NAME: ORJI GREAT DEPARTMENT:BANKING AND FINANCE

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It is accepted that the President has the power to suspend certain human rights to the extent provided by section 45 (1) of the 1999 Constitution (as amended). With respect to the lockdown, however, initially, the President merely declared restriction affecting the FCT, Lagos and Ogun by public address, whereas, the Quarantine Act requires him to issue regulations in that regard and for that purpose. That would appear to be placing the cart before the horse, and the same was considered inappropriate, as the lockdown then lacked legal backing. Nevertheless, I believed then that we ought to obey the restriction order in the interest of public health and safety. Essentially, under its sections 3 and 4, the Quarantine Act invests the President with the power to, among others, by notice, declare any place whether within or without Nigeria to be an infected local area; to make regulations prescribing the steps to be taken within Nigeria upon any place, being declared to be an infected local area; preventing the spread of any dangerous infectious disease from any place within Nigeria, whether an infected local area or not, to any other place within Nigeria; prescribing the powers and duties of such officers as may be charged with carrying out such regulations. Section 5 further provides for penalty for breach of the law, while section 8 permits a governor of a State to issue regulations where the President does not do so. Subsequently, the President issued the Regulations as required by the Law. With that, I think the question of illegality of the restriction order no longer arises. Even though the horse came after the cart, the lacuna has now been filled. That does not mean that the issue of illegality could not be raised on other grounds that may be discovered to exist. Speaking for myself, however, I am of the most humble opinion that the Quarantine Act and the Regulations issued by the President are laws reasonably necessary and justifiable in a democratic society in the interest of defence, public safety, public order, public morality or public health as envisaged by section 45 (1) of the 1999 Constitution to warrant restrictions on some fundamental rights, such as right to freedom of movement, freedom of association, freedom of religion and others

**What are the effects of the lockdown on the Nigerians?**  
The effect of COVID-19 on the legal system is enormous. Let us start with criminal justice system. The courts are closed, detainees are kept in custody until when God knows, while hearings, judgments and rulings to determine peoples’ liberty or liability are suspended. On the other hand, law enforcement agents are exposed to infection, while some arrests are unable to be effected, and at same time some of them are involved in enforcing restrictions. Similarly, correctional services are affected, with the facilities highly exposed for the spread, and the inmates and officers alike are at grave risk of attack of the disease. Many cases to actualise enjoyment of some rights and benefits are being kept on hold; some perishable objects would be destroyed; unimaginable emotional and psychological trauma would be unleashed on litigants; delayed proceedings as a result of impending rescheduling of adjourned cases; courts vacations, conferences and vacations. Also, lawyers are already discussing how to deal with myriads of cases of breach of contracts and the extent to which Force Majeure clause could go to avail defaulting parties. But even when defaulting parties are relieved by virtue of the clause, it will not relieve them of extra costs of performance, because the clause is only an excuse for delay and not a reason for increasing price that may arise as a result of delay, storage, demurrage and others. There is also the challenge of dealing with new contracts, because the clause is a safeguard for unforeseen circumstances and not known factors at the time of the contract, such as we have with Covid-19. Meaning that, a new contract entered now can’t later claim Covid-19 as a basis of Force Majeure to exculpate breach of the contract, since the factor is already known to exist. But beyond contract, there are monumental losses of failed court sittings, arbitration or mediation proceedings, negotiation meetings, loss of time, man-hour, and costs of immense magnitude, arising from wasted hotel and flight bookings, etc. In addition, legal and judicial institutions have enormous bills to pay their staff, who are off duty, and to maintain buildings and structures that are idle. So, it is one unusual phenomenon that would have phenomenal effects on the whole spectrum of the legal system.

Covid-19 has wreaked havoc worldwide, with over one million confirmed cases, while deaths are being recorded on a daily basis.

To curtail the spread of the pandemic, the federal and some state governments have been coming up with various measures, which include total lockdown in three states, partial lockdown in few states, with a ban on religious and social activities.

Also, dusk to dawn curfew was imposed in some states of the federation, where few cases of Covid-19 were recorded, while the large gathering of people is also banned.

Though it sounds so harsh, the lockdown order in Lagos and Ogun states as well as the Federal Capital Territory, FCT, remains the government’s most proactive step towards containing the spread of covid-19.

In China, the United States and England for instance, lockdowns worked to a large extent.

In China, in particular, the couple of weeks delay in imposing a lockdown by the country accounts for the importation of the virus into other parts of the world.

According to research, if China had implemented its control measures a week earlier, it could have prevented a large percentage of all cases in the Asian country.

However, the government’s plans at cushioning the effects of the lockdown on Nigerians seem to be slow as this has caused the inability of citizens to comply with the lockdown, with some being arrested in parts of the country.

Though many Nigerians had stocked up their homes with food items in the wake of Covid-19 outbreak, the government must provide free electricity and water services to the people during this lockdown.

Some state governments had begun distribution of food packages to people of the state, efforts must be intensified at ensuring even distribution of the packages to virtually all indigent residents of their states.

The Ministers of Humanitarian Affairs, Disaster Management and Social Development, Hajiya Sadiya Farouq, and that of Information, Alhaji Lai Mohammed had at different functions said millions of Nigerians had benefitted from government’s palliative measures, but it is still like a drop of water in the ocean.

A large part of the population depends on a daily trade for survival; therefore, asking Nigerians to stay indoors for weeks in the name of lockdown will be so difficult and bring so much damage to their finances.

Though health is wealth, and effective lockdown will no doubt reduce the prevalence of Covid-19, but the government must as a matter of priority provide effective palliative measures for Nigerians.

Policymakers and other stakeholders must use the effects of the lockdown to address many challenges confronting the wellbeing of the masses, most especially the poor state of the healthcare system, epileptic electricity supply, provision of potable water and good road network.