



UNIVERSITY OF UYO

LAW JOURNAL

VOLUME 9, 2016

Published by the Faculty of Law
University of Uyo



JUDICIARY IN THE DOCK: *NEMO JUDEX IN CAUSA SUA*

By

Professor Enefiok Essien*

Abstract

The current administration of President Buhari has raised the tempo in the fight against corruption in the Nigerian judiciary. The midnight arrests, detention and subsequent arraignment of some judicial officers have been unprecedented in the history of Nigeria. Indeed, allegations of corruption against judicial officers and the issue of conflicting judgments by courts of co-ordinate jurisdiction have put the Nigerian judiciary in the dock for trial. While this paper is not out to pass judgment as to the guilt or otherwise of the judiciary in this regard, it will rather focus on the measures that must be taken to strengthen the judiciary and ensure that it pulls itself out of the current judicial cul-de-sac that it finds itself. Appropriate recommendations are also proffered.

Introduction

In a leading article at page 27 of *The Times* of London of Wednesday November 2, 2016, the concluding sentence, which caught my attention, read: "Nigerian justice is in the dock, but a conviction in this case would send a message heard far beyond its courts". The gist of the article was that President Buhari of Nigeria had picked a fight with corruption, a virus which had become a deeply embedded culture in Nigeria. What immediately came to mind after a perusal of the article was the need for a focus on building or strengthening the judiciary as a whole and particularly the raising of hope, trust and transparency in the judiciary, if there is to be any respect for the rule of law. In this regard, the epigram by Caroline Kennedy finds immediate relevance. In her words:

* Professor Enefiok Essien PhD (Birmingham), Barrister-at-Law, Multi-tenure Dean of Law and current Vice Chancellor, University of Uyo, Nigeria.

The bedrock of our democracy is the rule of law and that means we have an independent judiciary, judges who can make decisions independently of the political winds that are blowing.

Public perception of the Nigerian Judiciary at the moment is at an abysmal low, no thanks to the recent wave of allegations of judicial corruption and the spate of conflicting judgments of coordinate courts. Some judges/justices have recently been thoroughly harassed, hounded and embarrassed. Some have been subsequently arraigned in court with different charges mostly of corruption, a situation which had never occurred in the history of Nigeria, where a judge is put to trial for alleged corrupt practices.¹ Others have been charged at the court of public opinion where everybody is a judge. Nigerian press is replete with reports that on October 7, 2016, a contingent of officers from the Department of State Services (DSS) raided the homes of some Nigerian federal judges, including serving Supreme Court justices;² they broke down the doors and fences and arrested the high judicial officers in the midnight, like common thieves, and scurried them to where they were detained.

The news reverberated throughout the world. *The Times*³ of London did not miss the story. Writing under the caption: "Buhari's war on judges to recoup stolen billions," the paper said⁴: "Door-smashing, night-time raids on seven judges by Nigeria's domestic spy agency last month divided the legal profession but are widely seen as an overdue move against a self-regulating judiciary susceptible to bribes." To rub it in, the paper also added that "corruption had become so endemic in the judiciary that the National Judicial Council was incapable of dealing with it."

In every sense, the year 2016 marked a crescendo of woes for the Nigerian judiciary. As *The Guardian* put it, in the history of Nigeria, 2016 would arguably be regarded as the most turbulent for the judiciary in two distinct but paradoxical ways. It was the year that the judiciary stood trial and also adjudicated far more corrupt cases.⁵ Though some may doubt if the raids

¹ "2016, a year judiciary was on trial", *The Guardian*, Tuesday, January 3, 2017 at page 30.

² "Is midnight raid on judges legal", *The Guardian*, Tuesday, October 18, 2016, p.43; "Buhari's DSS boys go crazy", *Sunday Punch* of October 9, 2016, pp 1, 2, 3, "Two more judges held as DSS freezes accounts", *The Nation*, Thursday October 13, 2016.

³ Wednesday November 2, 2016 at p.30.

⁴ *Ibid.*

⁵ "2016, a year judiciary was on trial. *The Guardian*, Tuesday, January 3, 2017 at p. 30.

would result in any of the judges being successfully prosecuted, three facts cannot, however, be doubted. The first is that the judges, and indeed other judges and the judiciary as a whole, have been really shaken so badly that they would be more circumspect and perhaps less avaricious in the discharge of their judicial functions. The second, though negative, is that the raid by the DSS has succeeded in demoralizing the judges and the judiciary as a whole. Having been cowed, the judges (or at least some of them) may become timorous rather than bold, diffident rather than confident, and dependent on the executive rather than independent of it, with the result that the quality and executive-impartiality of their judgments may leave much to be desired. This can only sound a death knell for justice and sing the *nunc dimittis* to the rule of law in Nigeria. The third is the erosion of public confidence in the third arm of government and the need to restore public confidence in both the judiciary and the judicial officers.⁶

The issue of conflicting judgments by courts of co-ordinate jurisdiction even when the facts are on all fours also further puts the judiciary in the eye of the storm. Not surprisingly, the Chief Justice of Nigeria recently directed a probe by the National Judicial Council (NJC) of judges involved in recent conflicting judgments in the country.⁷ Some judges have been found liable for different judicial misconducts and sanctioned by the NJC. The Chief Justice noted, rightly, that those conflicting judgments, which incidentally related to political cases, exposed the country's judiciary to ridicule.⁸

Having been put in the dock, the judiciary for once loses its constitutional right to be a judge, since the judiciary itself is a party to the case or, indeed, the accused. The judiciary cannot be a judge in its own cause, or as laconically couched in the familiar Latin maxim, *nemo iudex in causa sua*. For now the plea (whether guilty or not) is not important, and therefore will not be taken, as this paper is not out to pass judgment on whether the judiciary is guilty. As no judgment is therefore necessary, no *allocutus* or mitigating excuses are contemplated. Rather, the province of this paper is an introspection into areas where the judiciary can/should be strengthened to ensure that it pulls itself out of the current judicial *cul-de-sac* that it finds itself.

⁶ "Restore public confidence in judiciary, lawyers charge new CJN", *The Guardian*, Tuesday November 15, 2016 at page 43.

⁷ "NJC probes judges linked to conflicting judgments". *The Guardian*, Tuesday, September 20, 2016, pp1.6.

⁸ *Ibid.*

The Judiciary

In the present context, to “strengthen” the judiciary means to position it for more effective justice delivery. This embraces the enhancement of access to, and dispensation of justice without fear or favour and without affection or ill-will. The judiciary is the court system or judicial system. Government, particularly, in a Presidential system like in Nigeria, is a tripod, comprising the Executive, the Legislative and the Judiciary. The term “judiciary” is also used to refer collectively to the personnel such as judges, magistrates, and other adjudicators and mediators, who form the core of a judiciary (sometimes referred to as a “bench”), as well as the staff who keep the system running smoothly. The judiciary is like a referee in a football game that helps to settle disputes between, and generally watch over the legislative and executive arms of government. It is also the referee between individuals and the government and individuals *inter se*.

The judiciary interprets and applies the law to the facts of each case. In some way, especially where the legislature has left a lacuna in the law or in cases of *casus omissus*, the judiciary makes law by way of judicial precedent for other judges to follow. This is particularly so since the fusion of Common Law and Equity by the Judicature Acts of 1873 and 1875, where, by section 24, both Law and Equity became administered by one court, i. e. the Supreme Court of Judicature. It was this fusion that led to Maitland’s fluvial metaphor, that “the two streams [Law and Equity] have met and still run in the same channel, but their waters do not mix.”

The Judiciary as the third arm of government in a State governed by the Rule of Law – together with the Legislature and the Executive – is the one contributing to the legal certainty and stability of society. This gives vent to the epigrammatic stated earlier, that the judiciary, as the vanguard of the rule of law, is the bedrock of our democracy and therefore should be independent, with bold judges who can make decisions independent of the political winds that are blowing. Thus, the strengthening of the judiciary as an arm of government is a *sine qua non* for the democratisation and economic reconstruction of Nigeria. Strengthening the judiciary is with a view to some specific objectives, which include:

- i) To strengthen the independence of the judiciary;
- ii) To provide conditions for a speedier administration of justice;
- iii) To increase the efficiency of the judicial process;
- iv) To increase public confidence in the judiciary;

- v) To establish a system for raising the professional knowledge and skills of the judges, magistrates, mediators and of the court administration.

The Strengthening Process

Strengthening the judiciary as an arm of government calls for a number of firm and positive steps, determined restructuring and structural adjustments. These include ensuring independence of the judiciary, promoting the intellectual capacity of, and best practices by the bench; compliance with due process, qualification for and transparency in appointment of judicial officers and upholding of integrity by judicial officers.

Independence of Judiciary

The hallmark of an effective and efficient judiciary lies in its independence. Although the presidential system of government contemplated in the Constitution of Nigeria provides for separation of powers, thereby conferring the three distinct powers of government on three different and separate organs,⁹ the reality seems to leave a wide gap between the practice and the letters of the constitution. Independence of the judiciary contemplates a judiciary free from the apron strings of the other arms of government, but what **ought** to be is a far cry from what actually **is**. The notion of an independent judiciary finds its origin in the theory of separation of powers between the three branches of government. This separation has in-built system of checks and balances, aimed at avoiding power abuse by any one organ of government to the detriment of a free and egalitarian society. Separation of powers has to do with the division of responsibilities into distinct branches to limit any one branch to its own sphere and restrain each from the core functions of the other. The intent is two-fold: to prevent the concentration of powers in one organ and at the same time provide for checks and balances. This is impelled by the truism that “power tends to corrupt, and absolute power corrupts absolutely.”¹⁰

By the provisions of sections 231(1), 238(1) and (2), 250(1) and (2) of the 1999 Constitution of Nigeria, as amended, appointments of Justices of the

⁹ See sections 4, 5 and 6 of the 1999 Constitution of the Federal Republic of Nigeria, as amended.

¹⁰ *Per* John Emerich Edward Dalberg Acton (Lord Acton), first Baron Acton (1834 -1902), in his letter to Bishop Mandel Creighton in 1887. Examples of absolute power corrupting are Roman emperors (who declared themselves gods) and Napoleon Bonaparte (who declared himself an emperor).

Supreme Court and other federal judges/justices are provided for.¹¹ The National Judicial Council (NJC), the body that recommends persons for appointment as judges and exercises disciplinary powers over judicial officers, is by the provisions of sections 158(1) autonomous and insulated from government control. Except for inability to discharge the functions of his office or on grounds of official misconduct, a judge cannot be removed, dismissed or retired before he attains his statutory retiring age.¹²

It is common in Nigeria to see the head of the executive arm of government constituting itself into a head master in the disbursement of funds to the judiciary. State governors would proudly go to town, with megaphones in hand, telling the public how they have released funds for the welfare of judges and other judicial officers as part of the democratic dividends they promised the electorate. Unfortunately, too, at Opening of Legal Year ceremonies, Chief Judges routinely give the impression that the head of the executive arm of government superintended over the funds of the judiciary. One hears expressions, such as, "The Judiciary is indeed grateful to His Excellency the governor of the state, who, in his magnanimity made it possible for our judges to travel on holiday abroad" or provided cars to the Judges. While not discouraging a synergy between all the organs of government, these are in direct contrast to the spirit of the Constitution. The Constitution charges the NJC with the responsibility of disbursing funds to the Judiciary. By the effect of section 81(3) of the Constitution, the amount standing to the credit of the Judiciary in the Consolidated Revenue Fund is to be paid directly to the NJC. Similarly, at the State level, section 121(3) of the self-same Constitution provides that the amount standing to the credit of the judiciary at the Consolidated Revenue Fund of the State shall be paid directly to the heads of the courts concerned. As I had expressed elsewhere, and still maintain same position now:

No doubt this would lead to better improved conditions of service of all staff of the judiciary, both judicial and judiciary staff, and thus guarantee the independence of the judiciary. A situation

¹¹ Section 271(1) of the 1999 Constitution makes for similar provision for appointment of judges of State Court by the governors of the various states.

¹² Section 157 of the 1999 Constitution.

where the Judiciary has to continually look up to the executive as a matter of favour, does not promote democratic practices.¹³

Financial independence is a *condicio sine qua non* for independence of the Judiciary. The adage still holds true that he who pays the piper dictates the tune. There is also the sister idiom that one does not bite the hand that feeds him. There is no way the judiciary would be dependent on the executive for funds and be expected to be independent of the executive when it comes to judgments. It is to be reasoned from the provisions of the constitution that once the funds due to the judiciary are directly disbursed to it, setbacks such as poor infrastructure, poor remuneration, poor service conditions and lack of institutional autonomy would have all been addressed.¹⁴

It appears that the non-implementation of sections 81 and 121 of the Constitution poses a serious setback to strengthening the judiciary. The implementation of these sections would not only strengthen the judiciary but would elevate the office of the Chief Judge by putting an end to Chief Judges going cap in hand to Government Houses to beg governors to release funds meant for the judiciary. Chief Judges would spend less time thanking State Governors “for being kind and generous to the judiciary” even for what constitutionally belongs to the Judiciary.¹⁵ Recently it was widely reported in the media that as at January 2017, judges across the country could not be paid their December 2016 salaries, and yet these are judicial officers whose salaries are constitutionally stipulated to be assured from the Consolidated Revenue Fund of the Federation.¹⁶ It is desirable that the basic needs of judges should be timeously met in order to assist them in resisting corruption.

Non-interference in Adjudication

As a corollary to an independent judiciary is non-interference in adjudication by forces inimical to the judicial process. The judicial process should not only be devoid of every form of interference, but should be seen by litigants, lawyers and the public as being so. Such freedom should reflect both

¹³ Enefiok E. Essien, “Judicial Reforms and Democracy in Nigeria”, in E. E. Essien (ed.), *Law: All Round Excellence, Essays in Honour of Professor Peter Umama Umoh*. (Accra: Toplaw Publications Ltd. 2012)1 at p. 12.

¹⁴ Alexander Hamilton. *The Federalist*. 1788.

¹⁵ Essien. *op cit.*, at p 13.

¹⁶ “Judges spent festive season without December pay”, *Punch* newspaper, Friday, January 6, 2017 at page 9.

in the proceedings and in the judgment of the court. A judicial officer should be a man of integrity, who can stand his own, and who cannot be easily intimidated. "Integrity" is not being influenced by the identity, race, gender, political status, religion, wealth or relationship of the party or lawyer before the judge. Legal courage in this sense is the willingness to do what the law requires the judge to do even though the course the judge must follow is not the popular one. For the judge, the maxim should be: *Fiat justitia ruat caelum*: Let justice be done though the heavens fall.

To enhance independence and avoid, or at least minimise, inference the judge must be self-disciplined, retain his distance and be somehow aloof. It has been expressed that:

A judge by virtue of his chosen profession, chooses to become an ascetic, distant from the society he lives in, yet immersed in it so deep that he is confronted with the rawness of its existential struggle every day.¹⁷

A judge has no choice, but to be somewhat reclusive and isolated from the community he finds himself. His contact with political parties and party men, government officials, lawyers and individuals must be restricted to purely inevitable social occasions.¹⁸ Judicial officers and judiciary staff must not allow themselves to be tossed about by politicians, lawyers, litigants or any other persons. When judges and magistrates are seen hobnobbing with these people, it becomes difficult, at least in the eye of a reasonable man, to draw a line between where the private relationship begins and ends, and where the official relationship takes over. A political party, commissioner or chief executive, who is seen hobnobbing with a judicial officer today, is a potential litigant or party to suit before the same officer tomorrow. Ditto where a judge maintains intimacy with church owners, elders and members. Such undue intimacy and involvement is bound to becloud his reasoning in a case that comes before him because, as the German philosopher - Karl Max, observed, more than anything

¹⁷ Dinesh Naryan, "S H Kapadia: Pilgrims of Justice", available at <https://indialawyers.com/category/chief-justice-speeches>, accessed September 26, 2016.

¹⁸ Sarosh Homi Kapadia, Chief Justice of India, while delivering the M C Setalvad Memorial Lecture on Judicial Ethics in April, 2011, cited in D Naryan, *ibid.*

else, religion is the opium of the people.¹⁹ Where there is an apparent or a mere likelihood of conflict of interest, a judicial officer should make bold to decline hearing the matter. It is more honourable to both the judicial officer and the judiciary to have a judge step down from hearing a matter, than to deliver a judgment that cuts short a judge's career and embarrasses the judiciary. This presupposes independence as to decision-making, and can only be attained where the other organs of government, persons and authorities such as the security agents respect and abide by the decisions of courts.

Training and Capacity Improvement of Judges

The Judiciary as an arm of government can be further strengthened by stepping up the training and intellectual capacity of judicial officers. A two-fold dimensional reform is required here. One has to do with qualification for appointment as a judicial officer. The qualification for appointment to the High Court and other courts should be taken beyond the ten years post-call prescribed in the Constitution.²⁰ A lawyer who merely struggled through the university and the Law School, failing and passing courses here and there and eventually graduating with very low Cumulative Point Average, say 1.00, may never be able to appreciate principles of law with ease. A lawyer who was ever found liable for examination irregularity by his university, though never convicted of any offence by a court, may never be able to cultivate the virtues, integrity, non-compromise and hard-work. Such lawyers should not have any place on the bench. Appointment to the bench should be less politicised, not an object of patronage, favouritism or based on parental, clannish, religious affiliation or other primordial consideration. Certainly, every lawyer cannot be a Bench material. A judiciary where "lawyers are invited to the higher bench based on their performance, not they themselves applying and lobbying for it,"²¹ would be strengthened as an arm of government. In that judiciary, "good lawyers would be invited to the higher bench, be they from the academia, the bar, or the lower bench; then they would be interviewed, and only the best would be appointed."²²

¹⁹ A Contribution to the Critique of Hegel's Philosophy of Right" in *Deutsch-Französische Jahrbucher* as published in Paris on the 7 & 10 February, 1844, Vol. 3 (The Subliminal Verses).

²⁰ Section 270 (3) of the 1999 Constitution for qualification for appointment as a Judge of a State High Court.

²¹ Essien, *Op Cit.*, 13.

²² *Ibid.*

Another aspect has to do with continued suitability for the office. This calls for the training and retraining of judicial officers. The National Judicial Institute must be commended in this direction. However, apart from in-house training organised for judicial officers, they should be given opportunity for staff development in other areas which may be related to their employment. I have made point elsewhere that it is not that our judicial officers do not “generally show depth and robust reasoning in their judgments.”²³ However, if sound and well-reasoned judgments are to be expected from our courts, and pronouncements from our courts are to be compared with those in other climes in terms of the ratio and the ingenuity garnished with boldness in the application of the law, then training and retraining of judicial officers must be a priority. Training should not be limited to judges alone; magistrates, mediators, members of customary courts, registrars, bailiffs and indeed every category of workers in the judiciary should be covered. The judiciary as an arm of government can hardly be strengthened by focusing on only the bench; everyone in the system, including the gatekeeper, has a role to play.

Corruption-Free Judiciary

The Nigerian Judiciary was once eulogised as:

The legendary knight in shining armour, rescuing the practice of politics in the country from the intractable corruption, arbitrariness and allied vices that ... characterised Nigerian politics.²⁴

The judiciary, despite the criticism against it lately in the public domain, remains the fulcrum of Nigeria’s democracy. However, as stated earlier, the judiciary has recently come under ruthless scrutiny²⁵ particularly on allegation

²³ *Ibid.*

²⁴ Etefia E. Ekanem, “The Judiciary and Democratic Governance in Nigeria: So Far, How Far?” (2013) Vol. 2 No. 1 *Uyo Bar Journal*, p. 153, at 155-156.

²⁵ Paul I. Adujie “Nigerian Judiciary: Robotic & Constrictive on Corruption War?” available at <http://www.gamji.com/article6000/NEWS6977.htm>. accessed on June 9, 2016; Oluyemisi Bamgbose, Saray Run, and Nigel Duncan, “Corruption and Ethical Challenges to Legal Professionals” *Fordham University*, available at http://www.fordham.edu/info/25022/regulation_of_the_legal_profession_and_judiciary/8370/corruption_and_ethical_challenges_to_legal_professionals. accessed September 25, 2016; and Aniekem Finbarr, “Woe to Lawyers: Lk. 11: 46” available at

of corrupt practices against some judicial officers. It did not just start today. For instance, during the Opening of the 2015 All Nigeria Judges' Conference in Abuja, the President of Nigeria had accused corrupt judges of sabotaging the efforts of his administration at confronting corruption.²⁶ Represented by the Vice-President, Professor Yemi Osinbajo, President Buhari pointedly accused the judiciary of dilatoriness, collusion and corruption. In his words:

As my lords are undoubtedly aware, corruption transfers from public coffers to private pockets, resources required to deliver social and economic justice. Government's attempts to recover such assets in accordance with the law are often faced with dilatory tactics by lawyers sometimes with the apparent collusion of judges. These tactics are often not directed at reaching any conclusion or affirming innocence or guilt, but at stalling trials indefinitely, thus denying the state and the accused person the opportunity of a judicial verdict.²⁷

The President is not without good company in this view, as media publications abound accusing very senior lawyers of colluding with some judges to perpetuate judicial corruption.²⁸ There is no gainsaying that the judiciary appears to have a case to answer in the court of public opinion. As *The Guardian* asserts, "the popular opinion is that some judges are corrupt".²⁹ Admittedly, there are ethical codes to regulate the practice of law in Nigeria such that if strictly adhered to, the judiciary would be insulated from the web of corruption. It is therefore without any doubt whatsoever that strict adherence to

<http://www.nigerianlawguru.com/articles/general/WOE%20TO%20YOU%20LAWYERS.pdf>, accessed September 25, 2016.

²⁶ Wale Odunsi, "Buhari Blasts Judges, Lawyers Frustrating his Anti-Corruption War" *Daily Post*, November 24, 2015, available at <http://dailypost.ng/2015/11/24/buhari-blasts-judges-lawyers-frustrating-his-anti-corruption-war/>, accessed September 25, 2016.

²⁷ Odunsi, *Op. Cit.*.

²⁸ Femi Falana, "Falana slams Nigeria's senior lawyers, judges; accuses them of frustrating corruption trials" *Premium Times*, April 18, 2014 available at <http://www.premiumtimesng.com/news/158996-falana-slams-nigerias-senior-lawyers-judges-accuses-them-of-frustrating-corruption-trials.html>, accessed June 9, 2016.; and "Senior Nigerian lawyer, Rickey Tarfa, arraigned; floods court with over 90 SANs" *Premium Times*, February 1, 2016, available at <http://www.premiumtimesng.com/news/headlines/198546-senior-nigerian-lawyer-rickey-tarfa-arraigned-floods-court-90-sans-lawyers.html>, accessed June 9, 2016.

²⁹ Restore public confidence in the judiciary, Lawyers charge new CJN", *Op Cit.*

the laws and ethics for judicial officers would greatly increase public confidence in the profession.

Judges, and indeed, judicial officers are in a relationship of trust with the people. In describing the roles of judicial officers, Hon. Justice Anthony Aniagolu (rtd.) reasoned that judges directly represent God on earth. In his words to Judges, "God is justice, and so by delivering justice, you are sitting on His throne You must deliver justice as if it were God Himself that is sitting on the bench."³⁰ A breach of this duty is sacrilege and should be treated as such. It is therefore reasoned that to strengthen public confidence in the Nigerian legal process, judicial officers found liable of infamous conduct with criminal flavour, should in addition to being sanctioned by the National Judicial Council, be subjected to the criminal charges on such conduct. What obtains currently is that such erring judges are merely retired and that is all! Judges and justice should be seen as synonyms rather than a paradox.

Improved Remuneration for Judiciary Staff

The point has been made above that the judiciary involves both judicial officers and judiciary staff. Any discussion on the strengthening of the judiciary as an organ of government must be seen to be unnecessarily discriminatory if it does not include the judiciary staff. While one acknowledges the enormous responsibilities placed on judges, one must not misplace the important roles played by magistrates, mediators, court registrars and other supporting staff of the judiciary. An effective and efficient workforce is a satisfied workforce. An effective judge requires effective support staff to be able to deliver on his duties. The confidence required of judicial officers would be ineffectual in the midst of poorly remunerated judiciary staff. Everyone involved in the judiciary buys from the same market. Therefore, care must be taken to avoid a disgruntled workforce attached to judges. It is believed that a periodic review of remuneration of all workers of the judiciary, in a bid to address any perceived imbalance therein, would go a long way in strengthening the judiciary as an arm of government.

³⁰ In an address to mark the 85th birthday of Hon. Justice Anthony Aniagolu (rtd.) on October 25, 2007, *The News Magazines*, November 12, 2007, Vol. 29, No. 18, p. 21.

Conclusion

The Judiciary as an arm of government plays a vital role in the dispensation of justice, maintenance of peace and therefore in the stabilization of our democracy and the country generally. Essential freedoms which, according to Justice Oputa JSC, are dividends of democracy, have to be defended in courts, if attacked or assailed.³¹ Such will require the involvement of the Judiciary. The judiciary we need is one that is well-funded, independent, impartial and knowledgeable; a judiciary that is progressive, courageous and forward-looking. Judicial officers should see their position as a sacred duty imposed on them by the state and by God (as God's earthly representatives in the dispensation of justice) for them to uphold their integrity and administer justice to men. To do this effectively, the Judiciary should not be tied to the apron strings of the Executive arm of government. A knowledgeable and ICT-compliant judiciary would be able to very easily access judgments of other courts and be persuaded or bound by them, unless he can distinguish same, rather than "run amok with conflicting judgments" which are clearly avoidable. With an ICT-compliant judiciary the issue of conflicting judgments can then be arrested by setting up a central judicial platform to access decisions, particularly in political cases where conflicting judgments have been most pronounced. There is no doubt that our judiciary has the potential to deliver on the duties imposed on it by section 6 of the Constitution. However, to do this effectively definitely requires a constant reminder of the fundamental principles of the Nigerian constitution, ie, "the good government and welfare of all persons in our country on the principles of freedom, equity and justice."³² Keeping this egalitarian and equitable constitutional principle in mind and taking the other steps aforesaid would greatly strengthen the judiciary and put it in good stead to dispense justice to all. This would boost public confidence in the judiciary; it would give meaning to the simile, "as grave as a judge", and reclaim the place of the judiciary as the clichéd "last hope of the common man".

³¹ Oputa, Chukwudifu A., "Democracy: The Judiciary and the New Challenges" in Chris Okeke (ed), *Towards Functional Justices: Seminar Papers of Justice Chukwudifu A. Oputa* (Ibadan: Gold Press Ltd., 2007) 79, at 87.

³² *Ibid.*, at 88.