

Access to Judicial Justice in Nigeria: The Need for Some Future Reforms

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Abstract:

The system of judicial justice of any country is comprised of both the civil and criminal proceedings. For effective court proceedings, various courts are created with a view to ensuring that litigants that appear before them are as much as possible feel satisfied with their decisions. How these courts are able to deliver their final judgments with a view to determining the rights of the contesting parties is always crucial in any judicial system of a country. A quick dispensation of justice with minimal delay will restore people's confidence in the judicial system. Thus, the usual saying that judiciary is the last hope of the common man. However, a type that is characterized with delay will definitely weaken the system and so makes the people to lose hope in the entire judicial system of that country. This assertion may therefore be the truth of what is happening in Nigeria. In Nigeria, for example, it is no dispute that there have been series of complaint and public outcry on the cumbersome nature of how a litigant is to approach the court for a legal redress. This challenge is attributable to many factors ranging from delay before a case is finally determined, inbuilt constraints in the Nigerian Constitution, legal technicalities, etc. Therefore, this work is aimed at ex-raying and elaborating on some of these challenges, and many other factors that inhibit easy access to judicial justice in Nigeria. Then, recommendations will be made on how the justice sector can be better improved in the years ahead.

Key words: Justice, Court, Constitution.

1.0 Introduction:

During the dark ages, man had no clear notion of judicial justice. It is therefore common for an individual to exact justice as he thought fit. Civil or criminal disputes were mainly settled by way of physical attacks. Thus, the common sayings such as: "might is right", "eye for eye", or "teeth for teeth", etc. All these and many others reign supreme.

As the Nigerian societies became more complex and sophisticated, they emerged the existence of informal settlement of disputes through the local Chiefs, Emirs, Obas, Obis, etc. to dispense justice as they deemed fit between two or more aggrieved parties. The Emirs are found in the North, Obas are in the West, and Obis are found in the Southern part of Nigeria. Their various palaces served as venue of courts where they have decided on various matters ranging from marriage, divorce, custody of children, debt recovery, land, and farm disputes, among others. This period was therefore the beginning of the rational and basis for jettisoning of the use of a self-help as a means of conflict resolutions.

With the advent of western education and civilization, a code of human conduct was desirous. It was aimed at ensuring that human beings should not take laws unto their hands; that an aggrieved person should make a formal complaint before an impartial body which is now known as a court of law. This was the period when the British came with their modern court system together with their laws. Conventional courts as we have them in the modern day Nigeria were therefore established in various parts of the country. These are the Magistrate Courts, State High Courts, Federal High Courts, Court of Appeal, and the Supreme Court. To this end, judicial powers of both the federation and the states have been vested on only these superior courts of record. In this respect, section 6 (6) (b) of the 1999 Constitution of Nigeria provides:

The judicial powers vested in accordance with the foregoing provisions of this section

a...

b. shall extend to all matters between persons, or between government or authority and any person in Nigeria, and proceedings relating thereto, for the determination of any question as to the civil rights and obligations of that person.

In this regard, the roles of courts in upholding the interest of the citizens have been described as follows:

The courts have been appointed sentinels to guard over fundamental rights secured to the people of Nigeria by the Constitution order and to guard any infringement of the rights by the state.¹

Similarly, Mr. Justice Oputa once echoed as follows:

The court exists to do justice to all manner of men without fear or favour,

¹. Cheranci v Cheraanci (1960) NRNLR 24.

affection or ill will towards anybody, and distinction or discrimination as to class or social status; poor; to do justice as well as to the small and seemingly inconsequential man.¹

Against this background, the aim of this work is to examine the concept of justice vis-à-vis section 6 (6) (b) of the Constitution which allows the citizens to seek redress in a court of law against any violations of their civil rights. Then, attempt would be made at focusing attention on some constraints which hamper on the implementation of this constitutional provision. This is because a denial of free access to a law court for legal redress has in the past years occasioned some adverse effects on the entire system of administration of justice in Nigeria. In this respect, some recommendations would be offered as future reforms.

2.0 Meaning of Justice:

The word justice has been understood in various senses by many people. For example, some people found it convenient to describe it, using such phrases like quality of being just, fair play and fairness, etc. At times, it is also understood to mean being just and impartial between two or more contesting parties without preference as to class or race. In this regard, it has been observed that the word justice bears a tripartite connotation and performs a tripartite function in the judicial process, in the sense that it relates to the plaintiff, the defendant and the court in a civil matter, and in a criminal matter, it relates to the accused person, the state and the court: Therefore, it is justice, if it covers this tripartite ramification and signification, and it is not justice if it covers only one or two of the above.²

It is also usual to relate the concept of justice with such expression like hear both sides³, meaning that a man is to be heard before being condemned. In this context, the courts are duty bound to listen to all the parties in any dispute brought before them before delivering their decisions or judgments. Therefore, Erle, C.J. observed:

It is indispensable requirement of justice that the party who has to decide shall hear both giving each an opportunity of hearing what is urged against him⁴.

In another respect, Lord Denning defines justice as follows:

The measures authorized by the law so as to keep the streams of justice Pure: to see that trials and injuries are fairly conducted, that arrests and searches are properly made; that lawful remedies are readily available and that unnecessary delays are eliminated⁵

At this stage, a point of emphasize is that the concept of justice as understood above is different from the way an ordinary man in Nigeria conceives the same word to be. Technically, and in the legal sense, the word justice comprises all the legal rules and technicalities. But, in a lay man's perception, the word justice is simple in form. Therefore, an ordinary man is only interested that justice is done in a manner in which he is directly or indirectly interested, and that it is devoid of all the legal technicalities. But as a negation of how it is being perceived in this latter sense, it is often said that law should be devoid of the main stream of sentiment. Because of these differences, the laws are often bent and twisted to the disadvantage of the citizens. The reason of this is that the concept of justice as applied by the Nigerian courts is understood from the western perspective. After all both the law makers and their executors have been educated from the western system of education. Thus, Mr. B. Belgore affirmed to this view as:

Both civil and criminal proceedings is foreign and of foreign origin and we have been laboring under an illusion that an English oak planted and nurtured in a temperature climate will grow and thrive in a tropical climate. That it has endured so far is a credit to our tolerance in assimilating foreign elements however disadvantageous to our notion of justice. I think we have too long accepted that English method is the civilized way and procedure leading to justice. If that is not a colonial mentality, I do not know what it is. It is, may be, and perhaps it is good for the English, but since we are not English in thinking, in culture, in the level of education and development, even in colour, it is not. QED...The foreign procedure is strange to our culture, unfamiliar to our people, cumbersome to our system, has been more of a constraint to the administration of justice in our westernized courts than any single event...¹

¹. Oputa, C.A. The Law and the twin Pillars of Justice, (Owerri), 1981, p. 67.

². Chief Isekwema and ors v Bilepe and ors. Suit No. PHC/56/87. See also Ogbode v The State (1987) 2 NWLR Pt. (54), p.20.

³. See the doctrine of *audi alteram parte*.

⁴. In Re: Brook, 16, CBNS, in a Selection of Legal Maxims, 10 ed, p.65.

⁵. The Due Process of Law: (Butterworths), 1980 ed, p.5.

In view of the above observation, it will not be out of place to assert that some of the reasons for the constraints that hamper the administration of judicial justice in Nigeria can be largely attributed to this. If this is true, attempt would be made to look at some of these constraints in the next sub-heading.

3.0 Some Constraints that Inhibit Access to Judicial Justice in Nigeria:

It is a common knowledge that access to our courts for legal redress has been hampered on account of many reasons. This has therefore negatively affected the quality of decisions and judgments being delivered by the Nigerian courts. This in turn has made an average Nigerian to feel dissatisfied and disillusioned with the entire system of administration of justice in Nigeria. To say the least, the system is fraught with delay, too much adherence to legal technicalities, judicial corruption,² e. t. c.

To illustrate the above point, delay in court proceedings is a common phenomenon. And in support of this assertion is the comment made by a prominent jurist in Nigeria that:

The present incredibly slow process of judicial administration is frightening and oppressive-the poor feels the weight of the oppression more than the rich. A judicial system which can permit a simple case, for example, of wrongful termination of employment to remain in the courts for over five years cannot be said to be running smoothly. What happens at the end of such an aberration of court trial can hardly be said to be justice.³

Against this background, this sub heading will examine and analyse these constraints, and, among which include:

3.1 Adversary system of justice

In Nigeria, court proceedings, whether civil or criminal is that of adversarial type as opposed to inquisitorial type. This system postulates that the courts are to remain passive throughout the whole proceedings, while the parties are to be in control of the entire proceedings. Mostly, stages and processes of the proceedings are to be dictated by the parties themselves. Therefore, if in a civil case, the plaintiff seeks for 30 days to file his statement of claim, and the defendant asks for 30 days to file his statement of defence, the court is expected to condone this action. And if later on, one of the parties runs out of time and so files an application for extension of time, the court is still bound to grant such application.

In addition, the system condones adjournment from either of the parties. Courts will only refuse a grant of adjournment, if such grant will occasion an injustice to the other party. The effect of this is that this system and its attendant procedure prolong the life span of court cases. Thus, it is a common fact to see with dismay that some months after filing a case in court, the stage of proceedings may still be at the stage of mention.⁴ This is no doubt one major cause of a denial of justice to the litigants to seek redress in a law court. And making a comment about the problems being faced on account of this system, Sir Jacob, echoed as follows:

It must be observed that the strict adherence to the tenets of the adversary system is not conducive to the improvement of the administration of civil justice; on the contrary, it is likely, as it has done in the past, to increase delays, costs and procedural technicalities. It promotes incompetence, slackness and even irresponsibility in some lawyers, while it increases the sharpness, inequity and adroitness of others to overcome their opponents.⁵

3.2 Inbuilt Problems in the Nigerian Constitution

Under section 36 (5) of the 1999 Constitution, the old common law rule provision⁶ of the presumption of innocence is to the effect that all accused persons are presumed innocent until the contrary is proved. In this

¹. All Nigerian Judges Conference papers (Sept. 1980) p. 236.

². It is conceded that this is not the only sector that is faced with problem of corruption. In fact, almost all key sectors of the Nigerian economy have been faced with the challenge of corruption.

³. Quoted from Aguda, T.A. *The Crisis of Justice*, supra, p. 41.

⁴. This explains why up to six months after the filing of a case at the Code of Conduct Tribunal against Senator Bukola Saraki, hearing is yet to commence. In fact, this is not the only case that has suffered this type of challenge. Others include the one filed by the Federal Government against Rtd. Col. Sambo Dasuki over his role in the money meant for the procurement of arms for the Nigerian soldiers, but were diverted into private pockets, etc. What this shows is the delay in the proceedings, a situation which an average Nigerian is not happy with. What most Nigerians would rather want is that all these trials should be finally determined within a short period of time.

⁵. Sixth Commonwealth Conference papers (1980), p. 1.

⁶. *Woolmington v Director of Public Prosecution* (1935) AC, p. 462.

regard, the onus is on the prosecution to prove the guilt of the accused persons, but it is not on the accused person that is expected to prove his innocence. In addition, the prosecution must prove the guilt of the accused person beyond reasonable doubt and that where there is any form of doubt such doubt must be resolved in favour of the accused person.¹

On the basis of the above provision, many accused persons have been set free by our law courts to the dismay of the larger society, who may have the impression that justice has not been done. This is because their own perception of justice is normally to the contrary of what the concept of justice is.

As a matter of fact, the use of such provision has often led to absurdity or to a perversion of justice. Commenting about this provision, Osipitan, T. observed that:

While the presumption of innocence may be ideal in developed countries because of the existence of sophisticated methods of investigation and detection of crimes, it is submitted that a strict adherence to presumption of innocence will not achieve the desired result in Nigeria.²

In view of this, though, the provision is laudable, yet it should be used with caution so as to achieve the best results.

Meanwhile, other impediments that relate to the Nigerian Constitution include:

i. Non Compellability of the Accused Persons to testify in Court

By virtue of section 36 (11) of the 1999 Constitution, an accused person shall not be compelled to give evidence at his trial. Similarly, under section 180 (a) of the 2011 Evidence Act, he shall not be called as a witness, except upon his own application; and that failure of the accused person to give evidence should not be a subject of comment by the prosecution as to indicate that failure to do this means that he is guilty of the offence charged.³ Again, there should also not be an inquisition of the accused person with the object of making him admit his guilt or to offer an explanation of his motives of committing the offence charged against him.

The above provisions are commendable as they are meant to protect the accused person. However, a point of note is that an accused person has been over protected by these provisions at the expense of the larger society.

In another respect, at the end of the case for the prosecution, the accused person has the right to say nothing and keep mute.⁴ And under section 180 of the 2011 Evidence Act, the prosecution is not allowed to comment on this in its address.

In spite of the well intendment of these provisions, yet they should be used with caution, as they have their flaws. Using these provisions as they are is to make the task of the prosecution very difficult. For example, if the accused person keeps mute as provided by the law, how will the court arrive at a just decision? In addition, if the offence charged is murder, does common sense not dictate that with at least a minimum opportunity, the accused person will be eager to prove his innocence by presenting credible evidence that will show that he has not committed the offence charged against him? This may however not come as a surprise, after all, it is often said that common sense is to be freed from the rein of law. This is the opinion of a Jurist who observed that:

...but one of the objectives of the law of evidence is to prevent common sense from having a free rein because there are cases in which to permit it might lead to an unjust result.⁵

In addition, these provisions also negate the concept of justice which envisages that justice is to be seen as:

...a tripartite connotation and performs a tripartite function...

it relates to the accused, the state and the court...

it is not justice if it covers only one or two of the above.⁶

ii. Vague Expressions in the Nigerian Constitution

Section 36 (1) of the 1999 Constitution provides that:

in the determination of his civil rights and obligations...a person shall be entitled to a fair hearing within a reasonable time by a court...

Again, section 36 (4) says:

whenever any person is charged with a criminal offence, he shall unless... a charge is withdrawn be entitled to a fair hearing within a reasonable time by a court or tribunal.

¹. *State v Emine* (1990) 7 NWLR pt. 256, p. 60.

². Omojola, T.A: *Law and Development* (Lagos) 1987.

³. See section 181 of the 2011 Evidence Act.

⁴. See section 287 (1) (c) of the CPA.

⁵. Rupert, *Cross on Evidence* (4th ed) p.354.

⁶. *Chief Isekwema and ors v Bilepei and ors*, supra.

Good as these provisions are, their defects and shortcomings is that the expressions reasonable time and fair hearing have not been defined by the Constitution. Instead, these expressions are left for judicial interpretations by the court. In using these provisions, many proceedings last for a period, ranging from five to ten years¹ or even more than that before a final judgment is delivered in respect of a case. Thus, if a case lasts for up to about ten years, can one say that the phrase reasonable time as provided under the Nigerian Constitution, has been complied with in such a situation? The answer is no.

Meanwhile, it could be recalled that an attempt was made by Obaseki, JSC, to define the phrase reasonable time as follows:

Reasonable time must mean the period of time which, in the search for justice, does not wear out the parties and their witnesses and which is required to ensure that justice is not only done but appears reasonable to be done.²

In another respect, the phrase fair hearing has not been defined by the Constitution. Instead, the court often made attempt to define it, and this is subjective and therefore, it often differs from one case to another. For the sake of illustration, the expression fair hearing was defined as follows:

The true test of fair hearing is the impression of a reasonable person who was present at the trial whether from his observation justice has been done in the case.³

iii. Non-justiciable of Chapter 2 of the 1999 Constitution⁴

It is no doubt that some matters bothering on chapter 2 of the 1999 Constitution are not justiciable. These matters are worded as the Fundamental Objectives and Directive Principles of State Policy. In other words, the Political, Economic, Social and Educational Objectives as provided under sections 15-18 of the 1999 Constitution are not justiciable, and if breached, no remedy through a court of law can be sustained. This is in view of section 6 (6) (c) of the Constitution which provides that:

The judicial powers vested in accordance with the foregoing provisions of this section- a, b, c, shall not, except as otherwise provided by this Constitution, extend to any issue or question as to whether any act or omission by any authority or person or as to whether any law or any judicial decision is in conformity with the Fundamental Objectives and Directive Principles of State Policy set out in Chapter 11 of this Constitution...

It was on the basis of this constitutional provision that the case of Badejo v Federal Ministry of Education,⁵ was decided. In the case, the Applicant/Appellant sued under the Fundamental Right Enforcement Procedure Rules on account of the discriminatory conduct of the process of admission that prevented her from gaining admission into Federal Government Colleges by excluding her from interview on account of her state of origin, while others of less qualified marks were invited for interview on the basis of their state of origin. Her application was dismissed. The principle that evolved in this case also brings us to the case of Archbishop Okogie v AG of Lagos State.⁶ In this case, it was held that the objectives as mentioned in the Constitution are no more than the ideals towards which a nation is expected to aim at. In other words, a breach of it cannot be challenged in a court of law. On appeal, however, the Court of Appeal reversed and upheld the rights of private citizens to run private schools in Lagos State.⁷

iv. Appeal system

Under the Nigerian Constitution, a party who is not satisfied with any stage of proceedings can appeal to a higher court.⁸ For example, in the State v Ikomi and 3 others,⁹ a motion to quash the information was refused by

¹. See R. Ariori and others v Muriano Elemo and others (1983) 1 SCNLR. 1 where the Plaintiffs filed an action against the Defendants on 15/10/1960 and judgment was delivered on 3/10/1975. This is exactly about 22 years. Also, see Joseph Ozoma and 7 others v M. Osanwuta and others. Suit No. UHC/30/69. It started in 1969 and judgment was given on 20/7/1984.

². See R. Ariori v M. Elemo and ors (1983)1 SC. 13.

³. Isiyaku v Mohammed v Kano NA. (1968) I ALL NLR 242, p. 426.

⁴. See sections 15-18 of the 1999 Constitution of Nigeria.

⁵. (1990) 4 NWLR, Pt 143, p. 354.

⁶. (1981) 1 NCLR, p. 218.

⁷. The court followed with approval the Indian Supreme Court in State v Champakan (1951) SCR 252 where it held that the Chapter on Fundamental Rights is sacrosanct and not negotiable to be abridged by any legislative or executive Act or Order except to the extent provided in the appropriate Article.

⁸. See sections 233 (1) and 240 of the 1999 Constitution of Nigeria.

⁹. B/77/C/85.

the trial Area court. Then, appeal was filed as of right at the Court of Appeal, but dismissed. On its dismissal, the case was then sent back to High Court on 12/6/86 for plea and trial. Judgment was later on given on 15/7/96. This is almost ten years, and by all standards this is a period of time that is likely wear down all the parties and their witnesses.

As a matter of fact, rights of appeal is an avenue to balance the injustice, or errors and defects that might have been caused in the proceedings, yet unrestrained appeals, especially, on those that bother on legal technicalities, could cause delay, and justice delayed is said to be justice denied.

Another problem is that of appeal against final judgment. By law, all final decisions of lower courts are subject to appeal to a higher court until they are finally determined at the Supreme Court. This is laudable, and in support of this provision, Professor Ojo, observed that:

An important mechanism for self-correction in any judicial system is the process of appeal or judicial review. This not only ensures thoroughness and fairness in the lower courts, being conscious that there is the possibility of a higher court reexamining their records and decisions, it also gives to the litigants that assurance and satisfaction that they have a second or third chance of another independent judicial body reviewing their cases. It is one of the methods by which the judiciary maintains its respect in the community. To insist that there would be no appeal from the decision of a body is to assume that such a body is perfect and cannot make a mistake even in law.¹

However, this constitutional right of appeal should be used with caution. This is in view of the fact that the said provision has been used in the past to cause some of forms of injustices. For example, most of the filed appeals are often not prosecuted within a limited period of time. Perhaps, it is because Courts of Appeal sit on session, and once an appeal has not been heard at a particular session, it has to be adjourned to the next session. Therefore, in criminal matters, it is a common knowledge that Appellants often spend a substantive period of part of their sentence in prison before the appeal is heard. And in civil cases, appeals are deliberately abandoned by the Appellants so as to render the judgment of the Respondent nugatory.

v. Language of the Court proceedings

In practice, Court proceedings are conducted in English language. Thus, parties to a case, and who cannot understand English language are often assisted with an interpreter. Under section 33 (6) (a) of the 1999 Constitution, an Accused person has a right of interpreter if he cannot understand the language of the trial Court. To compliment this provision, section 241, 242 of the Criminal Procedure Code went further to give a detail procedure of this method. In the case of Zaria Native Authority v Aishatu Yar Dauda Bakori² the trial Court gave the correct procedure of an interpretation as follows:

An interpreter should interpret whatever is said immediately it is said sentence by sentence. He should not wait till everything has been said, and then state what he remembers of it or what he thinks it was, but should interpret the whole and every part of it piece by piece and sentence by sentence. It is in that way that the Court should attempt to have the evidence explained to the accused, and the proceeding also not what the witnesses say, but also everything that the complainant and the Court said...

In spite of the above procedure, it is most often not complied with. In fact, most errors found in the record of proceedings are often due to wrong interpretations. This is because interpretations are often made in summary form, or, in a way the interpreter can remember, or what he thinks is the correct interpretations. Therefore, essential details are often omitted.

As a matter of fact, this constitutional provision needs to be amended. After 55 years of attaining independence, we are still using foreign language as official language of the Court. What do we gain in using foreign language to conduct Court proceedings? This is nothing, but self-deceit, and a continuation of mental colonialism in another form. On this premise, it is submitted that an indigenous language is desirable. If this is done, litigants will be more comfortable and feel at home. Proceedings conducted in a language that they are more familiar with help a lot. Similarly, the monotony of interpretation from one language to another which is more of a mental fatigue will be reduced to the barest minimum or completely eliminated.

¹. Quoted from 6th Commonwealth Law Conference, 1980, supra.

². (1944) NNLR p. 25, at p. 29.

3.3 Condition precedent¹

In both civil and criminal proceedings, this phrase has been used to mean the necessary and the pre-requisite conditions which must be complied with before a valid action can be maintained in a court of law. While some of these conditions are provided for under the various rules of courts, others are made by legislations on what an intending plaintiff must first of all do before he can maintain a valid action.

For example, in disputes relating to chieftaincy matters, it is part of the requirement of the law relating to it that a person who wishes to challenge the legality or otherwise the election of a chief must pay a minimum amount of money, otherwise, such person may not be able to maintain a valid action.² Similarly, a deposit of security for costs is required under the election petition matters.³ Thus, section 127 (1) of the Electoral Act, 1982⁴, provides:

At the time of filing the petition or within such extended time as may be allowed by the court the petitioner shall give security for an amount fixed by the court and as directed by the court; the petitioner shall deposit the amount in any treasury or give security by recognizance for the amount.

However, a question to be asked is: what purpose will the mandatory sum of the money serve? This is because the condition has only been used to stultify the cause of justice. In fact, the condition is a negation of the constitutional provision of free access to the courts. Again, by imposition of a deposit of money, it means that an intending plaintiff who has no money for such deposit will watch helplessly while his rights are being infringed upon.⁵

Similarly, under the Petition of Rights Act⁶, an intending plaintiff who wishes to sue the government, its ministry or its department thereof must seek the consent of the Attorney General of the Federation.⁷ And in giving such consent, the Attorney General is to use his discretion judiciously in advising the government on whether the action is maintainable or not. But if he refuses or advise the government to give a fiat to the plaintiff, that ends the matter.

At this stage, the question to be asked is whether this consent provision is desirous? To my mind, I do not think that this consent is required. The reason for this is that the procedure of seeking the consent of the Attorney General puts the plaintiff at the mercy of the Attorney General. Again, is it possible for the Attorney General to consent to a suit against the government, bearing in mind that he is an appointee and member of the government of the federation.⁸ In fact, this law is retrogressive in that it amounts to a denial of justice. It also conflicts with section 6 (6) (b) of the 1999 Constitution of Nigeria. This explained why Olatawura, J.S.C. remarked that:

... a citizen who comes by way of the Petitions of Right Law and is refused the fiat of the governor is without remedy. The refusal is final and conclusive. Consequently, he is denied access to the court. This is contrary to the Constitution.⁹

In addition, Bate, L.J. reacted as follows:

The declarations of fundamental human right...are manifestly intended to protect against the misuse of power by the state or others. If the Petitions of Right Law were to apply to the remedy... the state could stifle proceedings against it under section 2 by refusing

¹. As a starting point, filing fees must first of all be paid. In some jurisdictions, and depending on the nature of the case filed, a plaintiff pays up to a maximum of 10% of the total amount to be recovered. In this case if the plaintiff has no such amount, it means the case will be frustrated at that stage. See the case of *Onwugbufor v Okoye* (1986) 1 SCNJ, p. 36. However, cases filed by the states are exempted from payment of fees. For example, see section 37 (5) of the Electoral Act, 2010, as amended.

². *Gambari v Gambari*. (1990) 5 NWLR pt. 152, 572.

³. *Nwobodo v Onoh* (1984) 1 SCNLR. 10.

⁴. See Rule 3 (4), sections 37 (2) and (3), and 38 (1) of the Electoral Act, 2010, as amended.

⁵. Meanwhile all court processes filed by the states are exempted from payment of filing fees. The question is who between the states and the citizens should be exempted from payment of filing fees? The answer is that the citizens should be exempted, but not the state.

⁶. With the coming of the 1979 Constitution, and now the 1999 Constitution of Nigeria, this Act is obsolete as it is no more the current law.

⁷. In cases like public nuisance, a private person who intends to sue must show that he has been greatly affected by the nuisance being complained of; otherwise, he has to seek the consent of the Attorney General of the Federal Government of Nigeria.

⁸. This is why amendment of the 1999 Constitution of Nigeria is desirous so that the office is separated into two, namely, the Minister of Justice, and then the Attorney General.

⁹. *Imo State v Greece* (1985) 3 NWLR 71.

consent...I am unable to believe that this was the intention of the
Constitution...¹

However, the position of the law as seen above seems to be obsolete as the current position of the law is now to the contrary. Therefore, in the case of Ezomo v AG Bendel State,² Anigololu, JSC. put the current position of the law as follows:

With the coming into force of the 1979 Constitution, by section thereof,
the government of the federation or of a state is liable to be sued; like
any other individual, by any person aggrieved by it without reference
to the Petitions of Right Act.

In another respect, in certain criminal cases, the fiat of the Attorney General is required as a condition precedent. For example, the prosecution of a public nuisance by a private individual must be with the consent of the Attorney General. Before such private individual sues with success, he must show that the injury being complained of affects him, and that the injury is over and above that of the other members of the general public.³ Thus failure to comply with this requirement means that such suit will be struck out by the court for incompetence.

This law may not be good for us as a nation and at the same time, it is against the spirit and intention of section 6 (6) (b) of the 1999 Constitution that vested the powers on the courts to determine a breach of a person's civil rights and obligations. On this premise, this common law rule which imposes a condition before the prosecution of a public nuisance is void and so should be regarded.⁴

Meanwhile, another important hurdle which a proposed plaintiff has to scale through is on whether or not a plaintiff has a *locus standi* to sue in a court of law.⁵ This term is used to determine whether or not a plaintiff has a stake in the subject matter of action in dispute. On this basis, a plaintiff who is a busy body or an interloper would be denied an access to the court.

On account of the above doctrine, many plaintiffs had been shut off an access to a court of justice for legal redress.⁶ However, in spite of the value that is derivable to the above doctrine, it should be used with caution. As it is presently being used, it is not only a negation of the term free access to the court of law, but also, an affront to the concept of justice. How can one rationalize the decision held in the case of Attorney General of Kaduna State v Umoru Hassan,⁷ that a father had no interest in the prosecution of the death of his son? This query was also raised in the case of Adesanya v President of the Republic.⁸ The court described the danger as follows:

I take a significant cognizance of the fact that Nigeria is a developing country. To deny any member of such a society who is aware or believes or is led to believe that there has been infraction of any of the provision of our constitution...is unconstitutional, access to a court of law to air his grievance on the flimsy excuse of lack of sufficient interest is to provide a ready recipe for organized disenchantment with the judicial process...

In the same vein, Justice Fatayi Williams, CJN as he then was, made suggestive of a liberal approach on the issue of a *locus standi* that:

In the Nigerian context, it is better to allow a party to go to court
and to be heard than to refuse him access to our court.⁹

¹. Vtensky Nig. Ltd. v Military Governor of Benue State (1975) NNLR 224.

². (1986) NWLR 449, 459.

³. Ejowhomu v Edok Eter Ltd (1986) 5 NWLR pt. 39.

⁴. Petition of Rights Act as amended by Laws of Nigeria, Cap 112, 1964. See also J.A. Adediran and others v Interland Transport Ltd. (1991) 12 SCNJ 27.

⁵. On the basis of the doctrine, the APC candidate in the 2015 Governorship election in Taraba state of Nigeria lost to the PDP candidate on the ground that the APC candidate, being a non-member of the PDP should not be heard to be complaining of a matter which is an internal affairs of the PDP. It could be recalled that part of the Grounds of Appeal before the Supreme Court by the APC candidate was that the PDP candidate was not properly nominated in the PDP primary. As such, the APC candidate, instead of the PDP candidate, should have been declared as the winner of that election. In spite of this decision, it is submitted that our courts should look into other jurisdictions as a guide. In India, for example, the establishment of Peoples Union for Democratic Rights and Peoples Union for Civil Liberties had been used to initiate proceedings on behalf of the less privileged groups in the society.

⁶. Adesanya v President of the Republic (1981) 2 NCLR 358, See also Attorney General of Kaduna State v Umoru Hassan (1985) 2 NWLR.

⁷. (1985) 2 NWLR pt. 8, p. 843. The decision in this case is in contrast with the Indian case of Peoples Union for Democratic Rights v Minister of Home Affairs (1986) LRC 547.

⁸. (1986) NWLR 449, 459.

⁹. (Supra). There is therefore an urgent need to study the best practices from other jurisdictions like India, with a view to

3.4 Emergence of New Forms of Criminal offences

As a matter of fact, there are many benefits that can be attributable to the advancement in technology. Yet, it has its in spite of its numerous problems and challenges. New technology came in with new offences such as money laundry,¹ insurgency and terrorism,² election petition cases³ high level of corruption cases,⁴ cyber-crime offences and other related frauds on the internet.⁵ Unlike the traditional offences, some of these offences are difficult to prove in court proceedings. In addition, there are no existing or adequate legislations to prosecute these cases in case of breaches, and if there are, the laws are very scanty.⁶ Again, because of the technical nature of some of these offences, they will need experienced and skilled prosecutors⁷ to prosecute the offences otherwise, conviction may not be secured. The implication of this is that much pressure is being mounted on the courts thereby congesting the courts system. The adverse effect of this is the denial of justice to the litigants.

3.5 High Cost of Litigation

To say the least, almost all stages of court proceedings are money intensive. At the preliminary stage, a plaintiff needs to engage the service of a lawyer who is to advise him on whether he has a case or not. For this alone he must pay a consultation fees. If in the opinion of the lawyer, he has a case, the lawyer will charge his own legal fees. This is then preceded with filing fees of the case.⁸ When hearing of the case commences, the litigant must pay for transportation fees of the lawyer to the court on every adjourned date of the case. In between, if there is an appeal on a decision taken by the court and there are court processes to be filed and served,⁹ the litigant must also pay for this.

In addition, if a final judgment is given and a party is not satisfied with the judgment, and he wants to file an appeal to the next court, fresh fees have to be paid for all these stages of court processes. These include legal fees of the lawyer with a view to prosecuting the appeal. Court records of the trial court must be printed and taken to the Court of Appeal. All these will continue until the case is finally determined by the Supreme Court of Nigeria, and all these processes are money intensive.

The point of emphasize here is that litigation in Nigeria involves a lot of money to be expended by the litigants. What this means is that money can greatly shape how a litigant can approach the court and conveniently get justice from the court. If there is money, a litigant will be able to pursue his case to the logical conclusion, but if none, the litigant would watch helplessly while his rights are being trampled upon.

enriching our system of judicial justice.

¹. It was in reaction to this that the Money Laundry Act, 2004, was promulgated. During this period, some of the Governors siphoned and laundered abroad the money meant for their states. The case of late Diepreye Alamiyeseigha of Bayelsa state, Joshua Dariye of Plateau state, etc. are cases in point for illustration. These acts therefore showed that there should be a strict adherence and compliance to the provisions of the Act.

². Between 2010 to date, there are high rates of insurgency and terrorist related cases in the Northern parts of Nigeria. Specifically, the affected states are Borno, Yobe, and Adamawa.

³. Since the commencement of democratic rule in Nigeria in 2009 till date, elections into political offices had been very keen. Politicians want to be returned at all cost, and so tried many methods of election malpractices. Those that have lost in the elections have always gone to Election Tribunals for legal redress. The Judges that man the regular courts are equally saddled with the responsibility of handling Election Petition Tribunals. This is an indication of additional burden and pressure on these Judges who, before now have been over-burdened as a result of their normal works.

⁴. Corruption is not a new offence in Nigeria, but what is rather new and very strange is the high incidences of corruption. These days, politicians and public servants stole public money with impunity. The establishment of the ICPC, EFCC, Anti Money Laundering Act, etc. that were meant to curtail corruption in the country, had not been effectively used. This can be attested to on the high profile corruption cases in the country. This therefore showed that we still have a long way to go in our war against corruption.

⁵. The activities of the Yahoo Boys are examples of how the youths in Nigeria have negatively used internet services to embarrass the country amongst the comity of nations. The offences listed under the 2015 Cyber-crime Act include phishing, spamming, identity theft, cyber-squatting, etc.

⁶. It was only in 2015 that the Cyber-crime Act was passed into law by the National Assembly. Before this time, it was only in 2011 that computer related evidence was made admissible in evidence by the 2011 Evidence Act. In the previous Evidence Acts, there were no direct provisions as to its admissibility. This explained why conflicting decisions were giving on the admissibility or otherwise of computer related evidence in court proceedings.

⁷. Because there are no experts and skilled staff, one noticed that bogus charges are being filed by some of the prosecutors. The dire consequences of these are that they are often struck out by the courts on the request of defence lawyers.

⁸. In some jurisdictions, filing fees of a case could be up to the maximum amount of 10% of the money to be recovered. In fact, in the case of *Onwugbufor v Okoye* (1986) 1 SCNJ 1, 36, it was held that a case cannot be entertained without the payment of filing fees. In addition, we should not also forget the fact that the court Bailiffs have to be paid transportation money to enable them serve the court processes to the other party.

⁹. In other to serve a party, Bailiff of the court will collect money for transportation for purpose of effecting service of court processes.

3.6 Certain Cultural/Religious Believes

As mentioned earlier, the system of justice we operate in Nigeria is a foreign type. This may therefore explain why some of the citizens do not really believe in the system. In this respect, when there is an action to be filed in court, some people believe to settle such cases out of court. In addition, issues which ought to be documented and handled formally are rather done informally. And when dispute sets in, they will rather prefer to settle such matters informally. This is because, initially, court proceedings were never contemplated by the parties.

The above attitude is common in most parts of Northern Nigeria, where because of religious believes, many issues are settled informally without necessarily going to the court.¹ Thus, the popular saying is that: "It is God's wish." As such it should be left like that. This conception is also rampant in most other parts of Nigeria, specifically in the rural areas, and amongst the illiterates.

3.7 High Illiteracy Level in the Country

No doubt, illiteracy is also another factor that is inhibiting access to court in Nigeria. Because of low literacy level in the country, some people don't even know that their rights have been trampled upon. Therefore, they would not know whether they can seek redress in a law court or not.²

4.0 Observations:

In view of all the forgoing, it is a fact that the present system of justice has been fashioned out towards that of the British system. It is also not in doubt that this system might have fit the British environment, but because it is a foreign type, it is not suitable to the Nigerian environment. This has been attested to as follows:

...both civil and criminal is foreign and of foreign origin...perhaps

it is good for the English, but since we are not English...it is not. QED.³

With this background, a wide gap has over the years been created as to what the concept of justice is amongst the citizens. For example, the concept of justice as understood by an average Nigerian is different from the type of justice meted out by our courts. Thus, it is not in dispute that delay of cases is a common phenomenon. In this regard, it was observed that:

The present incredibly low of judicial administration is frightening and oppressive...a judicial system which can permit a simple case... wrongful termination of employment to remain in the courts for over five years cannot be running smoothly...such an aberration of court trial can hardly be said to be justice.⁴

The above observation can now be substantiated with the following cases. In the case of J.O.Ogunbiyi v David Adewoye⁵ hearing was first commenced from Area court of Kwara state in 1973. It then went to Upper Area Court, Ilorin, and thereafter, to High Court of justice, Ilorin, Kwara state. Here, an order for a retrial of the case was made in 1975. Then, a retrial was commenced in 1976. Appeal was lodged before the Upper Area Court, and later on to the High Court. The High Court delivered its judgment in 1980. Appeal was then made to the Court of Appeal, and then judgment was delivered in 1983. Almost 12 years of court trial, and yet the case had not been concluded, because appeal was then filed before the Supreme Court of Nigeria.

Another case is that of R. Ariori and others v Moraino Elemo and others.⁶ This case was filed in 1960, but trial was commenced in 1964 and judgment was delivered in 1975, when the plaintiff's case was dismissed. At that stage, appeal was lodged at the Federal Supreme Court, and it succeeded. Thereafter, the defendants appealed to the Supreme Court. Its judgment was delivered in 1983. 22 years later, the case commenced again.

With the example of the two cases mentioned above, can one say that our system of justice is alright, taking into consideration that the meaning of fair hearing has been defined as? :

A trial according to all the legal rules formulated to ensure that justice is done to the parties to the case. Reasonable time must mean the period of time which, in the search of justice, does not wear out the parties and their witnesses and which is required to ensure that justice is not only done but appears to the reasonable

¹. What this means is that many cases that ought to be determined in courts are settled informally. This, no doubt hampered adversely on the jurisprudence and development of the Nigerian laws as these cases have not been contested in the courts.

². Even among those that are literate, some of them do not have knowledge of the law that they can seek redress in a law court for the infringement of their rights. This is therefore a major hindrance of access to judicial justice in Nigeria.

³. Supra.

⁴. Aguda, T.A: The Crisis of Justice. Supra.

⁵. SC/123/83.

⁶. (1983) 1 SCNLR 1.

persons to be done.¹

There is no doubt that the answer to the above question is in the negative. The reason of this is the fact that a defeat of justice must have been caused to the litigants. After all, the old saying that justice delayed is said to be justice denied. This explained why an average Nigerian is disillusioned with the present system of justice in Nigeria. They have lost hope that justice will reign supreme in our courts. The belief of most of them is that the system promotes injustice and corruption. With this gloomy situation, a substantial number of people would prefer informal means of settling their grievances. While others will still prefer to resort to faith and watch helplessly with their rights being flouted.

5.0 Recommendations for Future Reforms

The problems emanating from the use of the current system of justice in Nigeria provide some basis for an in-depth study on how to plan for the future. This is with a view to ensuring that the entire system of justice is improved in the years ahead. In this regard, the following recommendations are hereby offered.

To start with, the imposition of foreign laws together with their cultures should be de-emphasized with a view to paving way for those beneficial aspects of our customary laws. The need for this radical approach can best be appreciated in view of the observations that:

... both civil and criminal is foreign and of foreign origin and we have been laboring under the illusion that an English oak planted and nurtured in a temperate climate will grow and thrive in a tropical climate...It is good for the English, but since we are not English...it is not. QED...²

Meanwhile, there is no dispute the fact that under some special conditions³ foreign laws could be referred to as a reference point. To this end, the observations of Lord Denning could be used as a guide. He said:

If the law is to stand for the future as it has stood for the past, as a sustaining pillar of society, it must have some point of reference more universal than its own internal logic.⁴

Another recommendation is in respect of the present adversary system of justice. It is a common knowledge that its use has caused delay in the proceedings, and encourages procedural technicalities. The adverse effect of this is its untold hardship to the helpless poor litigants. It is therefore suggested that the adversary system of justice should be used with caution so as to reduce this hardship. As an alternative, those beneficial aspects of the system could be merged with some similar beneficial aspects of the inquisitorial system of justice with a view to arriving at a best result.

In addition, the role of judges should be re-emphasized for better output of the system. Our judges should take a bold step in performing the duties conferred on them by law. This can be done by taking a liberal altitude when it comes to an interpretation of the Constitution. Thus, Idigbe, JSC. said that:

... where the question is whether the Constitution has used an expression in the wider or narrower sense the court should always lean where the justice of the case so demands to the broader interpretation unless there is something in the context or in the interest of the Constitution to indicate that the narrower interpretation will best carry out its object and purpose.⁵

Still on the roles and duties of our judges, they are to ensure that justice is better enhanced and performed if justice prevails over law, not law over justice. It is therefore ideal that law itself exists on the basis of justice, i.e. law is under justice, but not above it. If this is true, procedural rules and their technicalities which have been used to promote injustice in Nigeria should be jettisoned. This suggestion is in conformity with the view of Lord Denning where he gave a dicta that:

It would be tragic to reduce judges to a sterile role and make an automation of them. I believe it is because the function of judges to keep the law alive in motion, and to make it impressive for the purpose of arriving at the end of justice, without being inhibited by technicalities to find every conceivable but acceptable way of avoiding narrowness that would spell short of a judge being a legislator, a judge to my mind.¹

¹. Per Obaseki, JSC, in the case of R. Ariori v Elemo and ors. (supra).

². Opt cit.

³. For example, if the local laws did not make any provision on an issue to be decided upon, or, if the local law is inadequate, etc.

⁴. Per Lord Denning: The Law and its Compass. (1960), p. 40.

⁵. Nafiu v Kano State (1980) 8-11 SC 130, at p. 195.

In another occasion, he² maintained a similar stand as above. He said:
My root believe is that the proper role of a judge is to do justice between the parties before him. If there is any rule of law which impairs the doing of justice, then it is the province of the judge to do all he legitimately can do to avoid that rule-or even to change it so as to do justice in the instant case before him...

Still on law and its technicalities, Oputa, JSC, reiterated that:

Law and all its technical rules are to be but a hand maid to justice and legal inflexibility (which may be unbecoming of law) any, if strictly followed, only serve to render justice grotesque or even lead to outright injustice. The court will not ensure that mere form of fiction of law introduced for the sake of justice should work a wrong, contrary to the real truth and sustenance of the case before it.³

In addition, it is submitted that our judges should lean towards social justice when giving their judgments, but not lawyer's justice that is embedded with legal technicalities. Thus, the present system which is premised on two definitions of the concept of justice, namely, one for the poor and the second for the rich shows that the system is not healthy. For example, based on the doctrine of *locus standi*, a father was denied access to a court of justice to seek redress on the death of his son.⁴ How do you convince the father that there is a resemblance of justice in the operation of that doctrine? The answer is no.

Against the background of the above observation, a liberal approach which was taking as regards the doctrine of *locus standi* by distinguishing criminal matters from civil matters as exemplified in the case of Gani Fawehinmi v Col. Halilu⁵ is highly commended and so should be maintained. In the case, the Court observed that:

The place of the society is the responsibility of all persons in the country and as far as protection against crime is concerned, every person in the society is each other's keeper...if we pause a little and cast our minds to the happenings in the world, the rationale for this rule will become apparent.

From the above, it is therefore logical to suggest that the reasoning used in the above case be extended to civil matters. This is to ensure that as much as possible, the scope and relevance of the doctrine is watered down in our judicial system.

Another recommendation is the need to amend certain sections of the 1999 Constitution so as to cope with the present needs of the modern day Nigeria. For example, sections 33 (6) and 11 have often been used to over protect the accused at the expense of the larger society. The end result is that the society at large is at a greater risk if the accused is set free on the basis of this constitutional provision. As an alternative to this provision, it is suggested that the court should be allowed to ask the accused, specifically, all the allegations contained in the charge, and he should be expected to answer these questions, and failure to answer them should be deemed to mean that he has no defence to such allegations.

Moreover, some certain sections of the 1999 Constitution are vague for lack of specific definitions of some terms. Example of these are sections 35 (5) and (11) and of the 1999 Constitution. Therefore, it is suggested that these sections of the Constitution should be amended with a view to defining these terms so as to ensure easy compliance and correct interpretation by the court. And in doing this, the constitutions of other jurisdictions could be used as guides. For example, in the US, It is provided as follows: in all criminal prosecutions the accused shall be entitled to speedy trial.⁶ This is as opposed to our local provision which provides that:

he shall unless the charge is withdrawn be entitled to a fair hearing within a reasonable time...⁷

Similarly, section 308 of the 1999 Constitution is due for amendment for easy prosecution of those people that are mentioned under the provisions.⁸ These people control a lot of state and public money and that is why they have embezzled these funds knowing that they will not be asked to account for them while in office.

¹. Liverpool CC v Livine (1976) QB, p. 311.

². Lord Denning, The Family Story and its Compass, 1960, p. 40.

³. Aliyu Bello v and others v AG of Oyo State (1985) 5 NWLR 828.

⁴. Attorney General of Kaduna State v Umoru Hassan, Supra.

⁵. (1987) SC 43/87.

⁶. Article 6 of the 6th Amendment to the US' Constitution.

⁷. See section 36(4) of the 1999 Constitution of Nigeria.

⁸. These are the President and Vice President, Governors and their Deputy Governors.

Election petition cases should be handled by retired judges. Presently, they are being handled by serving judges who are already saddled with the responsibility of handling their regular cases. If this suggestion is considered, there would be less pressures on serving judges and at the same time they would have time to concentrate on their regular cases.

Related to the above recommendation is the need to increase the number of judges at various court levels. If this is implemented, it would help a lot in the system. As it is the number of judges that man our courts are very small, when compared with the volume of cases that they have to cope with on a daily basis. Thus for effective performance, more judges need to be appointed. At the same time, regular attendance of workshops, training and retraining at the national and international levels should be pursued with vigour so as to meet the best global international practices.

In another respect, alternative dispute resolution should be encouraged.¹ This method is used to mean a procedure of an alternative to the traditional means of settlement or a combination of the two methods. The procedure includes negotiation, reconciliation,² facilitation, conciliation/mediation, arbitration, etc. This procedure has been used in some jurisdictions such as United Kingdom, with a lot of successes. Thus, reinforcing it in Nigeria as a complimentary to the traditional courts would no doubt improve the justice system in Nigeria. In fact, there are many advantages to this procedure over the normal court system in Nigeria. For example, it eliminates delay as matters before them are quickly determined among the parties. In addition, it saves costs, and legal technicalities are removed.³

The role of Nigerian Bar Association is also desirous in this regard. Here, they can sensitize their members on the need to restrain and caution them from unnecessary and frivolous adjournments which are counter-productive to the administration of justice in Nigeria. Legal technicalities should be eliminated if at all we all want to promote the end of justice in the country.⁴

Other offences which the national courts cannot handle can be referred to regional or international courts. This could be seen in high profile cases like terrorism where because of their nature, they may be very technical to handle by the local courts. This could also be seen where gross human rights abuses have been committed.

Finally, Prosecutors that handle our cases should be trained and retrained for effective performance of their jobs. Better package should also be approved so as to serve as a motivating factor to them. At the same time, more prosecutors should be employed so as not to overstretch those already in the system. These prosecutors include those in the Police, The Economic and Financial Commission (EFCC), and Independent Corrupt Practices and Other Related Offences Commission (ICPC), Nigerian Drug Law Enforcement Agency (NDLEA), Legal Aid, etc. In fact, the ongoing war against corruption embarked by the present government in Nigeria cannot be successfully carried out without taking keen interests in the workings and structures of the EFCC, ICPC, etc. into consideration.

6.0 Conclusion:

In conclusion, it is no dispute that areas of reforms are numerous, but space will not. As a matter of fact, any future reforms should take into account the true and sincere yearnings of the populace. Such must reflect the level of our thinking and believe system, culture, education and civilization. Our laws must be simple in outlook and form, and devoid of legal technicalities. The parties must be treated on equal basis irrespective of status in the society. The judges must be impartial in their decision-making so as to arrive at a just decision. At the same time, they should be allowed to carry out their duties without any form of hindrance.

In spite of the above observations, however, problems and challenges often emanate from operators of the law, specifically, lawyers, police prosecutors, etc. This is because good law can still be used to occasion injustice through the way it is being interpreted or misinterpreted. In this regard, sincerity, dedication and selfless services from these operators are very paramount so as to maintain a high output.

BIBLIOGRAPHY AND REFERENCES

1. Books

Aguda, T.A. The Crisis of Justice. Akure: Eresu Hills publishers, 1986.

¹. See section 19 (d) of the 1999 Constitution of Nigeria. This serves as a complimentary provision to the judicial powers of the courts.

². This, if explored, will help in the de-congestion of court cases in Nigeria.

³. See Cap 510, Laws of the Federation of Nigeria, 1990. See also Order 19 of the High Court of the Federal Capital Territory, Abuja, Abuja (Civil Procedure Rules) Act, Cap 511 Laws of the Federation of Nigeria, 1990.

⁴. It is no secret that some of the rops in the justice sector are attributed to lawyers that appear in the courts. This is due to the way and manner some of them seek for injunctions in other to compromise a case, or asking for frivolous adjournments so as to prolong the life span of a case, etc.

In Re: Brook, 16, cbns, in a selection of Legal maxims, 10th ed,

Lord Denning: The Family Story (Butterworth, London, 1983.

Lord Denning: The Law and its Compass. (1960).

Omojola, T.A: Law and Development (Lagos) 1987.

Rupert Cross, Evidence 4th Ed.

The Due Process of Law (Butterworths), (1980 ed).

2. Cases

Adesanya v President of the Republic (1981) 2 NCLR 358.

Aliu Bello and ors v AG. Oyo State (1985) 5 NWLR 828.

Attorney General of Kaduna state v Umoru Hassan (1985) 2 NWLR (pt 8).

Chief Isekwema and ors v Bilepe and ors. Suit No. PHC/56/87.

Ejowhomu v Edok-Etor Ltd. (1986) 5 NWLR pt. 39.

Gambari v Onoh (1984) 1 SCNLR, 10.

Gani Fawehinmi v Colonel Halilu (1987) SC 43/97.

Imo State v Greece (1985) 3 NWLR 71.

Isiyaku Mohammed v Kano Native Authority (1968)1 ALL NLR, 242.

J.A. Adediran and ors v Interland Transport Ltd. (1991) 12 SC NJ 27.

Joseph Ozoma and 7 ors v M. Osanwuta and ors. Suit no. UHC/30/69.

Liverpool C.C. v Livine (1976) QB 311.

Nafiu v Kano State (1980 8-11 SC 130.

Nwobodoh v Onoh (1984) 1 SCNLR 10.

Ogbode v The State (1987) 2 NWLR pt.. 54.

R. Ariori and ors v Muriano Elemo and ors (1983) 1SCNLR.1.

State v Emine (19920) 7 NWLR pt 256.

Vatonoky Nig Ltd v Military Governor, Benue State (1975) 3 NNLR 224.

Woolmington v Director of Public Prosecution (19330 AC p. 462.

3. Legislations

Administration of Criminal Justice Act, 2015.

1999 Constitution of Nigeria.

Criminal Procedure Act.

Criminal Procedure Code.

Cyber-crime Act, 2015.

EFCC Act.

Evidence Act, 2011.

ICPC Act.

Money Laundry Act, 2015.

Petition of Right Act as amended by Laws of Nigeria, Cap 112, 1964.

4. Conference papers

All Nigerian Judges Conference papers (Sept. 1980).

Sixth Commonwealth conference papers (1980).