

SB. 44

A BILL

FOR

AN ACT TO PROHIBIT THE EXISTENCE, MEMBERSHIP AND ACTIVITIES OF SECRET CULTS IN EDUCATIONAL INSTITUTIONS AND WITHIN PUBLIC SERVICE OF FEDERAL REPUBLIC OF NIGERIA AND FOR OTHER PURPOSES CONNECTED THEREWITH

Sponsored by SENATOR JULIUS ALI UCHA

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Commencement.

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria—

1 1. This Act may be cited as the Secret Cult and Cult Related Activities
2 (Prohibition) Bill, 2004.

Citation.

3 2. The existence, activities, and membership of any secret cult in any
4 educational institution and within the Public Service of the Federal Republic
5 of Nigeria are hereby prohibited.

Secret cult prohibited.

6 3.—(1) As from the commencement of this Act, any person whether or
7 not is a student or a staff who—

Offences and punishment.

8 (a) is a member of a secret cult in any educational institution in the Federal
9 Republic of Nigeria; or

Offence of

10 (b) is a member of a secret cult within the service of the Federal Republic
11 of Nigeria; or

12 (c) being a student or member of staff in educational institution by his
13 statement or by shacking of hands in an usual or conventional manner
14 or conduct represent himself to be a member of any secret cult; or

15 (d) being a student, ex-student or public officer is present at or takes part in
16 any initiation ceremony of members or invocation or meeting or gathering
17 of any secret cult; or

18 (e) being a student, ex-student or public officer is found in possession of
19 any dress, costume, uniform, secret regalia, ring, identity card, insignia,
20 certificate, symbol, book, register, cult instrument or article belonging to
21 or connected with any secret cult; or

1 (f) being a student, ex-student or public officer in furtherance of the
2 activities of any secret cult, engages in any activity or association which
3 are—

4 (i) not in the interest of National Security, public safety, public order,
5 public morality or public health; or

6 (ii) illegal, inimical, destructive, dangerous or unlawful; or

7 (g) being a student, ex-student or public officer, is associated with, finances
8 or found in the company of members of any secret cult in the course of
9 promoting or encouraging the activities of a secret cult is guilty of an
10 offence and upon conviction shall be liable to seven years imprisonment.

11 (2) (a) Any person being a student, ex-student or public officer who,
12 assaults, threatens, uses or threatens to use actual violence to any other person
13 or property in furtherance of the activities of any secret cult shall be guilty of
14 an offence and liable to fourteen years imprisonment upon conviction.

15 (b) If—

16 (i) Any person mentioned in paragraph (a) of this section is armed with
17 any firearms, offensive weapon or any weapon of mass destruction or is
18 in company with any other person so armed; or

19 (ii) at or immediately before or immediately after the time of the assault,
20 the said offender wounds, or causes grievous bodily harm, maims or uses
21 any other personal violence to any person is guilty of an offence under
22 this Act and shall be liable upon conviction to imprisonment for life.

murder/
Application of
Criminal
Procedure
Act, Cap. 80
of Criminal
Procedure
Code, Cap.
485.

23 4. Any person being a student, ex-student or public officer who
24 unlawfully kills another in furtherance of activities of any secret cult is guilty of
25 an offence of murder under the criminal code Act or penal code Act depending
26 on the Jurisdiction where the offence is committed.

Punishment
for illegal
possession
of firearm/
dangerous
weapon in
furtherance
of activities of
secret cult.

27
28 5. Any person being a student, ex-student or public officer who is found
29 in possession of firearm, dangerous weapon or weapon of mass destruction
30 or any of the aforementioned being under his control is guilty of an offence
31 under this Act and shall upon conviction be liable to twenty-one years
imprisonment.

Punishment

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1	6. Any person who—	
2	(a) aids, counsels, conceal, abets or procures any person to commit an	for parties
3	offence under this Act; or	to offences
4	(b) conspires with any person to commit an offence under this Act,	under this
5	whether or not he is present when the offence is committed is guilty of an	Act.
6	offence and shall on conviction be liable to ten years imprisonment.	
7	7. Any person who—	Offences
8	(a) directly or indirectly assists, permits, promotes, encourages or facilitates	relating to
9	the membership, existence or activities of any secret cult in any educational	sheltering
10	institution or public service; or	secret cult
11	(b) knowingly houses, shelters, give quarter to any person who is a member	members.
12	or an intending member or connected with any secret cult is guilty of an	
13	offence under the Act, and shall be liable on conviction to imprisonment	
14	for five years.	
15	8.—(a) It shall be an offence punishable under this Act, for any person,	Offences
16	hospital, clinic, health center or chemist to admit, treat or administer any drug	relating to
17	to any person suspected of having or actually having bullets wounds, injuries	treating of
18	or bruises resulting from cult or cult related activities without first reporting	cult members
19	such a person or matter to the police.	and victims of
20	(b) Any person convicted of an offence in paragraph (a). of this section	cult activities.
21	shall be liable—	
22	(i) in the case of an individual to imprisonment for a term not exceeding	
23	three years; and	
24	(ii) in the case of hospital, clinic or health centers or a chemists to a fine	
25	of eight thousand naira and in addition the hospital or clinic or health	
26	center shall be investigated to know whether the management or staff	
27	are members of any secret cult.	
28	9. Any person who attempts to commit an offence under this Act shall	An attempt
29	be guilty of an offence and liable on conviction to imprisonment for five years.	to commit
30	10. Any person who willfully or maliciously set fire—	offence under
31	(a) to any public building, dwelling house, office or structure whatsoever,	this Act.
	whether completed or not, occupied or not, vehicle, in furtherance of any	Offences of
		Arson.
		Power to

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	1	secret cults or cult related activities shall be guilty of an offence under this
	2	Act and shall be liable on conviction to imprisonment for life.
arrest without warrant.	3	11.—(a) A police officer may arrest without warrant or on a tip-off any
	4	person reasonably suspected of having committed or about to commit an
	5	offence under this Act and may use such force as may be reasonably necessary
	6	to effect the arrest of that person or to prevent his escape.
Power to search.	7	(b) Notwithstanding the provisions of any other enactment conferring
	8	power, to search—
	9	if a police officer is of the opinion that there is reasonable ground to suspect
	10	that there may be found in any building or other place(s) whatsoever, any
	11	dress, costume, uniform, regalia, ring, identity card, insignia, certificate,
	12	symbol, book, register, firearms, dangerous weapon, chemical weapon,
	13	any weapon of mass destruction, information or article belonging to or
	14	connected with any secret cult which, in his opinion, are or may be material
	15	to the subject matter of any prosecution under this Act, he may obtain a
	16	search warrant signed under the hand of a superior police officer in his
	17	division not below the rank of an Assistant Superintendent in order to enter,
	18	if necessary by force, the said building or other place(s) and to search or
	19	seize and remove any such thing afore-said found therein.
	20	(c) In the exercise of power to arrest without warrant under this section,
	21	a police officer may arrest any person reasonably suspected of having
	22	committed or about to commit an offence under this Act with or without
	23	the consent or approval of the authority of any institution or establishment
	24	being had first obtained.
	25	(d) Where the person being arrested or being about to be arrested is
	26	the head of the institution or establishment, the police officer shall arrest the
	27	person referred under paragraph (c) of this section except where the person
	28	concerned is under any immunity.
Trial of offence under this Act.	29	12.—(a) The trial of all offences under this Act shall be by general Law of
	30	trial of offences under the provisions of the criminal procedure Act or criminal
Prosecution of	31	procedure code depending on the Jurisdiction, the criminal procedure code.
		(b) Prosecution for offences under this Act shall be instituted before

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1 any regular court in Nigeria in the name of Federal Republic of Nigeria by the
2 Attorney-General of the Federation or such officer in the Federal Ministry of offences.
3 Justice as he may authorize to do so, and in addition thereto, he may—
4 (i) authorize the Attorney-General of any State in the Federation, or
5 any officer in the Ministry of Justice of that state to undertake any such
6 prosecution directly or assist therein;
7 (ii) if contingencies so dictate, authorize any other Legal or security agent
8 to undertake any such prosecution directly or assist therein—
9 Provided that the question whether any authority has been given in pursuance
10 of this subsection shall not be enquired into by any person other than the
11 Attorney-General of the Federation.
12 (iii) Prosecution of offences under this Act shall be given accelerated
13 hearing.
14 13. As from the commencement of this Act—
15 (a) any person who is a member or about to be a member of any secret
16 cult in any educational institution or a staff of a public office may publicity
17 withdraw or renounce his membership or intention in any of the local or
18 National dailies of his choice; Miscellaneous
19 (b) no prosecution shall lie against any person who in pursuance of this Provisions.
20 section so voluntarily withdraw or so renounces his membership or
21 intention; Interpretation.
22 (c) any other Law or Act, instrument except the provisions of the
23 constitution of Federal Republic of Nigeria prohibiting secret cult or cult
24 related activities in any educational institution or public service of the
25 Federal Republic of Nigeria shall take effect subject to the provisions of
26 this Act;
27 (d) any person accused of an offence under this Act shall be entitled to
28 defend himself in person or by a person of his own choice who is a legal
29 practitioner resident in Nigeria;
30 (e) notwithstanding anything to the contrary in this Act or in other
31 enactment or law, a student or staff or public officer against whom charge
has been preferred in regular courts of competent Jurisdiction under this

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1 Act shall cease to be a student of the institution where he is admitted.
2 (f) In case of a public officer shall cease to perform the functions of his
3 office and shall remain so suspended or interdicted from carrying out the
4 duties of the office until the case against him is finally disposed of by the
5 trial court.
6 14. In this Act, unless the context otherwise requires—
7 “assault” means striking, touching, moving or otherwise applying force,
8 including heat, light, electrical force, gas, odour or any other substance or
9 thing whatever as to cause personal discomfort to the person or another;
10 either directly or indirectly;
11 “firearm” include any canon, gun, rifle, carbine, machine gun, cap-gun;
12 flunk-lock gun, revolver, pistol, ammunition or other firearm whether whole
13 or in detached pieces;
14 “dangerous weapon” means any article (apart from a firearm) made or
15 adopted for use for causing injury to the person intended by the person
16 having it for such use by him and it includes an air-gun, air pistol, bow and
17 arrow, spear, cutlass, matchet, dagger, cudgel, or any piece of wood, metal,
18 glass, bottle, or stone capable of being used as a dangerous weapon;
19 “weapon of mass destruction” means any chemical weapon, explosive
20 substance, bombs among other things of the same family;
21 “educational authority” means any person or persons in charge of, in
22 control of an educational Institution;
23 “educational Institution” means any institution of learning including
24 primary, secondary, college of education, polytechnic; college of science
25 and Technology, Universities, School of Nurses and other higher Institution
26 of learning in Nigeria;
27 “Public Service” means the public service of Federal Republic of Nigeria,
28 states and local government;
29 “Public Officer” means an officer engaged in the public service of Federal
30 Republic of Nigeria, State and Local Governments;
31 “Superior Police officer” means any police officer in the rank of ASP
(Assistant Superintendent of police);

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- 1 "Schools" means private, missionary and public schools;
- 2 "Secret cult/society" includes any society, association, organization, group
- 3 or body of persons (whether registered or not) that—
- 4 (a) uses secret signs, oaths, rites or symbols and which is formed to
- 5 promote a cause, the purpose or part of the purpose of which is to
- 6 foster the interest of its members and to aid one another under any
- 7 circumstances without due regard to merit, honesty, due process
- 8 reorganized by the constitution of Federal Republic of Nigeria, fair play,
- 9 equity, justice, to the detriment of the legitimate interest, aspiration and
- 10 well-being of those who are not members;
- 11 (b) the membership of which is incompatible with the functions or
- 12 repugnant to public order, safety and morality or dignity of any public
- 13 office under the constitution of Federal Republic of Nigeria and whose
- 14 members are sworn to observe oaths of secrecy; or
- 15 (c) the activities of which are not known to the public at large, the
- 16 names of whose members are kept secret to the exclusive preserve
- 17 of the members and whose meetings and other activities are held in
- 18 secret.
- 19

EXPLANATORY MEMORANDUM

This bill seeks to prohibit secret cult and cult related activities in our Institutions of learning and public service.

It seeks to make comprehensive provisions for sundry secret cult offences with stiff penalties thereof as they have been death of legislation prohibiting secret cults throughout the Federation.