

Press Freedom in Nigeria Legal Bases and Constraints

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ABSTRACT

With a view to exploring and understanding the environment of press practices in Nigeria, this study on "Press freedom in Nigeria: Legal Bases and constraints" was undertaken. This study seeks to critically review and discuss the legal framework or back-up for press practice in Nigeria. It also looked at factors militating against the practice of press freedom in Nigeria. For the purpose of understanding relevant terms such as press freedom, Legal Bases and Constraints were defined. The literature review saw a detailed discussion of the concepts of 'press', press freedom as well as a quick look at the historical background of the Nigerian press. It looked at the legal provision in favour of press practice, the -Freedom of Information Act (FOI), sections 22 and 39 of the 1999 constitution as amended were 'all considered as the legal provisions in favour of press practice. A/so, the different press laws were considered as factors militating against press practice in Nigeria. To appreciate where we are today, comparative analysis of press freedom under military and democratic rule was undertaken. The study further discussed the merits and demerits of press freedom as well as examining what press freedom demands from the journalists' and also from other members of the press. It then recommended that, the constitutional frame work under which the press operates in- Nigeria is precarious and therefore suggest without trepidation that freedom of the press should be more clearly enshrined in the constitution.

Keywords: Press Freedom, Nigeria, Legal Bases, Constraints.

INTRODUCTION

When we talk about the press, we are referring to the news media; we are talking about the fourth estate or fourth power of the realm. The word press was ordinarily suppose to or use to refer to only print mass media, but today, the word is used to refer to both print and broadcast media, thus, Radio, Television, magazine, Newspaper etc are all press [1,2]. However, for the press to play its role of sustaining and strengthening the country's democracy effectively, press freedom becomes necessary. This implies that the press needs a free atmosphere devoid of molestation, harassment and intimidation to perform [3,4,5]. No doubt, sector 22 of the 1999 constitution of the federal republic of Nigeria as amended empowers, and mandates the press, radio, television and other agencies of the mass media to at all times be free to uphold the principle of state equity and to also hold the government accountable and responsible, to the people as it concerns the fundamental objectives, contained in 'chapter two of the

constitution [6,7,8]. But in considering the fact that the press can not discharge this duty effectively without being free, it came up with section 39 of the same constitution as amended. This implies that it takes freedom of the press for a government to be accountable and responsible to its citizen and it is only when this is done that the democratic process will be strengthened. According to [9,10] "freedom of the press presupposes the free flow of information and the right of individuals to impact and receive information without any fear of detention or molestation." Information they said is power, and for people to be better informed about the happening in their environment, professionals trained in information gathering and dissemination known as the press or mass communicators must have unrestricted access to all forms of information [11]. According to [12], in this era of global democracy, access to information by citizenry through mass communication practitioners is even a necessary

condition to make the system more participatory. In line with the above, it becomes very imperative to state here that participatory democracy gives the citizens a sense of belonging and make them more supportive to the government. Accordingly, when the government enjoys the support and co-operation of the people, democracy is not only sustained and strengthened, but national development is ultimately guaranteed, and when this happens, government works better, citizens live longer and our society makes progress [7]. Again, [9] noted that press freedom guarantees to the public that no influence on the part of the government, business men, labour or any individual will be allowed to

OBJECTIVES OF THE STUDY

The following are the objectives of this study:

- a. To examine what freedom is all about.
- b. To x-ray legal-has.es of press freedom in Nigeria.
- c. To identify legal constraints to press freedom in our society.

RESEARCH METHODOLOGY

In the process of this descriptive/analytical study, the researcher followed historical research method which involves broad review of secondary sources of knowledge. According to [7], historical research aims "...at establishing the validity or authenticity of past event for possible acceptance, reconstruction or outright

THEORETICAL FRAMEWORK OF THE STUDY

This study is based ' on the theoretical framework of Social Responsibility Theory. This theory originated from an America initiative - the 1947 Hutchins Commission on the Press Freedom. The idea came from fears expressed that the free market of ideas was being threatened by ownership restriction to rich personalities or big corporations. Therefore, the aim is to

LITERATURE REVIEW

Knowing what "press" is all about

The word press is a word ordinary or originally used to -connote or mean a publication in a newspaper or magazine but today it is used to refer-to both the print and electronic /broadcast media.

alter, distort or influence the free flow of information. However, the Nigeria situation has proved otherwise. Some decrees and laws made at one time or the other to muzzle-.the press seem to have relegated this all important concept of the press freedom to the background. And these I would say are some of the factors "that have contributed in weakening democracy in the country. The emphasis here is that the relevance of press freedom can. never be over emphasized, though at one time or the other, the freedom has to be checked to avoid or prevent abuse. And here lies the place of this study on "press-freedom in Nigeria: Legal Bases and Constraints."

d To see if the return of democracy has improved freedom of the press in the country.

e. To see whether press freedom has contributed towards the betterment of. pur society.

rejection". However, secondary source of know-ledge "refers to other materials from which information or data is obtained", [12]. In the field of research, such sources refer to works of other persons, reports or events already documented which are more detailed and better organized most of the time than primary sources [12].

ensure that the press should be open to anyone with something to communicate. The press is controlled by opinions of the community and actions of the consumers. Publication of socially harmful information and unjustified invasion of privacy are not allowed, Private ownership of mass medium is allowed but with a threat of government interference to assure public service/welfare [6].

The press generally refers to Newspaper and Magazine, Radio and Television which performs the traditional function of educating entertaining and informing the people [4]. The press is an institution

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mandated to hold the government of the day accountable and responsible to those she is leading. They are mandated to uphold the principle of state equity through accurate and objective news reportage aimed at sustaining our country's democracy [8]. Today, the press is considered as the fourth estate of the realm, supplying information to the large population of the masses through information dissemination. The radio broadcast is a press function; Television broadcast, is also a press function, just as newspaper and magazine reports are also

Understanding Press Freedom as a Concept

A lady from England was handling a sermon on marriage and family life, she was quoted to have said "my husband, that man I love him so much, he is very secured, not because he is rich, not because he bought a car for me, not because he gave my children quality Education, but because he gave me the freedom to be myself. He allowed me criticize* and comment on his actions and inactions, say whatever I want to say in the family without being afraid if he will jump on me and start beating me-up." That is exactly what press freedom is. It is the right of the journalists to report and say what ever they want to say without any fear of molestation or interference from anybody, be it government or 'security agents but with due regards to the law of defamation, sedition, official secret, invasion of privacy among others and with recourse to the ethical and moral values of the profession. Press freedom is the right of the press as employee to criticize the policies of his employer and

History of Nigerian press: A Quick Look

The history of Nigerian press can be traced to the colonial era, and a quick look at them will give us an inside into what the profession holds for the practitioners, the government and the society at large. During the colonial era newspapers were used as mouth-piece towards the fight or struggle against colonialism. Hence, the colonial era newspaper was regarded as nationalistic paper which were published or edited by the nationalist Leaders as instrument for the struggle to secure independence. It all

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press functions. Therefore, put it that, press refers to those mass media, channels and other means of disseminating information to a large number widely scattered and diversified audience. The journalists, broadcasters and other media workers who go about these functions are referred to as "press men" or "gentle men of the press."According to section 22 of the 1999 constitution, " the press . includes radio, television and other agencies of the mass media [8].

make judicial decisions on subject matters both' within and outside its jurisdiction. Citing [6] stated that press freedom means allowing the press to perform its traditional role of keeping the masses informed about events taking place within and outside their community without any interference, harassment or social constraints. The freedom of the press presupposes the free-flow of information and the right of individuals to impact and receive information without any fear of detention or molestation. It guarantees the right of journalists to gather and disseminate information in the part of the government or its agents. Also, as noted in the brief submitted by the Canadian standard broadcasting corporation limited- to the special senate committee on mass media; press freedom guarantees to the public that no influence on the part of government, business, Labour or any individual will be allowed to distort, alter or influence the free flow of information [4].

started with the Iwe Iroin in 1859 published or established by church missionary society in Abeokuta, The publisher or owner of the Iwe Irohin is Reverend Henry Townsend, The production of the paper came as there arose the need to provide the newly educated Christians a reading material. Iwe Irohin meaning newspaper in Yourba Language, was bilingual (English and Yoruba) and sold at three shillings, that is one hundred and Twenty cowries [8]. The Iwe Irohin as established by Reverend

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Townsend was used to fight slavery which was still being carried out as at that time. Iwejrohin was followed by Anglo-African published by Robert Campbell in 1863. The Newspaper was aimed at the education and enlightenment in Lagos, hence it provided cheap and 'accessible reading materials which helped to educate the people. It is on Record that Newspaper in Nigeria and indeed African witnessed a revolutionary growth from 1880. According to [6] "There were at least fifty titles in Nigeria alone". All the newspapers-were based and published in Lagos, hence; Lagos had the highest concentration of newspaper in Africa and became the hub of Africa Journalism as at then. In 1880, Richard Peale Blaise founded the Lagos Times the Lagos Observer was founded by J. Blackall Benjamin in 1882. The Eagle and Lagos Critics were founded by Owen Emerick Macanly in 1883. Adolphus Mark founded the mirror in 1888. While Lagos weekly Times was* founded by John Payne Jackson in 1880. After five years Lagos Standard was founded. Also the Lagos spectator and Lagos_Echo were, founded in 1894, the reporter was established on September 12, 1898. With the constitutional reform of Sir Hugh Clifford, most Newspapers began to report legislative activities, including debates. Hence, most paper followed the pattern of writing intelligent and public interest stories. The establishment of Daily Times in 1926 was another mile stone in the history of Nigerian press. During the period, apart from West African pilot owned by ZIK's group of Newspapers and the daily time, most other papers*® the country were published and founded by non-Journalists. To some extent, this has remained the outlook of the newspaper and magazine industry in the country, except for few cases where practicing journalist have pulled resources together to start a magazine business. Newswatch, Tell. The News, The source and so on, fall in this category.. No doubt, this non professional ownership structure has indeed hindered professionalism and growth, of the industry in Nigeria.

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Meanwhile, with the coming on board of the ZIK's group of newspapers, the first indigenous publishers of newspaper chain, the industry became^vibrant. The West African Pilot had the banner "show the height: and the people will find the way. "The news paper emphasized human interest angle of general news reporting and the "dramatic element of such stories. The second part of the history of Nigerian press was characterized also by free enterprise both for the private and government owned papers and Magazines. Early eighties and Nineties witnessed the constant growth and death of a number of newspapers and Magazines. The period saw the founding and publication of Newspaper by business moguls such as Ibru's Guardian newspapers and the defunct African guardian. The Late M.K. O Abiola National Concord and African Champion. All these were the unfolding frauds in the growth and death of Newspaper and Magazine. Today Nigeria can boast of many Newspapers and Magazines, In our country, Nigeria, virtually all the thirty six states of Nigeria including federal capital Territory, have government owned and supposed Newspaper press. However, broadcasting as press practice started in Nigeria on December 19,193, with the opening of British Broadcasting Corporation (BBC) in London and the commencement of experimental short wave program known as the empire service from commentary. The oversea monitoring station was located in Lagos to serve as a source of information to both the citizens and the colonialist. The station made use of-the Radio re-diffusion service which helped to shape the Nigerian Broadcasting Industry. It extended it service after the 2nd World War, with subscriber base of over 13000 receiver scattered in Lagos, Ibadan, Abeokuta, Ijebuode; Port-Harcut, Enugu, Kano, etc. After the Tuner- Byron report of January 1951 and the input of Tom. Chalmers in the same year, a department of Broadcasting was established on 1st April 1951, (Owuamalam in Nworgu,2011:30). This department later became known as the Nigerian

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Broadcasting Corporation with J.A. A. Vmott as its first Director General. Based on some exigencies of the period, the western Nigerian Television service* was established as, the first TV station in Nigeria and African in 1959. Consequently, the East and North followed suit in 1960 and 1962

Legal provision in favour of press practice in Nigeria

In a democratic dispensation like ours in Nigeria today, the actions and inactions of citizens are not judged by decree or even coup d'état but by the constitution. In Nigeria, the 1999 constitution of the federal Republic of Nigeria as Amended is the Legal frame work that guides the action of individuals co-operates bodies and even government. On this note, the practice of press in Nigeria also has a Legal provision that established it. Journalism practice in Nigeria did not just fall from the air some aspect of the law established it and thus serves as a legal provision for it. This legal provision as embodied in the 1999 constitution is

"The press, Radio, Television and other agencies of the mass media shall at all times be free to uphold the fundamental objectives contained in this chapter and uphold the responsibility and accountability of the government to the' people."

This section seems to be an empowerment to the role of the press. It is therefore a legal provision in favour of press freedom as it mandates the press to always hold the government accountable. Synonymous to that is section 39 of the 1999 constitution as amended subsection

Without prejudice to the generally of subsection (1) of this section, every person shall be entitled to own, establish and operate any medium for the dissemination of ideas and opinion provided that no person other than the government of the federation or of a state or any other person or body authorized by the presidents on the fulfillment of conditions laid down by an Act of the National Assembly shall own, establish or operate a television or wireless broadcasting station for any purpose what so ever.

This section is yet another legal provision guaranteeing the operation of the press in a democratic setting like ours. This section was born out of the need to provide a free atmosphere for journalists or the press as constitutionally called to discharge the mandate given to it in section 22, so for the constitution to grant any body freedom to establish and own any media house of his or her choice is a legal provision in favour of press practice in Nigeria. Most recently also as a legal provision in favour of press

Nweze respectively. Today Nigeria has the federal Radio Corporation of Nigeria (FRCN), Nigerian Television Authority (NTA) as government owned National Broadcast Press. The once owned by state and individuals well still there to speak volume of the growth of broadcast press in Nigeria [9].

contained in section 22 and section 39 of the constitution. Most recent; also is the signing of the freedom of information Act (FOI) in 2011 by President Goodluck Ebele Jonathan. The role of the press in the society can never be over emphasized, hence the need for Legal provision in favour of the practice of the profession freely. Section 22 as one the legal provision in favour of press practice in Nigeria mandate the press to at all times uphold the fundamental objectives and principles of state policy as contained in chapter II of the 1999 constitution According to the section:

(1) of this section states that: "Every person shall be entitled to freedom of expression including freedom to hold opinion and to receive and impart ideas without interference." It went further to state in subsection (2) that;

the operation of the practice in Nigeria is the signing into law the Freedom of Information Bill by President Goodluck Jonathan on may 28, 2011 the signing of this Bill according to Egede in [6] was a breath of Fresh Air to Nigerian Journalists. Freedom of information Act is an Act that gives every Nigerian a legal right of access to information, Records and documents held by both government and private bodies carrying out public functions. This Law

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according to [8] applies to all arms of government, the executive, legislature and Judiciary as well as to all tiers of government federal, local and state. It is on record that prior to assenting to this bill by president Good luck Jonathan, Nigeria has no law which guarantees citizens access to public Record. Note public acquired and held information is arguably our most strategic public resources. A public administration generates and utilizes it, government can not make decision without it, nor can the court deliver Justice if they were to be denied access to such information. The police needs it, our educational institution also needs it our" intelligent and* security agencies are established to guard it, the over side function of parliament at the national and state level will be incredibly enhanced by better access to it. Private investors rely on it for

Legal limitations /constraints against press practice in

The legal limitation of press practice in Nigeria is not far from the simple fact that the Nigerian press is muzzled by a plethora of laws regulations and legal requirements that makes the practice of journalism a problematic business. The governmental and security agencies are now huddling under these laws' to deny the press of their free right of expression, .Some of the interpreters do that wrongly just to muzzle media men and hide their evil deeds. Such laws as the law a libel, sedition, and contempt of court, official, secrete Act, Invasion of privacy etc have indeed handicapped Journalists not to report or say anything they consider good, for the interest of the public because of the fear of going contrary to this laws which are always bend to favour those in power and prosecute journalist. These laws have today come to stay as legal limitation or constraints to press practice in Nigeria. A separate look at this legal limitation and how it affects journalism practice will give us an inside into their impact on the Nigerian journalist. The law of Libel: In describing the law of libel [8], said the law of libel according to Tom crone in his book "law and the media" is and has always been the legal problem most frequently

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their decision making and consumers need it for informed choice in competitive market, yet nearly all of us are denied access to it. But having signed the bill in - to law; the Nigerian Journalists as well as other citizens now have in unrestricted access to public Record, thus the act now serves as a legal provision for journalism factice in Nigeria, a situation where Journalists can now penetrate any government Agency or other public offices to demand for information or records that will'enhance the credibility of his profession. Freedom of information laws attempt to assure the press access to meeting of governmental bodies and document that are classified or are part of public official's files and reflects possible corrupt activities in governments. So, this goes to suggest that the freedom of information Act is also legal provision in favour of press practice in Nigeria [5].

encountered by the media. The law of libel has its roots in the law of defamation with slander as the spoken equivalent. Libel according to Webster's unabridged Dictionary is defamation by written or spoken words or gestures. The act of or crime of publishing anything that is defamatory or that is maliciously or darnagingly misrepresented. This law is indeed a legal limitation and constraint to press practice. Law of sedition: Sedition is yet another legal limitation on the press. In its most broad, .sedition is defined as; "subsversive, written or acted offence against the state, its; functionaries and agencies or against public order or safety." Section 50 of the criminal code in Nigeria simply defines a seditious publication as a publication containing a seditious publication as a publication containing sedition intention. Subsection 2 of the section defines seditious intention as intention to bring into hatred or contempt or excite disaffection, against the person of the president or governor of a region or the government of the federation as by law established or against the administration of justice in Nigeria, among other meanings. Official Secret Act: This is another law that stand as a constraint to press practice in Nigeria

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A situation where all relevant document that will aid the successful operation of Journalist are classified as "Allied matters", that is, official secret, leaves nothing to be desired of Nigerian. This situation, has limited the journalist from having access to documents relevant to their profession and task. There is simply a conflicting interest of the two: Freedom of Information Act and the Official, Secrete Act are two A comparative Analysis of Press practice in Nigeria Under Military and Civilian Leadership

Doing a comparative analysis of press practice under Military Rule and Civilian rule is like comparing the stay of the biblical Israelites in Egypt and their stay in Cannana Land. The press and Military reigns exhibited acrimonious and confrontational Relationship. Their philosophies and modus operandi were and are still different. While the military believed in regimentation absolutism, secretary, "orthodoxy and violence, the press on the other hand believed in freedom of speech and expression, and openness. The press worked towards changing the status, quo and military regime strived towards maintaining it. During the military regime numerous anti-press decrees and edicts were formulated and enacted respectively to curtail press freedom. The military regime dealt wickedly with the Nigerian journalists. Many of the Journalists were detained, arrested, tonsured and jailed. Some were assassinated while many media houses were closed down, prohibited or banned. The presses were censored and harassed in so many ways. Press freedom was grievously tempered with. It was against this backdrop that Dr. H. N. Aligwe, in one of his articles on "Tolls on Nigeria press by military dictatorship" stressed on the contention of Ewelukwa and Nwankwo et al that the best military rule is worse than the worst democracy, (civilian Rule). According to him, people wonder at this seeming paradox, such that they find it difficult to reconcile how the best military government could be worse than the worst, democratic government. He maintained that the reason is because people consider national discipline,

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opposing legal instruments facing press practice in Nigeria. The existence of the two especially in the on-going democratic governance is not without peculiar interest, which when paired together is conflicting. So this law of classifying some document is nothing but a limitation to press practice in Nigeria. All those among other laws are the legal limitations«oj constraints to press practice in Nigeria [6].

seeming-economic prosperity and frugality, "unity of purpose and apparent national cohesion as evident attribute of military government and as a result, doubt that the "best military government is worst than the worst democratic government. While the people kept wondering on what are the indices or criteria for the comparison, one of the reasons he gave to advance this argument is not seaming National Cohesion, economic prosperity, or benevolence. This reasons are not military discipline, provision of social infrastructure nor creation of state, but the depth, breadth and volume of freedom guaranteed and enforced by the government for its citizens. Independence of the judiciary and freedom of the press among others could also be indices -for the above comparison. This argument is yet another area where one can't compare press freedom or practice under military rule and that practice by the civilian government. Furthermore, Ufuophu-Biri noted that since the establishment of the first news paper (Iwe Irohin) in Nigeria in 1859 till 29th may, 1999 the Nigerian press did not enjoy any appreciable degree of freedom. From 1859 till October 1, 1979 it suffered under the cruelty of military regime. The worst was to come for it between" January 1, 1983 and May 28,1999. As stated either, the press suffered untold hardship which ranged from various types of censorship to proscription and banning of media houses, psychological and physical harassment of media workers arid their 'families, seizure of newspapers and magazine copies, closure of media

houses, imprisonment of journalist to the killing of journalists. Since the first - military coup in January 1996, the military had not only destroyed the basis of natural democratic structure but has also destroyed the very fundamental and functionality and philosophy of the press freedom. The military regime suppressed the democratic and open press because it refused to toe the line of the "military. The Nigeria press under the military regime was often the only remaining organization in position to check the excesses of dictatorship and to provide a forum for the articulation of attentive direction. The military then saw this role of the press as an opposition. As a result, the military had to create much difficulty for the press in a devilish retaliation which banned the press from such, thus, the suffering and censorship of the press under military regimes were uncomfortable to the unelected and unrepresentative and relatively lacking in legitimacy and developmental orientation but fully endowed with abundant power for violence, repression and corruption, they, therefore wanted to bring the press under their feet, but the press also did not want to be caged. The lists below are some of evils done to Nigerian press by the military rule or regime,

- Tuned Thompson and Nduka Irabor were arrested on April 2nd 1984 and jailed for writing a story titled, "Eight military chiefs tipped as ambassadors."
- On 20th of May, 1984, tuned Kolawole a journalist was arrested t and detained.

Factors Militating Against Press Freedom in Nigeria.

There are many difficulties associated with guaranteeing press freedom in a democratic setting like ours. These factors have in no small measures stood against or impaired the practice of press freedom in Nigeria.. Among these factors are:

(i) Corrupt Judicial System: prior to this time, it was said that "judiciary is the last hope of a lay man" but this time around, judiciary is no longer the last hope of a lay man, but the last hope of an affluent evil man. By this I mean that the Nigerian

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- Mr. Haroun"Adafn was arrested for a publication against the government.
- Newswatch (proscription and prohibition from circulation) decree No. 6 of 1987.
- The news (proscription and prohibition from circulation) decree 1993, whicB'TJro&cribed and prohibited The News magazine from circulation.
- Newswatch magazine was proscribed on April 6th, 1987 for publishing the political Burean's recommendations ahead of the official announcement.
- Banji Ogundele, the editor of Sunday news was arrested and determined in Lagos on May 1, 1990 this and more and are the tolls on Nigerian press by military dictatorship [7,8].

Meanwhile, with the emergence of the civilian rule and the coming on board of the 1999 constitution the press received a breath of fresh air and had an atmosphere to operate feely to write and say anything they wish in fulfillment of their mandate in section 22 of the 1999 constitution. Again, signing-of the freedom of information act by the democratic government of President Goodluck Jonathan was another boast of press practice in Nigeria. So, the practice of the press under military government was nothing to write home about compared to civilianleadership.

judiciary system has become so corrupt that they now rely on gratification to pass judgment in favour or against. To this end, when the freedom of journalist are tramped upon and they resolves to going to court the possibility of their winning the suit filled against a particular worker or government official alleged to have denied their such right is not certain, because they may not be financially capable to sponsor the suit. On this ground, the presiding judge may decide to-delay the justice or completely

deny the justice because he/she may have collected a significant some of gratification. This then militates against press freedom,

(ii) Legal Control Of The Press: Another factors militating against press freedom in Nigeria is the one stated earlier that is that Nigerian press are muzzled by a plethora of laws, regulations and legal requirements that mares the practice of journalism a problematic business such laws, as the law of libel sedition, contempt of court, official secret, etc, are all legal control of the press that have militated and is still militating against press freedom in Nigeria,

(iii) Government Interference: Increasing interference by government of the day on

The Level of Press Freedom in Nigeria

In Nigeria, the imperative of the freedom that is like of a long journey only the initial hesitating stop have been taken. In

The government of Nigeria must evolve a tradition of respect for press freedom, and as a matter of policy recognize that the freedom entails right of Nigerian citizens to have access to information about how they are governed. It cannot be gains said that for the media Perform it watchdog function and to also provide the happen In the society it needs to be free.

A friend of mine once said, that what exist in Nigeria is freedom of speech, but not freedom after speech. This is-to tell you that the level of press freedom in Nigeria still leaves nothing to be desired of a developing nation, like ours.

No doubt, section 39 of 1999 constitution of the federal republic of Nigeria provides for the right of the freedom of the press and expression but despite the constitutionalization of the freedom the level of freedom doesn't allow citizens and the press to enjoy this right. Virtually, every constitution and International Instrument which purports to guarantee the freedom of the press and expression admits some derogation. Yes, "while not disputing the freedom, are there also some legal constraints on the government and its security agencies to prevent them from their arbitrary interference, harassment and the unnecessary closure of media houses. As a matter of fact, in a democracy like ours, there is no justification whatsoever for the various abridgements of the rights of

media practice in the country is yet another factor militating against press freedom in Nigeria. The government don* allow journalists especially those working for government owned media houses, to say or air anything that may indict them.

(iv) Ownership: Some people who owns a particular media houses either as publishers or it broadcast equivalent also interferes in the practice of journalism. To a large extent they influence the content of the media, thereby muzzling the freedom of the practitioners. All this among others are factors that militates against press freedom in Nigeria.

short press freedom and expression have not really gone down well with Nigeria. Onwosi in [4] suggested that,

journalists arrested and detained by security operatives. The sealing of media houses indiscriminately by government and intimate proscription of hundreds of thousands of publication informed by the same government is not also justifiable, and. this is the level of press freedom in Nigeria.

Again, as journalist, today in Nigeria, you don't say anything or everything anyhow, anywhere or anytime else anything can happen to you. A press man or woman whose play is endorsed by the government can not just say anything and go free. Today in Nigeria journalists have been harassed, molested, intimidated assaulted and imprisoned just for a particular news report they fill is needful for a democratic society. It is against this backdrop that one may be resistibly be tempted to say that journalism in Nigeria in an "endangered profession." However, this does not completely imply that press freedom have been lost in Nigeria, No. the press are relatively free with the legal provisions available to enhance this

freedom, but as stated earlier, the level of press freedom in Nigeria is just like a long journey, which only the hesitating step

Merit and demerit of press freedom in Nigeria society

While the clamour for complete press freedom persist in the Nigeria society, there is need to clarify that there are merits as well as there are demerits of such demand. [3] reveals that the role of the press as the fourth estate of the realm is to enhance not only the smooth operation and interaction between the executive, legislature and judiciary in the service of the people but to also prevent oppression of the people by this arms of government, and this role is realizable with only freedom of the press. According to [6] "Free access to news source is an indispensable requirement for accurate, faithful and balance news reporting/" This goes to suggest that one of the merit of press freedom in Nigeria is the presentation of accurate, truthful and balance information from the journalist who has the right to say things the way they are irrespective of who is involved. The implication of this is that there will be sanity in the political system as any political office holder who hides under position of authority and commit crimes or swore in corruption will be afraid of being indicted by journalists who now have the freedom to operate. Freedom of the press would be and it is a potent tool to fight corruption in the society. There are the merits of press freedom. Again, press freedom will promote responsible and exemplary leadership in the country with frees freedom the focus is entered on the culture of openness, transparency and acceptability to strengthen democracy, economic development, reduce conflict and ensure good governance and the rule of law. The bottom-line is that as a merit, press freedom in Nigeria will stop the unnecessary and selfish interference on media content by publishers (owners) or government. It will give journalist the legal right to publish or say anything without fear of molestation, harassment or detention it sanitizes the polity and flush away corruption. However, there are demerits of press freedom, just as they

have been taken. More still need to be done to enhance press freedom in Nigeria.

are merits. One of such demerit and probably the most alarming and the father of all is the ABUSE of the FREEDOM. One of the major factors that ushered in the social Responsibility theory was the gross misuse of the libertarian principle of the press. During the period, it was noted that the press was afforded with so much unrestrained freedom that it became careless and irresponsible, thereby taking its freedom for "guaranteed. The result of this was yellow journalism typified by character assassination and sensationalism press irresponsibility became the other of the day. The expected access to the media was not served and new problems were created by radio and television. This then justified the need for social responsibility theory. Furthermore, if the press is allowed, they may use the pen to bring down a legitimate government in a hard pill to swallow. In view of this, no one will definitely tolerate a freedom of the press that serves to divide the country and to open the floodgate of criticism against the freely chosen government that leads it. On his part, Egede in [4], supported this view when he said, "While appreciating the necessity of freedom of information Act, it calls for caution in its application. According to him, "any law is as good as its ability to be enforced/" Here among others lies the demerit of press freedom. What Press Freedom demand from members of the press other members of the Nigeria Society. The concepts of press freedom demand that, for it to be well operated and used to achieve its purpose;

- The journalist (members of the press) should use it rightly
- The journalist should use it for objective, accurate and truthful reportage
- The member of the press should be free to constructively criticize the government of the day
- It demands that the journalist should be guided by the morality of their code of conduct

- The government should clearly state the freedom of the press in the constitution..
- It also demands that the government stops the unnecessary harassment

intimidation, molestation and interference in the affair of the press.

Ways to Improve freedom and Practice in Nigeria

The ways of improving press freedom in Nigeria is not yet too far from what we have been talking

- i. Freedom of the press should be clearly stated in the constitution,
- ii. There should be legal constraint preventing the government and its security

agencies from unnecessarily interfering in the activities of the press,
iii. The excesses of the press, in utilizing the freedom should be checkmated to avoid abuse
iv. They should also be re-oriented on the relevance of the freedom. and on the need to make sure it is not abused.

SUMMARY

We have been able to establish that the imperativeness of press freedom in a growing democracy like ours can never be overemphasized. We have also said that it helps to achieve family and corruption free society. However, where such freedoms exist, abuse seems to be inevitable, therefore, the journalist should

guide themselves against misusing this freedom. This work has also stated that the level of press freedom in Nigeria is just like a long journey which only the initial hesitating step has been taken. It therefore implies that Nigeria should take serious and recognize the relevance of press freedom.

CONCLUSION

With the relevance and recognition of press freedom in Nigeria^ the political system in the country will grow and the democratic system will be strengthened. A country like Nigeria should therefore resist from intimidating and harassing the journalist, while the press strive to ensure that the freedom granted to them is not abused.

However, despite the antagonizing military jackboot, the press still struggled to exercise its traditional role of Watchdog and molding of public opinion, conscience and morality, this shows that if the press are to be completely free, then society will be a paradise on earth.

RECOMMENDATIONS

- i. The constitutional framework under which the press operates in Nigeria is precarious and therefore, suggests without trepidation that freedom of the press should be more clearly enshrined in the constitution.
- ii. Any existing legislation which tends to unduly strangle the freedom of the press should be reviewed.

- iii. There is need for legal constraint on the government and its agencies to prevent their arbitrary interference, harassment and closure of media houses
- iv. Again, Journalist accused of violating any criminal laws should be treated in accordance with the due process of the law *which* requires prompt and fair trial before competent court.

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