JUDICIAL REFORM AND TRANSFORMATION IN NIGERIA: 
A TRIBUTE TO 
HON. JUSTICE DAHIRU MUSDAPHER, 
GCON, FNIALS, 
CHIEF JUSTICE OF NIGERIA
Judicial Reform and Transformation in Nigeria:
A Tribute to
Hon. Justice Dahiru Musdapher, GCON, FNIALS,
Chief Justice of Nigeria

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Foreword
I have followed the judicial career of My Lord, the Chief Justice of Nigeria, Hon Justice Dahiru Musdapher, GCON, FNIALS, with keen interest right from the time he superintended over the
affairs of the Kano State judiciary. His Lordship subsequently served with me on the Court of Appeal Bench and thereafter as a fellow Justice of the Supreme Court. I have, therefore, had the opportunity to work with, and observe, His Lordship at close range.

Hon Justice Musdapher is very industrious, organised, focused and disciplined. It is, therefore, no surprise that His Lordship has capped his judicial career with the highest judicial office of Chief Justice of Nigeria.

One of the most enduring features of His Lordship’s stewardship as the Chief Justice of Nigeria and, in that capacity, the Head of the Nigerian judiciary is his commitment to judicial reform and transformation. As a former Chief Justice of Nigeria and a member of the Judicial Reform Committee which His Lordship recently constituted with a view to repositioning the Nigerian judiciary for optimal performance, I share His Lordship’s vision, focus and sense of urgency.

This book is a fitting tribute to Hon Justice Musdapher’s distinguished judicial career and His Lordship’s dogged commitment to the challenging, but no doubt surmountable, task of repositioning the Nigerian judiciary.

I am impressed with the breathtaking array of issues addressed in this book as well as the eminence and distinction of the authors whose insights will, without doubt, make a distinctive contribution to the corpus of literature on the subject of judicial reform and transformation in Nigeria.

I commend the Nigerian Institute of Advanced Legal Studies (NIALS), under the visionary leadership of its Director General, Professor Epiphany Azinge, SAN (who is a co-editor of this monumental work), for its decision to honour His Lordship for his indefatigable commitment to judicial reform and transformation in Nigeria.

I warmly commend this book to all stakeholders in the justice sector, in the knowledge that its insights and thought provoking perspectives will undoubtedly enrich the discourse
on the issues at stake and further shape the direction of judicial reform and transformation in Nigeria.

Hon Justice S. M. A. Belgore, GCON, FNIALS
Former Chief Justice of Nigeria
June, 2012.

Introduction

Upon his assumption of office as the Chief Justice of Nigeria in August 2011, Hon. Justice Dahiru Musdapher, GCON, FNIALS, has been unequivocal in his resolve and determination to reform and transform the Nigerian judiciary. At every available opportunity, His Lordship has been emphatic in underscoring the imperative need for the transformation of the Nigerian judiciary in a manner consistent with modern trends. For instance, in his Fellows Lecture at the Nigerian Institute of Advanced Legal Studies in November 20011, His Lordship set
out, in broad strokes, the thrust of his judicial reform and transformation agenda (See Appendix A).

Proceeding from the premise that “the authority of the judiciary rests squarely on the public perception of its propriety”, His Lordship underscored the imperative of judicial integrity pursuant to which “there is no middle ground and no space on the Bench for those adjudged to be unworthy arbiters of truth.” Accordingly, His Lordship, expressed his resolve to ensure that, under his watch, the process of appointment and elevation of judges would be subjected to “the highest standards of probity, accountability and transparency”; in consequence of which “only paragons of integrity, the best and the brightest will be appointed and elevated” under his watch. Consistent with this undertaking, His Lordship further expressed his resolve to ensure diversification of the pool from which judicial appointments to superior courts are made in response to “the declining intellectual depth and overall quality of the judgments of some of our judges as well as the frequency with which some judges churn out conflicting decisions in respect of the same set of facts”.

Furthermore, in pursuance of his resolve to reform and transform the Nigerian judiciary, His Lordship constituted a high-powered committee headed by a former Chief Justice of Nigeria, Hon Justice M. L. Uwais, GCON, FNIALS, to propose innovative measures for the reform and transformation of the Nigerian judiciary.

Following the submission of the Committee’s report, and on the strength of wide ranging consultations with other critical stakeholders in the justice sector, His Lordship recently submitted far reaching constitutional amendment proposals (see Appendix B) to the National Assembly for necessary action, with a view to reinvigorating and repositioning the Nigerian judiciary.

Given the rather short span – less than one year – of His Lordship’s tenure of office as the Chief Justice of Nigeria, it is
beyond dispute that His Lordship has laid a solid foundation for judicial reform and transformation in Nigeria. Accordingly, and consistent with its mandate, the Nigerian Institute of Advanced Legal Studies (NIALS) conceived of this book as a fitting tribute to His Lordship’s visionary initiative and resolve to reposition the Nigerian judiciary for optimal performance. It is our hope that His Lordship’s successors in office will sustain and reinforce this initiative.

Given the cutting edge issues that the book encapsulates, as well as the depth of scholarship that the contributors to the book have brought to bear on its subject matter, we are confident that it will raise the bar of engagement with the subject of judicial reform and transformation and, concomitantly, influence the direction of policy formulation and law reform in Nigeria.

The Editors
June, 2012.

PROFILE OF HON JUSTICE DAHIRU MUSDAPHER, GCON, FNIALS

From the Cradle
Hon Justice Dahiru Musdapher, GCON, FNIALS, was born on 15th July, 1942 in Babura town, Jigawa State, Nigeria. His Lordship hails from the Bani Ya’Musa clan. The progenitor of the clan (His Lordship’s great-grand father), Goni Ya’Musa, was a Fulani scholar, a renowned and respected Islamic jurist and teacher who migrated from Kanem Bornu Empire in the mid 1800s and pursued a lifelong mission of teaching and Islamic missionary work. He eventually settled in Babura town in present-day Jigawa State. His Lordship’s father, also a renowned Islamic scholar, Mallam Musdapher Musa, served as a Principal Adviser to several District Heads across the Kano Native Authority during the colonial era for decades before he
was eventually enthroned as the District Head of Babura. Mallam Musdapher, His Lordship’s father, was also the first Headmaster of the first primary school in Babura. He died in 1993 as the Head of a large and respected family, leaving behind over 300 children, grandchildren and great-grandchildren. Hon Justice Musdapher is currently the head of this illustrious family.

His Lordship is married to Hajiya Fatimah Dahiru Musdapher (née Suleiman Galadima) and the union is blessed with three children.

**Education**

The circumstance under which His Lordship was enrolled in school is quite interesting. Sometime in 1949, His Lordship was scheduled to travel east (to Sudan or Egypt) based on family traditions to further his Islamic education as was the practice in those days. However, an elderly aunt opined that he was too young to withstand the rigours of long distance travel and insisted that he be left at home until the following year. Due to Mallam Musdapher’s position as a respected scholar and the first Headmaster of the locality’s only elementary school, many of the children that attended the school who were not resident in Babura resided in his house. So when the older children left for school, His Lordship would tug along and listen to the lessons from the branches of a tree that stood near the classrooms. Alhaji Mohammed Ibrahim (a former Director General of NTA & FRCN), who was the Head boy of the school at the time, drew the attention of the teachers, to their amazement, to the fact that there was a young boy that kept answering questions asked in class from the branches of a tree! After a while, on the recommendation of the school Head boy, young Dahiru was invited in. Thus, His Lordship did not actually enrol in school in the conventional way.

On account of his prodigy, His Lordship spent only two years in the elementary school before moving to the middle
school, where his teachers were convinced that the young lad must have been memorising the dictionary as his vocabulary was clearly beyond the norm! He was a voracious reader that devoured everything that came his way.

True to family tradition, his exposure to western education did not deflect him from his Islamic education. Through the traditional system, he mastered a good portion of the Holy Qur'an and acquired intensive knowledge in Arabic Language and grammar; as well as the foundational principles of Islamic law. The knowledge acquired gave him invaluable insight when adjudicating on issues related to the Shari'ah and he is generally regarded as an authority and reference point on the subject. He speaks fluent Arabic.

While in Rumfa College His Lordship was consistently one of the best students in the school. Some of his classmates include late General Sani Abacha (former Military Head of State of Nigeria, 1993-1998), late Alhaji Adamu Dankabo (Founder and Chairman of Nigeria's first Indigenous private commercial airline) and Justice R.D. Mohammed.

After his secondary school education, and following a short stint as a clerical officer with the Northern Regional Ministry of Finance in Kaduna, His Lordship secured admission to study at the Institute of Administration in Zaria (which later became Ahmadu Bello University). Among his classmates were Hon Justice Umaru Abdullahi CON (a former President of the Court of Appeal) and Hon Justice Alloysius Katsina-Alu (a former Chief Justice of Nigeria). He later left for the United Kingdom to conclude his legal training in 1964, at the end of which he was called to the English Bar (the Middle Temple) in 1967. While in the United Kingdom, he was quite famous as a regular outside contributor and discussant on the West African Service of the BBC as well as the Hausa service from 1964-67. Notably, he was in the BBC studios as a discussant when the Sardauna of Sokoto and Premier of Northern Nigeria, Sir Ahmadu Bello,
and the Prime Minister of Nigeria, Sir Abubakar Tafawa Balewa, among others, were killed in a bloody coup d'état.

On return to Nigeria, His Lordship proceeded to the Law school and was called to the Nigerian Bar in 1968.

**Employment Record/Working Career**

Unlike most of his colleagues and seniors who opted for a career in public service from the onset, he chose to pursue a career in private legal practice together with the late Kaloma Ali in Kano. During those early years he was one of the most notable and sought after legal practitioners throughout the northern region. He made appearances before all the High Courts of the Northern region.

As a testament to his growing stature, he was appointed Secretary to the Kano Emirate Council and Adviser to the Kano Native authority from 1968-1976.

During the Council meetings His Lordship’s father, Mallam Musdapher, customarily accompanied the District Head whom he served under to the meetings at the Emir’s palace in Kano. Due to the prevalent custom of the time, shoes were not allowed beyond certain points within the palace and as such it was customary for aides to hold the shoes of their superiors in their hands as a mark of respect. Despite his high office at the time, His Lordship always made sure he picked up his father’s shoes and held them in his hands. This mark of respect ensured that all the district heads conferred additional respect on Mallam Musdapher not only because of his own pedigree as a scholar but also due to his son’s position within the council and the humility with which he carried on with his duties.

His Lordship’s stature was further reinforced when he was chosen together with the late Mallam Aminu Kano to represent the people of Kano at the burial of the late Egyptian Leader, General Gamal Abdul-Nasser, in September, 1970.

Public service came to His Lordship when he was approached to serve as the Attorney-General of the old Kaduna
State, even though he was from Kano State. He accepted the offer and served under three military administrators from 1976-1979 (Group Captain Usman Jibrin, Goup Captain Mukhtar Mohammed and Commodore Ibrahim Alfa). During the period, he enjoyed the privilege of attending the joint meetings of the Supreme Military Council and Council of State as an advisor to the Government of Kaduna State. Additionally, he became a member of the Body of Benchers by virtue of his position and has remained a member of the Body till date. He is one of the longest serving members of the Body – having been a member since 1976 – and has since been made a Life Bencher.

In 1979, he was appointed as a Judge of the High Court of Kano State by General Olusegun Obasanjo and later confirmed as the first indigenous Chief Judge of the State, as he took over from Justice R. Jones (a British expatriate).

During His Lordship’s six-year tenure at the helm of the Kano State Judiciary, a new court complex was completed and still remains as the main court complex. Fittingly, the building has since been named after him as a testament to his contributions to the Kano State Judiciary.

His Lordship was appointed a Justice of the Court of Appeal in 1985 and became a Justice of the Supreme Court in 2003. Hon Justice Musdapher is presently the Chief Justice of Nigeria, having ascended to the Office in August 2011. His Lordship is due to retire in July 2012 when he attains the mandatory retirement age of 70 years.

National Honours
Hon Justice Musdapher is a recipient of numerous meritorious awards and distinguished honours; among which are the following national honours:

Commander of the Order of the Niger, CON (2003);
Commander of the Federal Republic, CFR (2008);
Hobbies
His Lordship’s hobbies include: Reading, Scrabble and Crosswords.

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