidly stated by *Ademola (C.J.N.) in Mohammed v. Kano N. A*[31] as follows: 'It has been suggested that fair hearing does not mean a fair trial. We think fair hearing must involve a fair trial, and a fair trial of a case consists of the whole hearing'.

The basic criteria and attributes of fair hearing were summarized by *Nnaemeka-Agu J.S.C., in Kotoye v. C.B.N. & Ors* to include: that the court shall hear both sides not only in the case but also on all material issues in the case before reaching a decision which may be prejudicial to any party in the case; that the court or tribunal shall give equal treatment, opportunity, and consideration to all concerned; that the proceedings shall be held in public and all concerned shall have access to and be informed of such a place of public hearing; and, that having regard to all the circumstances, in every material decision in the case, justice must not only be done but must manifestly and undoubtedly be seen to have been done'.

4. Recognition of Fair Hearing under the 1999 Constitution of Nigeria and 1992 Constitution of Ghana *vis-à-vis* Notable Points of Convergence and Divergence

It is important to reiterate that, the rule of fair hearing which is fashioned on the old natural law principle, underscores the crux of procedural requirement in every process by which justice is administered. Such procedural requirement must be fair in order to be meaningful; they must conform to what in America is known as the 'Due Process of Law'[32]. The perception that no man should be judge unheard was generally known to the Greek, inscribe in ancient time upon images in places where justice was administered, proclaimed in *Seneca's Media*[33], enshrined in the scriptures as 'Doth our law judge any man, before it hears him and known what he doeth[34]'? It is the tenet and principle of justice that has found its

[23] (1986)1 NWLR Pt.15, at p.550.
[24] (1987) 1 NWLR Pt.53, p.678 at 712.
[25] (1959) 4 F.S.C 226 at 30.
[26] (2018) GHASC 40.
[27] (2006) GHASC 322.
[28] (1989) F. Supp, 921.
[29] (1982) 3 NCLR 743.
[30] (1971) 2 QB 175,191.
[31] (1968) All NLR 424 at 426
[32] *London v. Denver* (1908) 210,U.S. 373
[33] *Qui Statui Aliguid, Parte in Avidita Altera*
[34]John 7 v. 51 (Holy Bible Kings James Version)

way into the world's jurisprudence, with the concerned of this research limited to the 1999 constitution of Nigeria and 1992 constitution of the Republic of Ghana[35].

Titled as *'Right to Fair Hearing'* under the Constitution of the Federal Republic of Nigeria 1999, and '*Fair Trial'* under the 1992 Constitution of the Republic of Ghana, hence, it is instructive to state that, though the nomenclature may vary, however, the central idea is not farfetched from the ideals of fair hearing, as both nation's constitutions have points of convergence, as well as divergence. While section 36(1) of the 1999 Constitution of the Federal Republic of Nigeria provides for Right to fair hearing thus:

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

Article 19(13) of the 1992 Constitution of the Republic of Ghana provides for fair trial thus: 'An adjudicating authority for the determination of the existence or extent of a civil right or obligation shall, subject to the provisions of this Constitution, be established by law and shall be independent and impartial; and where proceedings for determination are instituted by a person before such an adjudicating authority, the case shall be given a fair hearing within a reasonable time'.

Moving forward, it is imperative to note that, the aforementioned constitutions equally agreed on plethora of principles ranging from presumption of innocent[36], right to be informed of an alleged offence in a language understood by the accused[37], principle of adequate time and facilities for preparation of defence[38], right to defend oneself or through counsel of his choice[39], right to cross-examination of witnesses[40], right to free interpretation of court proceedings to the understanding of parties[41], entitlement to certified true copy of the court judgment he was tried[42], principle against

[35] Argued to have been one of the principles of law borrowed from their Colonial Masters of Great Britain.

[36] While section 36(5) of the 1999 C.F.R.N provides that 'every person who is charged with a criminal offence shall be presumed to be innocent until he is proved guilty- provided that nothing in this section shall invalidate any law by reason only that the law imposes upon any such person the burden of proving particular facts', Article 19 (2) (c) of the C.R.G provides thus 'A person charged with a criminal offence shall- be presumed to be innocent until he is proved or has pleaded guilty'.

[37] While section 36 (6) (a) of the 1999 C.F.R.N provides that 'Every person who is charged with a criminal offence shall be entitled to- be informed promptly in the language that he understands and in detail of the nature of the offence'. Article 19 (2) (d) of the 1992 C.R.G provides thus 'A person charged with a criminal offence shall- be informed immediately in a language that he understands, and in detail, of the nature of the offence charged'.

[38] While section 36 (6) (b) provides that 'Every person who is charged with a criminal offence shall be entitled to- be given adequate time and facilities for the preparation of defence'. Article 19 (2) (e) of the C.R.G provides that 'A person charged with a criminal offence shall- be given adequate time and facilities for the preparation of his defence'.

[39] While section 36 (6) (c) of the 1999 C.F.R.N provides that 'Every person who is charged with a criminal offence shall be entitled to- defend himself in person or by legal practitioner of his own choice'. Article 19 (2) (f) of the 1992 C.R.G. provides that 'A person charged with a criminal offence shall- be permitted to defend himself before the court in person or by a lawyer of his choice'.

[40] While section 36 (6) (d) of the 1999 C.F.R.N provides that 'Every person who is charged with a criminal offence shall be entitled to- examine, in person or by his legal practitioners, the witnesses called by the prosecution before any court or tribunal and obtain the attendance and carry out the examination of witnesses to testify on his behalf before the court or tribunal on the same conditions as those applying to the witnesses called by the prosecution'. Article 19 (2) (g) of the 1992 C.R.G. provides that 'A person charged with a criminal offence shall- be afforded facilities to examine in person or by his lawyer, the witnesses called by the prosecution before the court, and obtain the attendance and carry out the examination of witnesses to testify on the same condition as those applicable to witnesses called by the prosecution'.

[41] While section 36(6)(e) of the 1999 C.F.R.N provides that 'Every person who is charged with a criminal offence shall be entitled to- have, without payment, the assistance of an interpreter if he cannot understand the language used at the trial of the offence'. Article 19 (2) (h) of the 1992 C.R.G provides that 'A person charged with a criminal offence shall- be permitted to have, without payment by him, the assistance of an interpreter where he cannot understand the language used at the trial'.

[42] While section 36(7) of the 1999 C.F.R.N provide that 'when any person is tried for any criminal offence, the court or tribunal shall keep a record of the proceedings and the accused person or any person(s) authorized by him in that behalf shall be entitled to obtain copies of the judgment in the case within seven days of the conclusion of the case' .Article 19 (4) of the 1992 C.R.G. provides that 'wherever a person is tried for a criminal offence the accused person or a person authorized by himself, if he so required, be given within a reasonable time not exceeding six months after judgment a copy of any record of the proceedings made by or on behalf of the court for the case of the accused person'.

retrospective trial and punishment[43], principle against double jeopardy[44], principle of codification of offence[45], as well as, principle against compellability to give evidence[46].

Nevertheless, aside the above spotted points of convergence, there is no doubt points of divergence on the concept by both Constitutions. However, discussion on such notable points of departure will form the basis of the next phase of the paper's deliberation.

5. Notable Points of Divergence

Notably, major distinction between the 1999 Nigerian Constitution (hereinafter referred to as 'C.F.R.N') and the 1992 Constitution of the Republic of Ghana (hereafter referred to as 'C.R.G') as they relates to 'the doctrine of fair hearing' are that while the Nigerian constitution does not in its face makes provisions for procedural rules as such are provided for in the Rules of Courts and other legislations of the National Assembly, that of Ghana does. For example, the refereed Ghanaian constitution provides punishment in the face of it for capital offences other than high treason/treason that the verdict of the jury shall be unanimous.[47] Furthermore, the 1992 constitution of Ghana, spelt out unequivocally the powers of a presiding judge to punish a person for contempt of court regardless of whether or not such punishment is prescribed in any written law[48]; noteworthy is that such provision is not provided for in the face of the 1999 constitution of the Federal Republic of Nigeria, as powers for punishment on contempt of court are addressed by various Rules of Courts in Nigeria and subsidiary legislations like practice directives. Also lacking in the Nigerian constitution but provided for in the Ghanaian constitution is the definition of offence, particularly what constitutes 'Treason' provided for under Article 19(17)(a)(b)(c) of the 1992 C.R.G thus:

> subject to clause (18)[49] of this article, treason shall consist only- in levying war against Ghana or assisting any state or person inciting or conspiring with any person to levy war against Ghana; in attempting by force of arms or other violence means to overthrow the organs of government established by or under this constitution; in taking part or being concerned in or conspiring with any person to make or take part or be concerned in, any such attempt.

Most commendably but lacking in the face of the Nigerian Constitution, is the encompassing nature of the Ghanaian constitution for capturing the military in the sensitization on the need to uphold rule of law, preserve the Ghanaian constitution and her organs of Government; as it recognizes the trial of any officer(s) who attempt to overthrow the government by Courts Marshal in the face of the constitution.[50] Stemming from the foregoing, the 1992 Constitution of Republic of Ghana appears to be more autochthonous in its diction than the 1999 Constitution of the Federal Republic of Nigeria, given that it decisively addresses plethora of native issues in its face. Hence, stand the chances of addressing indigenous concerns through the usages of active phrases and words.

6. Conclusion and Recommendations

Arising from the foregoing, one will agree with this paper that while there are several grounds upon which the Nigerian and Ghanaian constitutions are in agreement regarding the Doctrine of Fair Hearing/Fair Trial, there are also in place points of divergence, hence, making available lessons for both Nations. Accordingly, it is the strong position of this paper that the 1992 Constitution of the Republic of Ghana in its choice of words remains purposive; as it stresses and expend procedural frontier- particularly on capital offences in the face of the Constitution; as against her Nigerian

[43] While section 36 (8) of the 1999 C.F.R.N provides that 'No person shall be held to be guilty of a criminal offence on account of any act or omission that did not, at the time it took place, constitute such an offence, and no penalty shall be imposed for any criminal offence heavier than the penalty in force at the time the offence was committed'. Article 19 (5) 0f the 1992 C.R.G. provides that 'A person shall not charge with or held to be guilty of a criminal offence which is founded on an act or omission that did not at the time took place constitute an offence'.

[44] While section 36 (9) of the 1999 C.F.R.N provides that 'No person who shows that he has been tried by any court of competent jurisdiction or tribunal for a criminal offence and either convicted or acquitted shall be tried for that offence or for a criminal offence having the same ingredients as the office save upon the order of a superior court', Article 19 (7) of the1992 C.R.G. provides thus 'A person shall not be charged with or held to be guilty of a criminal offence which is founded on an act or omission that did not at the time it took place constitute an offence'.

[45] While section 36 (12) of the 1999 C.F.R.N provides that 'Subject as otherwise provided by this constitution, a person shall not be convicted of a criminal offence unless that offence is defined and the penalty therefor is prescribed in a written law; and in this subsection, a written law refers to an Act of the National Assembly or a Law of a State, any Subsidiary legislation or instrument under the provisions of the law'. Article 19 (11) of the 1992 C.R.G. provides that 'No person shall be convicted of a criminal offence unless the offence is defined and the penalty for it is prescribed in a written law'

[46] While section 36 (11) of the 1999 C.F.R.N provides that 'No person who is tried for a criminal offence shall be compelled to give evidence at the trial'. Article 19 (10) of the 1992 C.R.G provides that 'No person who is tried for a criminal offence shall be compelled to give evidence at the trial'.

[47] See Article 19 (2) (a) (i) and (ii) of the 1992 C.R.G.

[48] See Article 19 (12) of the C.R.G

[49] The refereed Article 19 (18) provides thus: 'An act which aims at procuring by constitutional means an alteration of the law or of the policies of the Government shall not be considered as an act calculated to overthrow the organs of government'.

[50] See Article 19 (19) and (20) of the C.R.G.

Counterpart (which leaves such on subsidiary legislations). Suffice to say, Ghana having arguably built and structured her system to perhaps enjoy the continuous confidence of her citizenry, becomes deliberate in her constitutional efforts to protect and guard the Nation's democracy against unconstitutional disruption, a philosophy which perhaps informed the need for a clear definition of acts constituting treason and punishment thereof in the face of the constitution. Nevertheless, corruption having obviously been noted as a major challenge bedeviling the Nigerian State, and of course responsible for her seemingly perceived backwardness; it is hereby recommended that Nigerian Government should take a clue from Ghana, particularly on her constitutional decisive provision on the protection of her Nation's Democracy against unconstitutional disruption, by enacting legislation to greet corruption with the toga of capital offence punishable by life imprisonment; and section 36 of the 1999 C.F.R.N amended to capture corruption and its prescribed punishment in the face of the constitution, as a means of constant reminder geared towards awakening the consciousness of Nigerians against the nation's major enemy- corruption. Also, it is recommended that Ghanaian government should take a clue of section 3(7) of the 1999 constitution of Nigeria (which provides a window period of 7 days for an accused person to obtain his courts proceedings after the day of judgment) and amend her Article 19 (4) which provides a vague period not exceeding 6 months for an accused person to obtain the records of proceedings of his trial, so as to enhance expedition of appeal; as fair hearing does not start and end at the trial court, hence the place of appeal cannot be relegated to the background in the preservation of right to fair hearing and fair trial.