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**THE SUPREME COURT OF  
NIGERIA 1990-2012**

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**The Supreme Court of Nigeria 1990-2012**

*Edited by*

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## GENERAL INTRODUCTION

The Supreme Court of Nigeria was first established under the 1954 Constitution of Nigeria as Federal Supreme Court. Certain changes were made in respect of the structure of the Court under

the 1960 Constitution of Nigeria. Thus, on the 28<sup>th</sup> of May, 1960, the Supreme Court Act No 12 of 1960 was promulgated. It came into force on 2<sup>nd</sup> June, 1960. It consolidated the law relating to the Federal Supreme Court.

In 1961, the Federal Supreme Court Rules were made. They came into force on the 1<sup>st</sup> of September 1961. They regulated the practice and procedure of the Federal Supreme Court. Appeals lie from the decisions of the Federal Supreme Court to the Privy Council in London. Under the 1963 Constitution of the Federal Republic of Nigeria, several important changes were made to the Federal Supreme Court. First, Federal Supreme Court became the Supreme Court of Nigeria. Second, the Court became a final court of appeal in Nigeria.

Hitherto, appeals in some cases went to Her Majesty in Council (Privy Council). However, under the 1963 Constitution which came into force on the 1<sup>st</sup> of October 1963, all appeals to the Privy Council ceased, and the Supreme Court became the final court of appeal to reflect the republican nature of Nigeria.

In 1977, the new Supreme Court Rules were made which were subsequently amended.

In 1979, the Constitution of the Federal Republic of Nigeria, 1979 came into force. Under the provisions of the Constitution, the composition of the Supreme Court was pegged at 15 justices. Similarly, under the 1979 Constitution of the Federal Republic of Nigeria, no person who is not qualified to practice as a legal practitioner in Nigeria for a period of not less than 15 years can hold the office of the Justice of the Supreme Court or that of the Chief Justice.

With the constitutional amendment, the Supreme Court (Amendment) Decree No 10 of 1984 amended the Supreme Court Act of 1960 to increase the number of Justices of the Supreme Court from 12 to 15- a number prescribed by section 210 (1) (b) of the Constitution of the Federal Republic of Nigeria. This law came into effect on 9<sup>th</sup> of May 1984.

Under the 1979 Constitution, for the purpose of exercising any jurisdiction conferred upon it by the Constitution or any law, the Supreme Court was duly constituted if it consisted of not less than five (5) Justices of the Supreme Court. Where the Court sat to consider an appeal brought under section 213 (2)(b) or (c) of the 1979 Constitution or to exercise its original jurisdiction in accordance with section 212 of the 1979 Constitution, the Supreme Court was constituted by seven (7) Justices.

The First Chief Justice of the Supreme Court was Hon. Justice Sir Stafford. Foster Sutton. Hon. Justice Olumuyiwa Jibowu became the first indigenous acting Chief Justice of the Supreme Court and he was appointed on 29<sup>th</sup> March 1955. Justice Jibowu was succeeded by Hon. Justice Sir Adetokunbo Ademola who was appointed on 28<sup>th</sup> April 1958 as the first indigenous Chief Justice of the Supreme Court.

Since the inception of the Supreme Court of Nigeria, certain legal Practitioners have been appointed into that apex Court without previous judicial appointments namely: Hon. Justice (Dr) Taslim Elias, who was appointed into the apex Court on 9<sup>th</sup> February, 1972 to succeed Sir Adetokunbo Ademola. He was appointed from his post as the Attorney General of the Federation. Hon Justice Daniel Ibekwe was appointed into the apex Court on 18<sup>th</sup> September 1973 from his position as the then Commissioner for Works, Housing and Transport in the then East Central State, now Anambra and Imo States. Hon. Justice (Dr) Augustine Nnamani was appointed on 15<sup>th</sup> August 1979 from his position as Attorney General of the Federation. Hon. Justice Mamman Nasir was appointed to the Supreme Court on 9<sup>th</sup> October 1975 from his post as the Attorney General of the then North- Central State, now Kaduna and Katsina States.

Presently, the 1999 Constitution provides for 21 Justices for the Supreme Court but that full complement was only achieved

under the headship of Hon. Justice Mohammed Uwais as the Chief Justice of Nigeria.

The Supreme Court today is manned by 14 Justices, amongst whom are three female jurists- Hon. Justice Mariam Aloma Muktar- the first woman to be so appointed, followed by Hon. Justice O. O. Adekeye and Hon. Justice Mary Odili. Hon. Justice Mary Odili was appointed to that Court in February 2011. The current Chief Justice of Nigeria is Hon. Justice Dahiru Musdapher, JSC, GCON, who was sworn into office in September 2011.

The Supreme Court of Nigeria is located in the Central District, Abuja, in what is known as the Three Arms Zone due to the proximity of the offices of the Presidential Complex, the National Assembly and the Supreme Court.

The Supreme Court in its current form was shaped by the Supreme Court Act of 1990 and by Chapter VII of the 1999 Constitution.

Under the 1999 Constitution, the Supreme Court has both original and appellate jurisdictions and has the sole authority and jurisdiction to entertain appeals from Court of Appeal, having appellate jurisdiction over all lower federal courts and highest state courts. Decisions rendered by the Court are binding on all courts in Nigeria except the Supreme Court itself

The Supreme Court is composed of the Chief Justice of Nigeria and not more than twenty-one Justices, appointed by the President on the recommendation of the National Judicial Council and subject to confirmation by the Senate. Justices of the Supreme Court must be qualified to practice law in Nigeria, and must have been so qualified for a period not less than fifteen years. Justices of the Supreme Court of Nigeria have a mandatory retirement age of 70 years<sup>4</sup>

The Nigerian Institute of Advanced Legal Studies is conscious of the fact that several works have been done on the Supreme Court. However, as part of its statutory mandate, several researchers were commissioned to examine the existing



literature on the Supreme Court. In *A Legacy for Posterity: The Work of the Supreme Court (1980-1988)*<sup>1</sup>, the focus was on how the Supreme Court had successfully carried out its duties and responsibilities under the 1979 Constitution and at Common Law including equity. Specific topics in the areas of Public Law, namely: Constitutional Law, Administrative Law, Criminal Law and Procedure and Legal System were examined in terms of the pronouncements, attitudes and decisions of the Supreme Court in these areas. In *The Uwais Court: The Supreme Court and the Challenges of Legal Development (1995-2006)*<sup>2</sup>, the focus was also on various areas of law including Administrative Law, Business Law, Constitutional and Human Rights Law, Customary Law, Environmental Law and Jurisprudence. Lastly in *Voice of the Supreme Court of Nigeria*<sup>3</sup>, the focus was on Hon. Justice Adolphus Godwin Karibi-Whyte's pronouncements on various areas of law while His Lordship served as a Justice of the Supreme Court.

It is in realisation of the focus and scope of the existing literature that the Nigerian Institute of Advanced Legal Studies decided to embark on this project. Thus, in this project, the focus is entirely different. The project has been arranged in various chapters covering a wide area including the administrative leadership of the Supreme Court, the Profiles of Justices of the Supreme Court, Case Flow Management, Judgments and Judicial Reasoning, Dissenting Judgments, Administrative of Justice, Public Perception of Judgments, Valedictory Statements, Judicial Integrity and Performance Evaluation, the Relationship between the Bar and Bench,

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1. Sagay I. E.: *A Legacy for Posterity: The Work of the Supreme Court (1980-1988)* (Lagos: Nigerian Law Publications Limited, 1988).
  2. Guobada DA and Adekunle AO (eds): *The Uwais Court: The Supreme Court and the Challenge of Legal Development (1995-2006)* (Abuja: Nigerian Institute of Advanced Legal Studies Press, 2007).
  3. Peters S.C. (ed): *Voice of the Supreme Court of Nigeria Per Hon Justice Adolphus Godwin Karibi-White* (Abuja: Centre for Publications, 2009).

Preparation and Filing of Written Briefs, the Independence of the Judiciary and the Supreme Court, the Court Room and Research Facilities, Capacity Building of Justices, Supreme Court and Election Petitions, Supreme Court and Human Rights, Recruitment and Tenure of Justices of the Supreme Court, Institutional Reforms and a Comparative Study of the Supreme Court and other Supreme Courts.

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