

## **Bureaucratic Processes in Media Practices in Nigeria**

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**Abstract:** This paper examined the relationship between bureaucracy and media practice in Nigeria, It explored the meaning of bureaucracy and how it affects the operation of the press in a democratic setting like Nigeria. It explained the extent of press freedom and various measures of controls embedded in the constitution, which are covertly or overtly used by various governments to put a leash on the perceived enormous power wielded by the media. The paper outlined various forms of controls, such as laws, rules and regulations, discussed the purview of freedom of the press within a democratic government and the implication of bureaucracy to media practice in Nigeria. It gave an insight into the scope of The Freedom of Information Act. It x-rayed a few cases, including the Amakiri v Iwowari Case for indepth understanding of the extent of altercation between the government and the press. The paper averred that, in as much as there are self-serving people and those who fear for their secrets to be made public in government, and media personnel who despite the gag rules and threats to lives, would continue to stand by the tenets of the profession, the continuous struggle for total freedom by the press is still a battle in progress. The paper therefore suggests that, based on the assumption that freedom of the press might not be absolute, there should be a democratic adjustment to curb the excesses of some laws promulgated during the Military era as we are now operating a democratic system of government, and also media practitioners should counterbalance the power to influence the public with a commensurate of social responsibility through self-censorship, well planned media content, communicated responsibility with consideration of the impact it might have on the audience. Media organizations should reorganise in such a way that their potential will increase and threats are minimized.

**Keywords:** Bureaucracy, media practice, press freedom, democracy, government.

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### **I. INTRODUCTION**

The press has been variously described by different names, one of which is "the fourth estate of the realm, a role which confers on it, the power to check on the function of the government. Media involvement in public affair also earned it the designation of a "watchdog" which inevitably results in an adversarial relationship between it and the government, and in a young democracy like Nigeria, it is viewed as a national unifier.

Therefore, a cardinal role of the press in a democratic system of government is to keep the public informed about governmental activities, and this is a function that is easier conceived than delivered. The reason being that, there is hardly any government that will concede to reveal all its secrets to the glaring light of press investigation and a probing press, in the true spirit of its professional calling, wish to pry into all that government does to ensure that it is performing properly, must surely collide with the government. Very often, the press runs into a resistant government, not willing to subject its actions to such light of scrutiny, the inevitable result is conflict.

The press and the government continuously say they are both dedicated to the interest of the people, but very many times, the people's interest are seen differently by both parties and this also accounts for the inevitable confrontation that eventuates in the media-government relationship in a democratic setting.

### **II. BUREAUCRACY**

Bureaucracy is defined as a system of government in which most decisions are taken by state officials rather than by elected representatives. Hague, Burrin and Broslin (2016) in Political Science Notes explained that, bureaucracy is the institution that carries out the functions and responsibilities of the state. It can also be defined as a type of administration, primarily manned by some permanent officers recruited by a body which acts independently, bear the burden of policy making and implementation.

Bureaucracy is a specialized system and process of maintaining uniformity or authority within an organization and are used to administer formal rules of internal behavior within large organizations or governments. Arny Troolin, a freelance writer, identifies four key characteristics of bureaucracy, they include; a clear hierarchy, division of labour, a set of official or formal rules and officials recruited strictly on the basis of proven efficiency and competency. This bureaucracy is characterized by precision, speed, unambiguity, knowledge of files, continuity, discretion, unity, strict subordination, reduction of friction, materials and personal costs.

The indispensability of bureaucracy or bureaucratic processes is attributed to the complexities in modern administration. Webber ( ) also lend credence to this notion when he said, it is obvious that, technically a large state is absolutely dependent on bureaucratic basis. Weber advocates the idea that bureaucracy is ideal, efficient, reliable and above all, a rational method of administration.

According to Nitisha (2017), some political scientists have devised few models of bureaucracy; The rational-administrative model, Power block, model and the government over-supply model.

### **2.1 Rational-Administrative Model**

This states that, bureaucracy is rational administrative machine and because of the rationality, Weber calls it an ideal type which correlates with the Weberian theory of bureaucracy due to its clear hierarchical, strictly demarcated duties, based on rule of law among others. Weber also asserted that, bureaucratic authority or administration is superior to traditional or charismatic authority, efficient and reliable, hence a rational method of administration.

The advance of democracy or the rapid growth of democratization has also considerably accelerated the growth of bureaucracy in recent years which led to the reduction in people's faith in traditional and charismatic authority. The concept of rational revolves around the ideas of efficiency, experience and neutrality and considered far better than the traditional and charismatic authority.

### **2.2 The Power Block Model**

Carl Marx believed that, the modern state was the outcome of capitalist development. He believed that bureaucracy was a machine used by the bourgeoisie for the attainment of goals and therefore, more concerned with its class role and not as a modern social phenomenon as advocated by Weber. In Weber's analysis, bureaucracy is viewed as a mechanism of administration while in Marxism analysis, it was seen as a mechanism of class rule.

### **2.3 Bureaucratic Over-Supply Method:**

This concept as derived from Weber's Rational-Administrative Model is "the concern with the interests and motivations of bureaucrats themselves". Generally, men are known to be self-interest seeking and bureaucrats are no exception. To attain their personal goals, they use and utilize all the legal and possible ways. They often resort to political tactics to satisfy their various needs.

Today, bureaucracy which represents structures and controls put in place to regulate media practice has been tainted with political maneuvers and has lent itself to criticism in the sense that, due to personal interests and is now almost synonymous with redundancy, arbitrariness and inefficiency. This is reflected in one common satirical definition of bureaucracy as "the art of making the possible impossible".

## **III. THE MEDIA IN PERSPECTIVE**

In mass communication, the system or apparatus that provide information to many people are referred to as the mass communication media. The term "media" originated from Latin and means, path, way or means. Therefore, in Mass Communication, it refers to the actual substance or instrument which carries message from the sender to receiver. Mass media is the collective communication outlets, tools and institutions that use these instruments to transmit messages. They include: Television, radio, motion pictures and sound recording which are the electronic media while newspapers, magazines, and books collectively are the major print.

In this discourse, the media is looked at from the angle of processes and practice by media practitioners hence the most important medium of expression for effective dissemination of news and opinions in our society today, this is the reason it was looked upon as the fourth estate of the realm which wields immense political, economic and social power, if given a viable environment to thrive.

Hiebert, Ugurait, Bohn, (1985, p.4) acknowledged that, the media play vital role and serve as the control nervous system found in every political state. It imparts news of note, reports wide variety of topics, create powerful personalities who are relied upon as sources of information and commentary which invariably, shape the societies.

As the fourth estate of the realm, they interpret policies and programmes of government to the general public. Against this backdrop, Asemah, (2010, p.40) noted that, the press articulates public consciousness

through focusing attention on issues and concerns of public interest, sets public agenda, act as a purveyor of public sentiment on any topical issue.

Four major ways by which the media function in the society were identified by Hasan, (2010,p.126-127) as; (i) to inform; by providing the latest information in the field of interest of the audience; (ii) to entertain; by providing ways of escape and diversion from the realities and anxieties of daily living; (iii) to educate; the press contributes to social progress by educating the masses, keeping in mind, the real needs of the audience; (iv) to persuade; this is achieved by making selected specialised communication to some selected audience in order to bring about desired behavioural change. Hasan further explains that, besides the primary functions, there are some secondary functions they serve, which affect public opinion, political opinion and government, and help to improve the socio-political fabric of democracy. These include:

- Surveillance of the environment by acting as watchdog of the society.
- **Correlation:** The press helps the public to relate to the large society by providing a forum for debate and discussion which helps the audience to interpret better.
- **Public opinion:** Divergent views and in-depth analyses help an average person to take a stance on critical issues.
- **Political agenda:** The press is regarded as the market place of political thoughts in a democracy, for the policies and aims of government to be made known, which are then examined exhaustively by the opposition, communicators, editors and the public in general.
- **Link between government and people:** the media help to build links between the government and the people, thus, building up the political fabric.
- **Socialization:** the press illuminates the social fabric and influence the shape of its pattern.

In the third world countries, one of which is Nigeria, where development aspirations cut across almost all areas of human endeavour hence the media according to Ineji, (2011, p. 138-139) is a ready asset for the dissemination of information for, rural/community development, social change, self-accomplishments, mobilization, education and as a socio-cultural facilitator.

### **3.1 THE ROLE OF THE MEDIA IN NIGERIA**

In every democracy and media practice, political state, the media, is saddled with enormous responsibilities among which is its role as a reflection of its political milieu. The press always takes on the form and the correlation of the social and political structure within which it operates. In Nigeria, democratic system of government is practiced, hence, democracy is defined as the government of the people, by the people and for the people, and it is expected that the media should ensure, the citizenry are well informed.

Ogbagu,(1992) in Asemah, (2011, p. 108} defines democracy "as a system of government by the whole population usually through elected representatives and organizations, governed on democratic principles, favouring social equality, a system in which policy is decided centrally and binding on all members.

The mass media have a role to play in the democratic process by creating an arena for free dialogue between and among the people, to ensure their voices are observed and adhered to, which includes making available, an enabling environment in which alternate viewpoints and perspective are brought fully into play. It is not only for progressive social engineering but for emancipation and empowerment, giving people the right to define their normative vision of the world and their place in it, through access to alternative perspective of society.

For a more solidified democracy, there must be press freedom which is an essential element of every free state and modern democracy, as the survival of any democratic government depends on the volume of flow of information and opinion. Ogor, (2002) asserts that, the populace must be aware of all activities of the government, whether at federal, state or local government level. This he said, would help to foster the development of a democratic culture in a civil society.

### **3.2 PRESS FREEDOM AND VARIOUS FORMS OF CONTROL**

The media, both the print and electronic have very crucial roles to play in every democratic process and if the press is to serve humanity, then it should be allowed to operate in a free market place of ideas. Press freedom according to Egbon (2010, p.6) is elusive, slippery, volatile and hard to define.

*The ideal in freedom of communication is simply a continuum somewhere between absolute control and complete freedom ", stating that it is a fact that, throughout the world no country can actually say with absolute certainty that, it has achieved complete freedom of communication. Views of how the media is to operate have been found to be fundamentally inconsistent and often times contradictory due to differences in interpretation of issues, fundamental conflict of values, interests and priorities in the society.*

However, some see it as a their right to communicate idea, opinions, and information through the printed word without governmental restraints, and lack of prior restraint or licensing, constitute what can be referred to as press freedom. Flint (1996) argues that freedom of the press is essentially the freedom of the people to be informed, any restriction on the freedom of expression, invariably infringes on the right of the press and its freedom to perform for society.

Asemah (2011) states that press freedom has to do with the liberty to distribute or disseminate all forms of information without any form of censorship and that, the absence of free flow of information and opinion is detrimental to a democratic state like Nigeria. The press is saddled with the responsibility of laying a concrete foundation for the democratic culture of a nation which is based on equity, truth, fairness, justice and respect for human rights. Schramm (1963) in Asemah(2011,p,113). Schramm observed that, the media should be viewed as agents of socialization and source of unity through information dissemination and sharing ideas, so that, individuals become aware of a given situation and are able to participate in the task of nation building.

The role of the media have been clearly articulated in the various constitutions operated by Nigeria right from 1963. The 1963 Constitution for instance, made constitutional provision for the protection of press freedom, stating that "every person shall be entitled to freedom of expression, including ideas and information without interference. "Every person shall be entitled to own, establish, and operate any medium for the dissemination of information, ideas and opinions provided that no person other than the government of the federation of Nigeria or of a state or any other person or anybody authorized by the president may own and operate a television or wireless broadcasting station and by the reservation of Article 22 that media "shall at all times highlight the responsibility and accountability of the government to the people".

The constitution of 1979, 1989 and 1999 also contained provisions for press freedom and individual rights. For people to retain their power over democratic governance, there must be an unfettered flow of information from the government through the pluralistic media. The Nigerian mass media functions both as individual and as institutions.

Udoakah (2014) posits that, freedom means freedom of the press to criticize the government and its officials in their conduct of public affairs and all other persons or organizations whose activities affect public welfare, without intimidation or victimization. He explained further that, freedom from administrative or legal order to stop publication of a newspaper even though the publication maybe libelous or malicious; freedom from press-censorship and freedom from measures aimed to control or restrict circulation and that, the press should be free to condemn and make suggestions for amendment when necessary.

Dominick, (1990, p.387) identified two forms of regulation controls of the press, namely; Formal and informal controls.

- Formal controls include: Judiciary control, organizational control, advertising control, self-censorship and access to information.
- Informal controls include:- Personal ethics, performance codes, internal codes; organizational policy, professional self-regulation in advertising and external pressure from economic pressures and pressure groups.

Edeani (1970) identified seven major forces which influence and control the press, they are:-The mass-media owners, professional communicators, the general public, special interest groups, advertisers, the law and the courts, and the government. Of all types of controls, those imposed by the government are most extensive and by far the most consequential and ominous.

Udoakah, (2014, p.75-98) captures this notion succinctly in his explanation on the nature of control on media output in Nigeria. He averred that, editorial control takes many forms in Nigeria as elsewhere and identified the following forms of controls:

- a. Constitutional and legal control;
- b. Policy objectives;
- c. Direct instructions from government or its agents;
- d. Appointment of directors and dismissals of journalists
- e. Arrests and detentions; and
- f. Deliberate delays in transactions with media.

### **3.3 Constitutional and legal controls/Judicial Control**

Government control started with the promulgation of laws, rules and regulations used as prior restraints on media practice in Nigeria. This is a situation whereby, the government attempts to censor the press from publishing or broadcasting materials perceived to be against it.

Udoakah observed that, it is a paradox that while Section 21 of the Constitution guarantees the media to oversee government discharge its obligations to the people as defined in the Constitution and to seek government accountability to the people,. Section 36(2) denies them power to carry out that responsibility by subjecting them to a morass of legal constraints.

In Nigeria, various governments enacted many draconian, and press laws, proscriptions, seizures and detention of journalists to check perceived unfavorable information about the government from getting to the public, for instance, in 1933, Decree 35 empowered the government to confiscate and prohibit the circulation of any public publication that undermined the states security.

Otu, (2009) states that, the publication prohibition Decree 48 of 1993 proscribed all publications in the Concord Press stable while the Newspaper Registration Decree No. 453 of 1993 cancelled and provided new, stringent requirements that made almost impossible for press to operate and the Treason and Treasonable Offences Decree made it an offence to report or publish any information that was deemed treasonable. Reports of arrests of journalists, vendors and cases of seizure of newspaper and magazines are rife in Nigeria, inspite of these threats, there are also cases of journalists and social critics who are not cowed by these constitutional constraints and are bent on performing their duties as watchdogs of the society.

The following are listed by Udoakah (2014) as laws that are still in force at the moment:

- i. The Newspaper (Amendment) Act, 1964:** This aims to regulate the registration, publishing and printing of newspapers. It also requires newspapers to have offices in the Federal Capital Territory.
- ii. Seditious Publication and Criminal libel Laws:** Section 51(c) of the Criminal Code makes it an offence to publish or distribute anything likely to incite the public against the government, while Section 59(1) prohibits publication of any false report likely to cause fear and alarm to the public or to disturb the public peace,
- iii. Contempt of Court:** It is an offence under Section 113(4) and (5) of the Criminal Code to publish anything capable of prejudicing the court against any party to a proceeding before it or to publish any evidence in a judicial proceedings, directed to be held in private.
- iv. The Defamation Act, 1961:** This prohibits the publication of anything likely to bring any person to disrepute
- v. Obscene and Indecent Publications Act**
- vi. Official Secret Act, 1962:** This makes it illegal for any person to transmit any classified matter to unauthorized persons and for any person to obtain such classified matters without authorization on behalf of the government
- vii. Defamatory and Offensive Publications Act No. 44 of 1996:** This makes it an offence to publish anything likely to provoke or bring into disaffection any section of the Nigerian community.
- viii. Newspapers Prohibition of Circulation Decree, 1967:** This empowers the Federal Government to prohibit the circulation of newspaper for a minimum period of twelve months, if it was satisfied that the unrestricted circulation in Nigeria of that newspaper was or might be detrimental to the interest of the Federation or any State of the Federation. Udoakah states that, an application of this law was played out in the ban on Newbreed Magazine in 1978, for two years, after publishing a cynical comparison between the Obasanjo administration and Yakubu Gowon from which it took over and a critique of the Nigerian Security Organization (NSO), in its May and June editions of that year.
- ix. Legislative House (Powers and Privileges Act):** Sections 14 and 15 of this law ban any person who is not a member or any officer of the legislative houses from entering their precincts without permission from the President of the House and require any person allowed in, to leave on the orders of the President. Another law came into force between April 1984 and August 1985.

This was the Public Officers (Protection Against False Accusation) Decree, 1984 also known as Decree 4: It prohibited publication of false reports alleging corruption practices against public officers. It required offenders to be tried by a special tribunal whereas, the former required them to be tried by Court and stipulated penalty of imprisonment for a term not exceeding two years (p. 75-77).

Since Nigeria has spent most of its years as a nation under military rules, most repressive and harassment of the press have taken place under the military. Nevertheless, the Nigerian press, alive to its responsibility and conscious of the constitutional right to freedom of expression, has inspite of odds, tried to uphold the integrity of the profession.

Many a journalist have in this course suffered undue deprivation of liberties or even lost their lives in the process. Committed journalists like Dele Giwa of The Newswatch Magazine got letter-bombed because of a scoop he was working on. Nduka Irahor and Tmule Thompson of the Guardian Newspapers were sent to jail for maintaining the media man's privilege of not revealing the source of information, Chris Anyawu (a woman journalist) editor and chief executive of the Sunday Magazine was clamped to jail alongside Kunse Ajibade. George Mba and Ben Charles Obi, on trumped up charges of an alleged coup plot. They were detained in different prisons across the country on a fifteen years jail sentence each, by a special military tribunal headed by Brigadier General Patrick Aziza for publishing reports in magazine on the alleged Colonel Gwandembe coup of 1995.

Others like Nosa Igicbor, Editor of Tell Magazine was compelled to flee the country leaving behind his family, while his daughter was being harassed with a gun by government operatives to produce her father.

According to Udoakah, some newspapers were proscribed, among which are the Newswatch, which was sealed off for six months by decree 6 of 1988, for publishing what the military termed offensive, the Concord Group of Newspapers was also proscribed using decree 4 of 1992 for being sympathetic with the cause of June 12, 1993 Presidential Election Result. Other areas of control as listed by Udoakah are:

### **3.5 Appointment and Dismissals**

He observed that, appointment of editors on government-owned media is political, so is the appointment of directors. He explained that, while directors are appointed directly by the government, the editors are appointed by the directors in consultation with the government. They are to rein in the journalists and prevent them from bothering the government.

### **3.6 Arrest and Detention**

This is described as the most recklessly used form of editorial control. The Minere Amakiri's case in 1973 was viewed as the most publicized and brutal of treatment meted out to a Nigerian journalist in the 1970s. His offence was that, he filed a report of teachers' ultimatum in Rivers State to go on strike if their demands were not met and the publication coincided with the Rivers State Governor's 31<sup>st</sup> birthday, he was arrested, stripped naked, had his head shaved and gave 24 strokes of the cane.

He was dumped in an unused toilet and locked up without food or drink. The sadistic savagery and barbarity of the act perpetrated by Mr. Iwowari, the Governor's aide reached the public, drawing condemnation from the public, Nigerian Union of Journalists, the Newspapers Proprietors Association, the Guild of Editors and even the Nigerian Union of Teachers. Despite the uproar generated by the issue, there was no response from the Federal Government and River State Government as per the offence purported committed by Mr. Amakiri.

This led to a coalition of the press organizations in the country, who came together to institute a court action against the Governor's ADC. After a ferocious legal battle, Mr. Amakiri was awarded N10,000.00 (ten thousand Naira) which was about \$15,000 (fifteen thousand dollars) as at March 20, 1974.

It is ironical that, even under the democratic dispensation, the media is still being repressed and gagged by players in the polity. In 2016, the publisher of a Lokoja based community magazine, The Policy and Law Maker, was arrested and detained for over six days by security agents in Kogi State for allegedly publishing stories against the State government and some public officials notably, the Chief of staff to the Governor, Mr. Edward Onoja. In Edo State also in 2016, ten journalists working for The Watchdog News were arrested, detained and denied access to their lawyers (International centre for Investigative Reporting, September 25, 2016). They were arrested, allegedly on "credible security reports and that a number of incriminating items including INEC sensitive materials" were found on them.

Typical of other arrests and detention under the Civilian rule or purported democratic era, arrested journalists are hardly charged to court, giving credence to the assertion that, politicians would not want the public to know anything about their unwholesome activities. These are all ploys to suppress the freedom of the press. It is however pathetic that, for every journalist who resisted the attempt to be stifled, several succumbed.

### **3.7 Direct Instructions:**

This he averred, may be few and far apart and serve as an example of the extent in which the government can exercise control over the editorial content of the Nigerian media.

### **3.8 Delays in Transactions with the Media:**

Government actions resort to the use of delays in its transaction with the media. This lends credence to the satirical definition of bureaucracy as "the art of making the possible impossible". Also, the bureaucratic over-supply model of Weber which observed that, bureaucrats are majorly concerned with their own interests alone, giving room for redundancy, arbitrariness and inefficiency.

#### **4 Other Forms of Press Control**

Other forms of press control according to Egbon (2010) are:

## **IV. THE PRESS COUNCIL AND ETHICAL CODES:**

Press Council and Ethical Codes are some other subtle mechanisms of press control. Press Council such as are ideally expected to investigate and rule on public complaints against the press to make them more responsible, and also to fend off restrictive government regulations and interference. After all, the press has been known to overstep its bounds and perform poorly in some circumstances, hence, the need to have a policing mechanism to check press malpractices would seem to be in order.

This act invariably, subordinates press freedom and journalistic diversity to a control process and consequently question the validity of such an ominous mechanism;

- **Codes of Journalistic ethics:-** Many contend that each journalist should be free to make his own ethical decisions instead of succumbing to someone else's decisions to what is right or wrong. Therefore, some observers describe press council and journalistic ethics as superfluous, self-serving and even dangerous, as such a practice could easily degenerate to shackling the press and emasculating freedom through a system of constraining rules.

#### **4.1 Concentration of Ownership**

In the United States, ownership of the news media is so heavily concentrated in the hands of a dwindling number of companies, leading to narrower diversity of content. It is assumed that America media is free and diverse because they are operated by private citizens and the government does not interfere. Against this notion, Egbon observed that, the apparent pluralism cloak may be a veneer blinding the propensity of dominance of the few big media merchants.

The concentration of ownership in the hands of the government in Nigeria has always been criticized as a way of government desire to control the press. The government has always defended this accusation by pointing out the fact that Nigeria is a young developing nation that cannot afford the kind of adversarial journalism as is practiced in America because of the fragile nature of the political system. This has led to the advocate for development journalism, which is supposed to be free but yet have restrictions on its freedom in deference to the needs of national survival.

### **V. THE IMPLICATION OF BUREAUCRACY ON MEDIA PRACTICE IN NIGERIA**

State laws, rules and regulations are claimed to curtail the excesses of the press, that it is meant to protect the government also from the prying eyes of the press but journalists view these various legal issues and the various laws as a clog in the wheel of press freedom for the following reasons:

- A publication termed seditious in Nigeria is capable of rendering the journalist liable for prosecution and conviction; the official record Act is invariably a veil over many activities of the government which makes it impossible to obtain needed information with which to inform the public; law of contempt constrains press men from divulging full details of court proceedings.
- As against the intention of using bureaucratic bottlenecks to maintain stability, the essence has also been hijacked by self-serving bureaucrats, forgetting their responsibilities to the society and using their offices to gag the press. It also fuels the adversarial relationship between the government and the media.

The concept of "uniformity pull" and "pluralism pull" according to Egom, also contribute to the friction between various governments and the media.

The uniformity pull phenomenon tends to repress press freedom through some control mechanisms in the society based on the argument that government has the duty to protect individual rights as well as the corporate interests of the society from the vagary of freedom without limits and the unity and harmony of diversified society. Hut (he. pluralism pull tend to open up more to the individual's discretion, thus urging voluntary solidarity with the cause of the society.

### **VI. FREEDOM OF INFORMATION BILL**

The oppressive treatment of the press using brutal, direct, subtle or legal means of controls, is a source of concern to media practitioners and the society as a whole. This has given rise to the debate on press freedom, some argued that, if the press is to operate according to the dictate of the constitution, to disseminate information and freedom to express opinion without interference, then the media should be allowed to operate without any constraints, fear or intimidation. Also, if the press is to be free, it should have free access to information.

This concerns led to the clamour for a Freedom of Information Law in 1993, by three different organizations, working independently namely Media Rights of Agenda (MRA), Civil Liberties Organisation (CLO) and the Nigerian Union of Journalists (NUJ). Udoakah, (2014, p.33). After series of arguments, debates, discussions and reviews by various stakeholders both within and outside the country spanning over ten years of bureaucratic bottlenecks and delays, both, the House of Representatives and Senate passed the Bill and it was signed into law by "President Goodluck Jonathan in 2011.

Udoakah explained that, the Freedom of Information Act 2011 establishes the following rights and responsibilities for access to government, public agency or institutions information.

Information about government must be easily accessible to any person requesting for such information and government agencies in possession of such information must receive and comply with request for such information in appropriate and prompt manner.

- Any person seeking such information does not need to demonstrate any specific interest in the information applied for.

- Any person seeking information under the Act has a right to institute proceedings in a court to compel any public institution to comply with the provisions of the Act.
- Members of the public have a right to be informed of the structures, organization, functions and programmes of any public institution as well as the title and address of the appropriate officer to be contacted for information sought.
- Any information sought must be made available to the applicant within (7) days of the receipt of the application.
- Any denial of information must be communicated to the applicant in writing within seven (7) days after the application is received stating reasons for the denial and the section in the Act during which the denial is made.
- A public agency that feels it is not competent to release the information requested for and considers another agency more competent must transfer the application to the agency within three (3) days but not later than seven (7) days after receiving the application. A written notice of such transfer must be sent to the applicant stating the reason for such decision.
- An agency to which an application for information is transferred shall be deemed to receive such application on the date it gets to it and must act within seven days.
- Any notification of denial of any application for information must set forth the names, designation and signature of each person responsible for the denial of such application.
- Any person denied information has the right to challenge such decision in the court.
- An agency may require any person seeking information to pay for compiling and copying the information but the fee must be reasonable to the limit of standard charges for document duplication and transcription.
- Any person who does not receive the information he/she applies for, within the limit set out in the Act, has a right to seek redress in Court.
- Any person who is convinced that the information he/she gets has been doctored or altered has a right to challenge the public agency which issued it, in a court.

The Freedom of Information Act 2011 will help to give leverage to media practice in the area of access to government information, but does not give a leeway for total press freedom. It is undoubtedly a step ahead in the clamour for press freedom.

## **VII. CONCLUSION**

Obstacle to freedom and distortions of democracy are dangerous symptoms in every society. It is a fact that, in every system, there are ways of improving existing situation and decrease restrictive measures to a minimum in order to eliminate restrictions on the freedom of information. But the most important factor is the political will.

However, freedom or absolute freedom seem to be a wild game presently, hence curbs and restraints in the form of laws which are often enunciated to help freedom maintain the right cause, should not be misused by government officials, arbitrarily while the media should also act with the consciousness of the social responsibility owed the society, in genuine interest of their common client, the people.

## **VIII. RECOMMENDATION**

The endless struggle between the press and government in the attempt to serve their common client, the people, makes it reasonable to guide both with laws in the absence of a sure solution, so no one gets carried away in a false sense of self-righteousness and wreck the ship of state they both pledge to pilot.

The laws of course, do sometimes work against the freedom of expression but much of these depend on who is wielding the power while it cannot be denied that, the press sometimes could also be tempted to cross the boundary of rationality in the name of press freedom, it is therefore pertinent to suggest the following:-

- Media practice in Nigeria is still operating under virtually the same framework which existed during the years of military rule and thus, subject to nearly the same legal disabilities of that period despite the subsistence of democracy now in Nigeria. Therefore some of the laws such as sedition and defamation should be revisited and repealed if possible, to create a feasible and conducive environment for Nigeria media to operate in an atmosphere free of censorship.
- While the content is monitored, it is important to maintain the freedom of speech and expression of the press according to democratic dictate, it is important to shape up media industries so that their potential is realized and their threats minimized.
- If provisions relating to obscene, sedition and defamation should be retained, there should be substantial modifications to give it a clearer definition that does not restrict freedom of information flow.
- It is safe to assume that, while the freedom of the press to seek out and report news is not presently absolute, a broad room for democratic adjustments, despite the curbs and limits set by the various laws of libel, right of privacy amongst others, should be initiated.



- Considering the enormous power the media have to influence public mind, such opportunity deserves to be counterbalanced or matched with an equal sense of responsibility using well planned media content, communicated responsibility with a thorough consideration of the impact that it might have on the audience.

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