
**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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2012
Nigerian Institute of Advanced Legal Studies
Lagos
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Published 2012
Nigerian Institute of Advanced Legal Studies,
P.M.B. 12820
Lagos, Nigeria.

ISBN: 978-978-8401-53-9

Printed by NIALS Press, Abuja

Table of Contents

	Pages
<i>Foreword</i> - - - - -	<i>viii-ix</i>
<i>Introduction</i> - - - - -	-
<i>x-xi</i>	
<i>Profile of Hon. Justice Dahiru Musdapher,</i> <i>GCON, FNIALS-</i> - - - -	<i>xii-xvi</i>
<i>Table of Cases</i> - - - - -	<i>xvii-xxii</i>
<i>Table of Statutes</i> - - - - -	<i>-xxiii-xxxv</i>

Chapter One

Roadmap to Judicial Transformation: Through
The Lens of Retired and Serving Jurists of
The Supreme Court

- ***Professor Epiphany Azinge, SAN***
and
- ***Judith Fumnanya Rapu-*** - - - - - 1-135

Chapter Two

Towards Fast Tracking Justice Delivery
In Civil Proceedings in Nigeria

- ***Peter A. Anyebe-*** - - - - - 136-171

Chapter Three

Towards Fast Tracking Justice Delivery in Economic
and Financial Crimes Litigation: Is there Need for a
Special Court?

- ***Dr. Fatima Waziri*** - - - - - 172-191

Chapter Four

Improving Case Management Coordination amongst the Police,
Prosecution and Court

- **Professor Bolaji Owasanoye**
and
- **Dr Chinyere Ani** - - - - - 192-226

Chapter Five

Judicial Integrity in Nigeria:

- **Dr. John Adebisi Arewa-** - - - - - 227-273

Chapter Six

Towards Enhancing the Independence
of the Nigerian Judiciary

- **Professor J. Nnamdi Aduba-** - - - - 274-299

Chapter Seven

Constitutional Court: a Mere Addition
to Nigeria's Judiscope?

- **Judith Fumnanya Rapu-** - - - - - 300-310

Chapter Eight

Poverty, Agency and Struggle in the Human
Rights Praxis of the Supreme Court of Nigeria
(1990-2010): A preliminary Assessment

- **Professor Obiora Chinedu Okafor , Ph.D-** - 311-333

Chapter Nine

Judicial Reform of the Legal Framework for
Human Rights Litigation in Nigeria:
Novelties and Perplexities

- **Professor Dakas CJ Dakas, Ph.D** - - - - 334-356

Chapter Ten

Towards Addressing Infrastructural Challenges
in the Nigerian Judiciary

-	<i>Professor Paul Obo Idornigie, Ph.D,</i>	-	-	357-376
Chapter Eleven				
Judicial Reform: The Plight of Lower Court Judges				
-	<i>Izuoma Egeruoh</i>	-	-	377-402
Chapter Twelve				
Appellate Process				
-	<i>Uchechukwu Ngwaba</i>	-	-	303-427
Chapter Thirteen				
Gender and Reproductive Health: Towards Advancing Judicial Reform in Nigerian Law				
-	<i>Aniekwu Nkolika Ijeoma, Ph.D</i>	-	-	428-455
Chapter Fourteen				
One Trademark, Two Courts: <i>Ayman v. Akume</i> Revisited				
-	<i>Professor Adebambo Adewopo-</i>	-	-	456-483
Appendix A				
The Nigerian Judiciary: Towards Reform of the Bastion of Constitutional Democracy-				
-		-	-	484-514
Appendix B				
Constitution of the Federal Republic of Nigeria 1999 (5 th Alteration) Bill, 2012				
-		-	-	515-565
<i>General Index</i>	-	-	-	566-574

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 2011, 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-grand children. 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, Group 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);
Grand Commander of the Order of the Niger, GCON (2011).

Hobbies

His Lordship's hobbies include: Reading, Scrabble and Crosswords.

Table of Cases

Nigerian Cases

<i>Abacha v. Fawehinmi</i> (2000) 6 N.W.L.R. (Pt. 660) 228.....	331, 339
<i>Abacha v. Fawehinmi (Court of Appeal)</i> (1996) 9 NWLR (pt 710), at 746-747.....	331
<i>Abraham Adesanya v. President of the Federal Republic of Nigeria</i> (1981) 2 NCLR 358; (2002) FWLR (Pt. 46)859.....	344
<i>Abubakar v. AG Federation</i> (2007)6 NWLR (Pt.103)967, (Pt.967).....	346
<i>Adefemi v. Abegunde</i> (2004) 15 NWLR (Pt. 895) 1.....	261
<i>Adebiyi Olafisoye v. Federal Republic of Nigeria</i> (2004) 4 NWLR (Pt. 864) 580.....	317
<i>Adesanya v. Presiden of Nigeria</i> (1981) 2 NCLR 358 at 359.....	324
<i>AG Abia v. AG Federation</i> , (2002)6 NWLR (Pt.763)264.....	96
<i>A.G Kaduna State v. Hassas</i> (1985) 2 NMLR 483.....	324
<i>A.G. Federation &4 ors v Dawodu &7 ors</i> (1995)2 NWLR pt 380,712.....	183

A.G Federation v. Ajayi (2000) 12 NWLR (Pt. 682) 509 at 532.....	261
<i>Agbakoba v. Director SSS</i> (1999) 3 NWLR (Pt 595) 314....	328
<i>Aktiebolaget Jonkoping Vulcan v. Star March Co. Ltd</i> (1974) 1 FRCR 66.....	475
<i>Alamieyeseigha v FRN</i> (2006)7 Q.I.C.R.I.....	
<i>Amaechi v. Independent National Electoral Commission</i> (INEC) (2007) 18 NWLR (Pt. 1065) 105.....	243
<i>Arion v. Elemo</i> (1983) 1 SCNNLR 1 at 24.....	237
<i>Atamgba v. Effimi</i> (2001) FWLR Pt. 58, 1155 C.A,	1162
C.A.....	237
<i>Atiku Abubakar v. Yar’Adua</i> , (2008)19NWLR (Pt.1120)PG1@177-178.....	114
<i>Atiku Abubakar & Ors v. Umaru Yar Adua & Ors</i> (2008) 12 S.C. (Pt. 11).....	243
<i>Atta v. Commissioner of Police</i> (2003) 17 NWLR (849) P. 250.....	198
<i>Attorney –General of Abia state v. Attorney General</i> <i>Federation</i> (2002) 6 NLR (Pt. 763) 264.....	243, 351
<i>Attorney-General Anambra State v. Attorney-General</i> <i>of the Federation & Ors</i> (2005) 9 NWLR (Pt. 929-931) 574 at page 606.....	241
<i>Attorney-general of Ondo State v. Attorney-General</i> <i>of the Federation & Ors</i> (2002) 9 NWLR (Pt.	722)
222.....	243
<i>Attorney – General of Oyo state</i> (1986) 5 NWLR (Pt.450), 828, 886	346
<i>Attorney –General v. Times Newspaper Ltd</i> , (1973)3 All ER at 65 (1973)3 WLR298.....	89

<i>Ayman v. Akume</i> (2003)12 NWLR (Pt.836)22.....	456,457,480
<i>Bello v.A-G Lagos</i> , (2007)2NWLR (Pt.1017)115 at 151-153.....	89
<i>Bi Zee Bee Hotels Limited v. Allied Bank (Nig.) Limited</i> (1996) 8 NWLR (Pt. 465) 176 at 185.....	261
<i>Buhari v. INEC</i> (2008)19NWLR (1120) PG 246 @408 to 412, 427-428.....	87,113
<i>Chime v. Ezea</i> [2009] 2 N.W.L.R (Pt. 1125)263, 355.....	155
<i>Dokubo Asari v. Fedral Republic of Nigeria</i> (2006) 11 NWLR (pt 991) 324.....	330
<i>Douglas v. Shell Petroleum Development Co Ltd</i> , Suit No FHC/L/CS/573/96.....	324
<i>E.S. & C.S. Ltd. v. NMB Ltd.</i> (2005) 7 NWLR (Pt. 924) 215 at 265.....	260
<i>Egbuonu v. BRTC</i> (1997) 12 NWLR (Pt 531) 29 at 42-44.....	327
<i>Fawehinmi v. Akilu & Anor</i> (1987) 4 NWLR (Pt. 66) 797.....	344,350
<i>Fawehinmi v. Akilu & Togun In re Oduneye</i> (1987) 4 NWLR (Pt. 67) 797.....	32
<i>F.C.S.C. v. Lagos</i> (1989) 2 NWLR (Pt. 106) 652 at 68.....	237
<i>F.H.C.(Unreported)</i>	434
<i>F.M.B.N. v. NDIC.</i> (1999) 2 NWLR (Pt. 559).....	262
<i>Gani Fawehinmi v. Halilu Akilu & Anor</i> (1987) 2 NSCC 1265.....	202
<i>Gambari & Anor v. Mahmud & Anor</i> [Appeal No. CA/IL/38/2006, delivered on May 11, 2009].....	153
<i>Gbemre v.Shell Petroleum Dev.Co.Suit</i> No.FCH/B/CS/53/05,Nigeria Governor of Ekiti State v. Fakiyesi (2010) All FWLR (Pt.501) 828	344
<i>IFC v. DSNL Offshore Ltd.</i> (2008) 7 NWLR	

(Pt. 1087) 592.....	260
<i>Igboke Oroke v Chuku Ede</i> (1964) N.N.L.R 118	
at	119-
120.....	406
<i>IML Air-chartering Nig. Ltd v. IML International Messengers (Nig) Ltd</i> (1997-2003)41PLR3.....	475
<i>I.N.E.C v. Inyama</i> [2008] 8 N.W.L.R (Pt 1088)182.....	154, 156
<i>Lakanmi v. A.G West</i> , (2002)6 NWLR (Pt.763)264.....	96
<i>L.P.D.C. v. Fawehinmi</i> (1985) 2 NWLR (Pt. 7) 300 at 346-347.....	238
<i>Lufadeju v. Johnson</i> (2007)8 NWLR (Pt.1037)535.....	97
<i>Mele v. Muhammad</i> (1999) 3 NWLR (Pt. 595) 419.....	261
<i>Military Governor of Lagos State v. Ojukwu & Anor</i> (1986) 1 NWLR (Pt. 18) 621.....	242
<i>Mobil Oil (Nig) Ltd. v. Assam</i> (1995) 8 NWLR (Pt. 412) 129.....	242
<i>Muhamadu Buhari v. Independent National Electoral Commission (INEC) & Ors</i> (2008) 12 S.C. (Pt. 1) 1....	243
<i>Muojekwu v. Iwuchukwu</i> (2004) 11 NWLR (Pt. 883) 196.....	321
<i>Muojekwu v. Muojekwu</i> (1997) 7 NWLR (Pt. 512) 283.....	321
<i>Nafiu Rabi'u v. The State</i> (1980)8-11 Supreme Court, 130, 148-149.....	482
<i>Ndibe v. Ndibe</i> (1990)5 NWLR pt 551, 632.....	183
<i>Nigerian Soft Drinks Co. Ltd v. AG Bendel State</i> (1984) 5 NCLR 656.....	324
<i>Nwankwo v. Nwankwo</i> (1995)5 N.W.L.R. pt 153.....	177, 324
<i>Nwokoro v. Onuma</i> (1999)12 NWLR (Pt 631)342 at 355-356 paras	G-
C.....	406
<i>Odogu v. Attorney General of the Federation</i> (1996) 6 NWLR (pt. 456) 508.....	329

<i>Oduneye v. D.P.P.</i> (1987) 2 NSCC 1265.....	202
<i>Ofoke Nwambe v. The State</i> (1995) 3 NWLR (Pt 384) 385.....	319
<i>Ogugu & Ors v. The State</i> (1994) 9 N.W.L.R. (Pt. 366)	
1.....	353
<i>Ogwuche v. Mba</i> (1994) 4 NWLR (Pt.336) 75.....	261
<i>Okafor v. Okonkwo</i> (2002)NWLR Pt. 796.p262.....	388
<i>Okoye v. Santilli</i> (1994)4 N.W.L.R. pt 338,256,289.....	177
<i>Okulate v Awosanya</i> (2000) 2 NWLR (Pt 646) 530 at 543 paras A- C.....	405
<i>Olaniyan v. Oyewole</i> [2008] AII FWLR (Pt 399)503.....	154
<i>Olusemo v. Commissioner of Police</i> (1988) 11 NWLR. (pt. 575) p. 557.....	198
<i>Osahon v. Federal Republic of Nigeria</i> (2003) 43 W.R.N. p.69.....	198
<i>Onuoha Kalu v. The State</i> (1998) 13 NWLR (Pt 583) 581.....	319
<i>Patkun Industries Limited v. Niger Shoes Manufacturing Company Limited</i> (1988) 5 NWLR (pt. 93) 138.....	2
<i>Peter Nemi & Others v. The State</i> (1994) 10 S.C.N.J.1.....	353
<i>People Democratic Party v. Independent Electoral Commission</i> (1999) 7 S.C (Pt. II) 127	420
<i>Plateau State v. AG Federation</i> (2007)10 NWLR (Pt.1014)1.....	97
<i>Plateau State of Nigeria & Anor v. Attorney-General of the Federation & Ors</i> (2005) 9 NWLR (Pt. 931) 577.....	243

<i>Provost Lagos Education v. Edun</i> (2004) NWLR (Pt. 870) 476.....	321
<i>Re Oduneye</i> (1987) 4 NWLR (Pt. 66) 797.....	344
<i>Ransome Kuti & Ors v. Attorney-General of the Federation & Ors</i> (1985) 2 NWLR (Pt. 6) 211.....	243
<i>Rasaki A. Salu v. Madam T. Egeibon</i> (1994) 6 NWLR (Pt. 345)23.....	237
<i>State v. Aibangbee</i> (1988) 3 NWLR (Pt. 84) 548 at 577.....	239
<i>Shugaba Darman v. Federal Minister of Internal Affairs & Ors.</i> (1981) 2 NCLR 459.....	243
<i>Trans Bridge Co. Ltd. v. Survey Int. Ltd.</i> (1986) 4 NWLR (Pt. 37) 576 at 596-597.....	240
<i>Transbridge Trading Company Ltd v. Survey International Ltd</i> (1986) 4 NWLR (Pt. 37) 576	at 596.....
<i>Tukur v. Government of Taraba State</i> (1997) 6 NWLR (Pt. 510) 549, at 576-577.....	327
<i>UBA v. Ajileye</i> (1999)13 NWLR (Pt 636)116 at 123- 124 paras	H- 407 Union Bank of Nigeria Plc v. Integrated Timber and Plywood Products Ltd (2000) 12 NWLR (Pt. 680) 99.....
<i>Victor Ndoma-Egbe v. Chukwuogor & Ors</i> (2004) 6 NWLR (Pt 869) 382 at 433.....	317
<i>Victor Ndoma-Egbe v. Chukwuogor</i> (2006) 6 NWLR (Pt 869) 382.....	322

Foreign Cases

Australian Agricultural Co. v Federated Engine

<i>Drivers and Firemen’s Association of Australia</i>				
(1913)	17	C.L.R	216	at
278.....			417	
<i>SCOH v. Stanstred</i> (1868) LR 3 EX 220.....				89
<i>Seaford Court Estates Limited v. Asher</i> (1949)2				
K.B.	481,			498,499
.....			345	
<i>Social & Economic Rights Action Centre v. Nigeria</i>				
<i>Communication.No.155/96</i>				
434				
<i>Southern Pacific Co v. Jensen</i> 244 U.S 205 221(1917)....				418
<i>Smith v. Selwyn</i> (1914)KB				
98.....			183	
<i>Warnink v. Townsend</i> (1980) RPC 3L, HL				

Table of Statutes

Nigerian Statutes

Constitution of the Federal Republic of Nigeria, 1999.....	361
S. 230, 231, 232, 233, 234, 235, 236.....	361
S. 237, 238, 239, 240, 241, 242, 243, 244, 245,	
246, 247, 248.....	361
S. 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259....	362
S. 260, 261, 262, 263, 264, 265, 267, 268, 269, 270, 271,	
272, 273, 274.....	362
S. 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 162	
(9), 6.....	36
2	
S	
318.....	363, 36
4	
S.	
162(9).....	36
7	
S.	
236.....	37
0	
S.	
294, 6(6)(a)(b).....	371
Constitution of the Federal Republic of Nigeria, 1960.....	361
Constitution of the Federal Republic of Nigeria, 1963.....	361
Constitution of the Federal Republic of Nigeria, 1979.....	361
National Judicial Institute Act, Cap N55, LFN, 2004.....	364
S.	
1, 3(1)(2).....	364

S.	
4.....	3
65	
Supreme Court	
Rules,1985.....	370
Orders	
3,4,6,7,8,9.....	370
Practice Direction Order No.3	
2007.....	370
Court of Appeal	
Rules,2011.....	370
Orders 6,7,8,9,10,11,12,13,14,15,16,17,18,19.....	370
Sheriffs and Civil Process Act, Cap S6,LFN,2004.....	372
S.	
84.....	37
2 Section1Constitution of the Federal Republic of	
Nigeria	
1999.....	3
Section 233,240,241,257(2),262,267,272(2),277,282	
of the Constitution of the Federal Republic of	
Nigeria 1999 Cap C23 Laws of the Federation	
of Nigeria	
2004.....	403
S. 6	(5)
.....	404
S.	
240.....	40
8	
Constitution of the Federal Republic of Nigeria,1999.....	379
S. 6(5)...	
.....	379
S.	
230,231,232,233,234.....	380

S.	
235.....	381
S. 237,238,239,240,241,242,243,244,245,246,247,	
248,249.....	381
S.	
249(2),250,251,254.....	382
S.	
255,257,256,270,271,272,273.....	384
S. 260,261,262,263,275,276,277,279.....	385
S. 265,266,267,268,280,281,282,283.....	386
S.	
6.....	387,389,392
Supreme Court Ordinance	
1863.....	379
Supreme Court Ordinance	
1976.....	379
The Protectorate Court Ordinance, 1933.....	380,383
Supreme Court Ordinance	
1943.....	380
Littleton	
Constitution 1954.....	380
Court of Appeal Act	
1976.....	381
Sharia Court Law, No.5 of Zamfara State, 1999.....	388
Constitution of the Federal Republic of Nigeria#	
(Promulgation) Decree	
No.24,2004.....	431
S. 46 Economic and Financial Crimes Commissions	
Act	
2004.....	173
Article 46 Economic and Financial Crimes Commissions	
Act	
2004.....	179
S. 7 Economic and Financial Crimes Commissions	

Act	
2004.....	180
S. 19	180
Laws of the Federation of Nigeria Cap 56(1990).....	175
S. 3 part 1 of the third schedule to the 1999 Constitution Federal Republic of Nigeria.....	
176	
S. 172 and 209.....	176
S. 251 (1)	184
S. 6(6)(b), 17(2)(e), 46(1)&315(3)	183
Art. 285	
.....	188
Paragraph 11 of the Code of Conduct Fifth Schedule	
Part 1.....	176
Fifth schedule, part 1999 constitution Article 1.....	176
Art. 112.....	176
Paragraph 2(b) part 1 fifth schedule 1979 constitution.....	177
S. 236 1979	
constitution.....	183
S. 6 (a-f) ICPC Act	
2000.....	177
Art. 44 ICPC Act	
2000.....	178
Art. 45	178
Art. 46	179
S. 27 (1)	179
Criminal Code Act section	
5&8.....	183
S. 4 police	
Act.....	184
S. 53 Criminal procedure	
.....	184
S. 3 Anti-Corruption & Economic Crimes Act, 2003...189	
S.13,14(1),16(2),17(3)(d),33(1).....	43

S.14,17,33,35.....	432
S.33,34,35,37,42.....	434
S.6,13,14(3),23,24,121,153,230(2),296,231(3), 237,238,250,251,256,261,266,271,287,291,292(2) of the 1999 Constitution of the Federal Republic of Nigeria Cap C23 LFN 1999 Constitution.2,4,5,6,31,36,46,51,62,64,82,93,94,106,108,116 123,124	
S. 393(1) of the Penal Code.....	60
Principle 1,4,7 of the 1985 Basic Principles on the Independence of the Judiciary.....	76,79,93,94
Revised National Health Policy,2004.....	436
International Covenant on Civil and Political Rights (1993).....	431
Economic, Social and Cultural Rights Covenant Art.12(1).....	431
International Covenant on Economic, Social and Cultural Rights,(1993)(1996),.....	432
International Covenant on the Elimination of all Forms of Racial Discrimination.....	432
Convention on the Rights of the Child, 1991.....	432
The African Union Charter on the Rights and Welfare of the Child 2001.....	432
African Protocol 2004.....	432

African Charter on Human and Peoples' Rights (Ratification and Enforcement)Act.....	433
African Charter 1983/ Bngul Charter Enforcement Act.Cap.A9,LFN,2004.....	4
33	
Art.16.....	43
3,453	
The Maternal and Child Health Policy.....	436
National Primary Health Care Development Agency Act 1992.....	436
National Health Insurance Scheme Act 1991.....	436
Section 1 Constitution of the Federal Republic of Nigeria 1999.....	303
Section 233,240,241,257(2),262,267,272(2),277,282 of the Constitution of the Federal Republic of Nigeria 1999 Cap C23 Laws of the Federation of Nigeria	
2004.....	403
S. 6(5) of the Constitution of the Federal Republic of	Nigeria
1999.....	404
S. 240 of the Constitution of the Federal Republic of	Nigeria
2004.....	408
1995 Draft Constitution	275,281,282,283,284,288
1979 Constitution.....	275,286,288
1989 Constitution.....	275
1999 Constitution.....	275,284,288
S. 231(1) 1999 Constitution	275
S. 211(1) 1999 Constitution.....	276

S. 231(1) 1995 Draft Constitution.....	276
S. 231(2) 1999 Constitution.....	276
S. 211(2) 1979 Constitution	276
S. 231(2)(3) 1995 Draft Constitution	276,289
S. 238(1) 1999 Constitution.....	277
S. 238(1) 1979 Constitution.....	277
S. 238(1)(5) 1995 Constitution.....	277,289
S. 238(2) 1999 Constitution.....	277
S. 218(2) 1979 Constitution.....	277
S. 238(2) 1995 Constitution.....	277
S. 250(1) 1999 Constitution.....	277
S. 250(2) 1999 Constitution.....	277
S. 229(1) 1979 Constitution	277
S. 254(1) 1995 Constitution.....	277
S. 271(1) 1999 Constitution	278
S. 235(1) 1979 Constitution.....	278
S. 275(1) 1995 Constitution.....	278
s.271(2)(3) 1999 Constitution.....	278,290
S. 235(2) 1979 Constitution.....	278
S. 275(2) 1995 Constitution.....	278
S. 276(1) 1999 Constitution.....	278
S. 241(1) 1979 Constitution	279
S. 280(1) 1995 Constitution.....	279
S. 276(2) 1999 Constitution.....	279
S. 241(2) 1979 Constitution.....	279
S. 280(2) 1995 Constitution.....	279
S. 281(1) 1999 Constitution.....	279
S. 246(1) 1979 Constitution.....	279,280
S. 285(1)(3) 1995 Constitution.....	279,280,289
S. 281(2) 1999 Constitution.....	279
S. 20-22 1999 Constitution.....	284,285
S. 15 Draft 1995 Constitution.....	286
S. 12 1999 Constitution 3 rd Schedule Part 11.....	288
S. 23 1995 Draft Constitution.....	288
S. 7 1979 Constitution 3 rd Schedule	288

S. 5 1999 Constitution 3 rd Schedule Part II C.....	288
S. 8 1995 Draft Constitution 3 rd Schedule Part II C.....	288
S. 254(3) 1995 Draft Constitution.....	289
S. 275(3) 1995 Draft Constitution.....	289
S. 280(3) 1995 Draft Constitution.....	289
S. 265(3) 1995 Draft Constitution.....	289
S. 230(3) 1999 Constitution.....	290
S. 283(3) 1999 Constitution.....	290
S. 281(3)(a) 1999 Constitution.....	291
S. 276(3)(a) 1999 Constitution.....	291
S. 291(1)(2) 1999 Constitution.....	291
S. 255(1) 1979 Constitution.....	291
S. 296(1)(3) 1995 Draft Constitution.....	290
S. 292(a)(i)(ii)(b) 1999 Constitution.....	290
S. 297(2) 1995 Draft Constitution.....	290
S. 21(h) 1999 Constitution.....	293
S.84(2)(4) 1999 Constitution.....	294
S. 84(3) 1999 Constitution.....	294
S 84(4) 1999 Constitution.....	296
S. 6(6)(c) 1999 Constitution.....	317
FREPR 2009.....	32
S. 241(1) of the Constitution of the Federal Republic of Nigeria	
2004.....	410
S.....	
....	410
S. 233(2).....	41
S.46(3).....	
334	
Chapter IV	
.....	335
Chapter II	
.....	335,336
S.46.....	335,350,33

S.6(6)(c)	335
S.33	335
S.34	335
S.35	335
S.36	335
S.37	335
S.38	335
S.39	335
S.40	335
S.41	3
S.14 (2)(a)	336
S.16	3
S.17	336
S.13	336
S.42	336
S.43	336
S.12	339,351
Administration of Justice Commission Decree No. 55	

of 1991, Cap A3 LFN 2004	
S.....	224
S.3.....	224
S.4.....	224
African Charter on Human and Peoples' Rights Ratification and Enforcement Act, Cap A9, Laws of the Federation of Nigeria, 2004.	
Art. 7	
(1).....	193
Art. 7 (1)	
(d).....	193
Constitution of the Federal Republic of Nigeria 1999 Cap. C 23 LFN 2004	
S. 36	
(4).....	193
S. 35	
(4).....	193
S. 35 (5).....	193
S.	
214.....	196
S. 174.....	197, 198, 203
S. 211.....	197, 198, 203
S. 174.....	198, 206
S.	
211.....	198
Uniform Civil Procedure Rules.....	150
Federal High Court Rules Order 17	159
Lagos State High Court Procedure Rules 2004	137,150,152

Trademark Act 1875, 1965....	458, 459, 461, 462, 466, 468, 473, 478
Order 1 r.2	151
Order 3 r.2(1).....	153
Order 17 r.1.....	155
Order 13 r. 17(2).....	155
Order 24 r.3.....	155
Order 30 r.10.....	155
Order 25 r. 1(1).....	156
Order 25 r.13.....	156
Order 25 r.2(a).....	157
Order 27.....	157
Order 28.....	157
Order 25 r.3	158
Order 25 r.4.....	158
Order 25 r.6.....	158
Orders 11, 25 & 28.....	158
Order 32 r.1(3).....	159
Order 32 r. 1(2).....	159
Order 27 r. 13.....	160
Order 39 r. 1(2).....	160
Order 33 rr.13-16.....	160
Order 31 rr.2 & 3.....	160
Lagos State Civil Procedure Rules, Cap 61, 1994.....	150, 151
Constitution of Nigeria 1979.....	232
Constitution of Nigeria 1988.....	232
Constitution of Nigeria 1995.....	232
Constitution of Nigeria 1999.....	232
S.36 (1).....	236, 240
S. 6 (1-6).....	241
S. 107 (1) (f).....	261
Constitution (Suspension and Modification) Decree No.1 of 1966.....	232
Decree 36 of 1998.....	261
Republican Constitution of 1963.....	246
Revised Local Government Staff Regulation 1986.....	261

Constitution (Suspension and Modification) Decree	
No. 1 of 1966.....	246
S. 174 (1) (b) &(c).....	
.....	202
S. 211 (1) (b) & (c).....	
.....	202
S.318.....	
.....	207
Constitution of the Federal Republic of Nigeria 1979	
S.	
160.....	198
S.	
191.....	198
Constitution of the Federation of Nigeria Promulgation	
Act, Cap. C 23 LFN,	
2004.....	206
Constitution of the Federal Republic of Nigeria	
(3 rd Alteration) Act	
2010.....	207
Customs and Excise Management Act	
S.	
180.....	206
S. 251	
(3).....	207
S.	
257.....	207
S.	
272.....	207
S. 241	
(c).....	207
S. 233	
(2).....	207
Criminal Code Act	
S.	
1.....	207

Criminal Procedure Act	
S. 203.....	193
S.	
342.....	202
S.	
342.....	203
S.	
341.....	203
S.	
20.....	218
Criminal Justice (Miscellaneous Provisions) Act (No. 84)	
1966.....	208
Economic and Financial Crimes Act Cap. E 1, LFN 2004	
S.	
43.....	201
S. 13 (2)	
(a).....	205
S. 14 (2).....	
.....	20
S.	
76.....	220
S. 76	
(2).....	221
Economic and Financial Crimes Commission (Enforcement) Regulations 2010	
S.	
1.....	201
Independent Corrupt Practices and Other Related Offences Act	
S.	
5.....	204
S.	
6.....	204
S.	
61.....	205

Lagos State Administration of Criminal Justice Law	
2007.....	211
S. 268	
(5).....	212
S.20	
(1).....	218
S.	
75.....	220
Lagos State Criminal Code.	
2010.....	225
National Agency for Food and Drug Administration and	
Control Act, Cap. N1, LFN, 2004.	
S.	
26.....	206
Police Act Cap. P 19, Laws of the Federal Republic of	
Nigeria 2004	
S.	
4.....	196
S. 23.....	197,
198	
Trafficking in Persons (Prohibition) Law Enforcement and	
Administration Act,	
2003.....	205
Tribunal of Inquiry	
Act.....	208
Childs Act	
2003.....	337
National Human Rights Commission (Amendment) Act	
2010.....	353
S.5.....	353
S.22.....	354

Nigerian Rules

Fundamental Rights (Enforcement Procedure Rules)	
1979.....	33
4,345	
Order 1	
r.3.....	345
Order 1 r.2(2)	
.....	348
Order II r. 1(1)	
.....	348
Order II r.1(2)	
.....	348
Order II r. 2(6)	
.....	348
Order II r.2	
.....	348
Fundamental Rights (Enforcement Procedure Rules)	
2009.....	334,342,343,347,349,350,351,353,355
Para.	
3(d).....	343
Para.	
3(e).....	343
Order III	
.....	345
Para. 3(a)	
.....	345
Para. 3 (b)	
.....	347,351
Order II r.2	
.....	347
Para. 3(g)	
.....	348

Order II r.5	349
Order V	
r.7	349
Order	
XII	349
Order IX	352

Foreign Statutes

American Declaration of Independence 1776	355
United Kingdom Civil Procedure Rules 1999 Rule 1	152
Section 2 of the old English Trademarks Act 1938	467
Maputo Declaration	431
Maputo Protocol,	
Art.14	431
Art.2(1)(d)	453
The Economic, Social and Cultural Rights Covenant	431,432
Art.12(1)	431
Art.12(2)(d),15(1)(b)	432
The UN Declaration on Violence against Women	431
Declaration on the Elimination of Violence against Women	
G.A.Res.48/104,Art.2(c) N.Doc.A/RES/48/104	
(1993)	431
Committee on Economic ,Social and Cultural Rights	
General Comment	
No.14	431
Section 2, 1,4,Article 2,3,11 of the United States of	

America	16, 70,71
Principles 17-20 of the United Nations Basic Principles...	71,72
Article 14(1) of the International Covenant on Civil and Political Rights.....	72,73,76,79
Article 8 of the American Convention on Human Rights.....	73
Article 14 of the Human Rights Committee of the United Nations.....	76
Republic Act No 3019.....	188
Republic Act No 1379.....	188
Anti money laundering Act (Philippines)	188
Section 11(d) of the Canadian Charter of Rights and Freedoms.....	95,96
International Covenant on Civil and Political Rights Art. 9.....	193
Art. 14 (1).....	193
Universal Declaration of Human Rights Art. 10.....	228
Universal Declaration of Human Rights, 12/10/1948.....	228
United Nations, GA Resolution 217A (111).....	228
International Covenant on Civil and Political Rights, 12/16/1966.....	228
United Nations, GA Resolution 2200A (xxi), 21 UN GAOR Supp. (No. 16) at 52.....	228
UN Doc. A/6316 (1966).....	228
999 UNTS 171 of March 23, 1976.....	228
United Nations General Assembly Resolution 58/4 of 31 October 2003.....	245
United Nations Convention against Corruption.....	245

Treaties/Conventions

African Charter on Human and Peoples' Rights.....339
Vienna Convention on the Law of Treaties
.....342
 art.
46.....342