

**-PUBLIC OFFICERS (PROTECTION AGAINST  
FALSE ACCUSATION) DECREE 1976**



**Decree No. 11**

[29th July 1975]

Commence-  
ment.

**THE FEDERAL MILITARY GOVERNMENT** hereby decrees as follows :—

1.—(1) Any person who publishes or reproduces in any form, whether written or otherwise, any statement, rumour or report alleging or intended to be understood as alleging that a public officer has in any manner been engaged in corrupt practices or has in any manner corruptly enriched himself or any other person, being a statement, rumour or report which is false in any material particular, shall be guilty of an offence under this Decree and liable on conviction to be sentenced to imprisonment for a term not exceeding two years, without the option of a fine.

False  
accusation  
of corrup-  
tion, etc. to  
be an offence.

(2) In any prosecution for an offence under this Decree the burden of proving that the statement, rumour or report which is the subject-matter of the charge is true in every material particular shall, notwithstanding anything to the contrary in any enactment or rule of law, lie on the person charged.

2.—(1) An offence under this Decree may be commenced and proceeded with summarily in the High Court of any State in Nigeria.

Trial of  
offence  
under the  
Decree, etc.  
1964 No. 1

(2) Section 24 of the Interpretation Act 1964 (which among other things, provides that a person shall not be punished twice where he is guilty of an offence under more than one enactment) shall apply in respect of an offence under this Decree.

3. Nothing in this Decree shall be construed as affecting the right of any person to institute civil proceedings against any person in a court of competent jurisdiction in respect of the publication of any statement, rumour or report which is the subject-matter of proceedings under this Decree.

Prosecution  
not to be  
bar to civil  
proceedings.

4. In this Decree,  
“public officer” means—

Interpre-  
tation.

(a) any member of the Supreme Military Council, the National Council of States or the Federal Executive Council, the Military Governor of a State, any Commissioner in the Government of the Federation or of a State ;

(b) any member of the Nigerian Army, the Nigerian Navy, the Nigerian Air Force or the Nigeria Police Force ;

(c) any person who holds any office in—

(i) the public service of the Federation or of a State within the meaning of the Constitution of the Federation or of a State,

(ii) the service of a body whether corporate or unincorporate established under a Federal or State law ; or

(iii) a company in which any of the Governments in the Federation has controlling interest.

5. This Decree may be cited as the Public Officers (Protection Against False Accusation) Decree 1976 and shall, notwithstanding anything to the contrary in any enactment or rule of law, be deemed to have come into operation on 29th July 1975.

MADE at Lagos this 11th day of March 1976.

LT.-GENERAL O. OBASANJO,  
*Head of the Federal Military Government,  
Commander-in-Chief of the Armed Forces,  
Federal Republic of Nigeria*

#### EXPLANATORY NOTE

*(This note does not form part of the above Decree but  
is intended to explain its purpose)*

The Decree makes it an offence for anyone to propagate, by any means, any false allegation of corruption in relation to any public officer as defined in the Decree. Persons convicted of an offence under the Decree are liable to imprisonment for a term not exceeding two years without the option of a fine.