EFFECTIVE ADMINISTRATION OF JUSTICE PERSPECTIVE FROM THE BAR: BEING A PAPER PRESENTED BY YUSUF O. ALI, ESQ; SAN[1] AT THE NATIONAL JUDICIAL INSTITUTE ON 21st MARCH, 2011.

INTRODUCTION

May I start by expressing my deep appreciation of the task that I am about to undertake this afternoon and to say how conscious and overwhelmed, I am, of addressing this august gathering, of a set of fine minds of our judiciary gathered in this Auditorium. I wish to start this presentation by expressing my deep appreciation to the Administrator of the Institute for the kind invitation extended to me to come and share my thoughts on the topic: "Effective Administration of Justice: Perspective of the Bar".

Benjamin Franklin[2] was said to have remarked, when he was received at the Court of St. James in 1781, "I am surprised to find myself here- but,

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[2] **Benjamin Franklin** (January 17, 1706-April 17, 1790) was one of the Founding Fathers of the United States. A noted polymath, Franklin was a leading author and printer, political theorist, politician, postmaster, scientist, Inventor, satirist, civic activist, statesman, and diplomat.

then I tell myself that everyone has to be somewhere this evening". I am therefore consoled this morning by the knowledge that I am addressing this distinguished body of my Lords and other important stakeholders, all of whom are ad idem and find common ground on the desirability and need of ensuring efficiency in the administration of justice in Nigeria.

THE IMPORTANCE OF THE JUDICIARY

The Judiciary occupies a very important, significant and strategic position in every modern society. A good, independent, upright, fearless, stable, intellectually deep, progressive, dynamic and incorruptible Judiciary precipitates happiness and orderliness of the society. It is the bastion of the world's hope as it offers a formidable panacea to the plight and predicament of the down trodden masses. It is the desire of all the people in all societies, that justice must be done at all times and be seen to have been done. To the people a bad, unjust or corrupt Judiciary on the other side is the bane of the society. It will accelerate the dirge of the society.

A Judge by the nature of his position and professional calling is expected to be straight forward, upright, diligent, consistent and open in whatever he does in court and in other places of human endeavour that he happens to find himself. This is because his character as a Judge is public property[3]. He is the cynosure of all eyes especially in the entire adjudicatory system in the courts, and like Ceasar's wife of Ancient Rome, he is expected to live above board and above suspicion, if the judicial process should not experience any reverse or suffer detriment. He is expected to be like an oracle that cannot be compromised by any material inducement or worldly allure.

THE CONCEPT OF JUDICIAL INDEPENDENCE

The independence of the Judiciary is a sine-qua non in its preparation for the role, which the constitution has assigned to it[4]. For there to be an effective administration of justice in any given society, there should be independence and non interference from the other arms of

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[3]How to fix Nigeria: The Judiciary. Written by Wole Olanipekun, SAN, in the Newswatch of 4th Oct, 2008.

4See Kayode Eso on Further thoughts on law and Jurisprudence, page 257.

government, in the way and manner the judiciary executes its constitutional mandate.

In England for example, which has an Unwritten Constitution, it is an accepted fact of the English constitution that though, in so far as the Executive is concerned, the personal views of members of parliament are no longer a check on the power of the executive, that is, the Cabinet, as they used to be, the only admittedly remaining check left in the constitution is the independence of the judges.

No member of the British government, no member of parliament and no official of any of its government departments has any right whatsoever to even attempt to influence or interfere with the decisions of any of the judges.[5] This is not a merely proclaimed situation, it is one accepted by everyone as such. It is the sure knowledge of this to all and sundry that gives the people in that country their confidence in the judges and the

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[4]See the Presidential Address of Rt. Hon. Lord Justice Denning as President of the Holdsworth Club of the Faculty of Law in the University of Birmingham 1949-1950 (delivered on 16 June, 1960).

judicial system. In order words, it has come to a stage when confidence does not depend on the name or reputation of a particular judge, but on the substance that the test which must be passed and which is, incidentally, is assumed of the judges and indeed all judicial officers in England, is that they are independent of the executive or any other body of men whatsoever. [6]

This, as we know, is not just a new phenomenon. Edward Coke[7] had fearlessly won this point over 300 years ago. Though it is now trite, I crave your indulgence to repeat the incident leading to it. When Coke maintained that all cases ought to be determined in a court of justice, King James retorted[8]-

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[6] See Justice Kayode Eso, CON, on Thoughts on Law and Jurisprudence. Published by Mil Professional Publishers Limiled, Ebute Metta, Lagos

[7]**Sir Edward Coke** (1 February 1552-3 September 1634) was a seventeenth-century English jurist and Member of Parliament whose writings on the common law were the definitive legal texts for nearly 150 years. Born into a family of minor Norfolk gentry, Coke travelled to London as a young man to make his living as a barrister There he rapidly gained prominence as one of the loading attorneys of his time, eventually being appointed Solicitor General and then Attorney General by Queen Elzabeth

[8]**James VI & 1** (19 June 1566-27 March 1625) was King of Scots as **James VI** from 24 July 1567. On 24 March 1603, he also became King of England and ireland as **James** I when he inherited the English crown and thereby united the Crowns of the Kingdoms of Scotland and England (each country remained legally separate, with their own Parliaments, judiciary, coinage etc, though both ruled by James).

"I always thought and I have often heard the boast that your English law is founded upon reason. If that be so, why have not I and others reason as well as you the judges?"

Coke put it down for all ages when he replied-

"True it is, pleases your Majesty, that God has endowed your Majesty with excellent science as well as great gifts of nature; but your Majesty will allow me to say so, with all reverence, that you are not learned in the laws of this your realm of England Which is an art which requires long study and experience before that a man can attain to the cognizance of it? The law is the golden met-wand and measure to try the causes of your Majesty's subjects and it is protected in safety and peace."

The king in rage, exclaimed;

"Then I am to be under the law which it is treason to affirm."

Coke referred his Majesty to Henry Bracton who had written -***"the King is under no man but under God and the law".*** King James only came to appreciate the point made by Coke after he had tried his hand as a Judge. He was more than perplexed by the difficulties involved in making judicial decisions after hearing both sides in the great and true tradition of *andi alteram partem.* The king said, no more in rage, but in utter despair;

> *"I could get on very well hearing one side only, but when both sides.....upon my word I know not which is right."*

Though, Coke was dismissed for his stand for the independence of the Judiciary, yet the people, and this is important, approved of his stand, and in the words of the great English poet John Milton Coke

"with no mean applause, pronounced and in his volumes taught our laws."

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[9] (1210-1268), he was an English Judge of the court known as Cotam Rege (later King's Bench) Hee wrote a book Bratton on the Laws and Customs of England. He was also a Clergyman and died in 1268

THE ROLES OF JUDGES

- ***JUSTICE ACCORDING TO LAW AND REASON***

A judge has a peremptory duty to ensure that justice is dispensed to the parties, in accordance with the law. Accordingly, his yardstick for determining cases brought before him should be the law and not the whims or caprice of the judge, nor some considerations outside of the law.

It flows from the foregoing that the primary duty of the Judge is to ascertain the law. After the ascertainment of the law applicable to a given transaction, the judge should then proceed to apply the law to the facts demonstrated before him by evidence. It follows that a judge must maintain his position as an umpire and should realize that he is not conducting an investigation. He should appreciate that there is a marked difference between conduct of investigation which belongs to some other realms of human endeavours and adjudication which is regulated by law.

This duty will be enhanced by having recourse to precedents handed down from time to time. Cardozo[10] posited that:

> *"Judges have the power though not the right to travel beyond the walls of interstices, the bounds set to judicial innovation by precedent ... and if they violate it woefully, they commit a legal wrong."*

Cardozo was merely warning that judges should not brush precedents aside wantonly and regard themselves as at large. Precedent no doubt, puts the certainty of law beyond doubt. If a judge finds no authority for a case, of course, he can make one. For it to be otherwise, is to prevent the law being in motion.

A judge should be able to innovate but not at pleasure. His innovation must be backed with reason. A Judge that willfully refuses to follow precedent will incur the wrath of the appellate courts like the trial Judge in the case of: **Prince Atolagbe & Anor**

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[10]See the Natute of Judicial Process P.129

vs Alhaji Ahmadu Awuni & Anor (1997) 9 NWLR (Pt. 522) 536

- ***TO GIVE EVEN HANDED JUDGEMENT***

It is the duty of a judge to consider the case before him critically and to decide the case without descending into the arena of conflicts. The application and interpretation of the law should be even handed, as between the powerful and the powerless, the rich and the poor, the affluent and the humble, the old and the young. He should not be a judge in his own cause and he should listen to all the parties who have come before him. He should never be in a hurry in disposing of any matter brought to him. While delayed justice is no justice, hurried justice falls into the same category.

- ***TO UPHOLD THE RULE OF LAW***

The Rule of Law means the absolute supremacy or predominance of regular law as opposed to the influence of arbitrary power, that is, no man is punishable or can be made to suffer in whatever form, except

for a distinct breach of law established in the ordinary legal manner before the ordinary courts of the land. The Rule of Law is an inescapable sustainer of democracy. Law is said to be the cement of the society, that is, without the rule of law, the society cannot hold firmly. It is therefore the duty of the judges to always uphold the rule of law no matter whose ox is gored. Selective or jaundiced justice is a caricature of justice and a sabotage to the rule of law.

- ***PROMPT JUSTICE***

It is a fundamental constitutional requirement provided in section 36(1) of the Constitution that every litigant shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law. The importance of prompt dispensation of justice cannot be overemphasized. A judge must therefore ensure that everything is done to give effect to this all important position of the constitution.

It is axiomatic that justice delayed is justice denied. This saying is of utmost relevance in Nigeria, having regard to the general social, political and economic trends which could have far reaching effect on the outcome of litigation. A judge should therefore accord priority attention to prompt dispensation of Justice. The case of ***Ariori vs Elemo (1983) 1 SCNLR 1*** represents the extreme in the delay of Justice.

- ***TO SHUN CORRUPTION AND SCANDALS***

A corrupt judicial officer is one who dishonestly uses his position as a judge to gain unmerited advantage. The advantage could be monetary, promotional, sexual, or in any other form. A corrupt judge is a morally bankrupt judge and he is an indecent creature of the Almighty God. A judge must shun corruption in whatever form. He should remember the judicial oath taken while being sworn in as a judge. His vision becomes blurred and impaired and is momentarily inclined to tilt the scale of justice in favour of the person or authority who has induced him in any way, in the process of getting the judge corrupted.

Therefore, a judge who grants bail based on receipt of bribe whether in cash or kind, who grants and vacates interlocutory orders, and the one who gives judgment to the highest bidders is not deserving of staying a day longer on the bench. On the very negative and unsalutory effect that allegation of corruption can have on the judiciary, one can turn to "The News" magazine vols. 36 No 09 of 7th March, 2011 where the following banner cover page headline screams: ***"Messing up The Judges. Corruption Allegations Rock The Judiciary".***

- ***ABUSE OF POSITION***

A judge should not abuse the judicial position which he occupies. He should see his position as a privilege. He should not oppress anyone or use his office as an instrument of oppression. He should fear God and know that one day, whether in this world or in the hereafter, he will be asked to account for all he has used that position for. Judging is a sacred duty and an imperfect human attempt to play God.

- ***STABILITY OF THE SOCIETY***

It is also the duty of a judge, to ensure stability in the society. He should try to promote not only the rule of law but also the rule of morality. Judges should use the law to enforce morality in the society.

In **SHAW v. DPP. (1961) 2 AER 446,** the House of Lords held that conspiracy to corrupt public morals and indecency was a common law misdemeanor. In the opinion of **Lord Simonds,** he posited *ex cathedra:*

> *"In the sphere of criminal law, I entertain no doubt that there remain in the court of law a residual power to enforce the supreme and fundamental purpose of the law, to conserve not only the safety and order, but also the moral welfare of the state."*

Public morality therefore ought to be preserved if society is to last as an integral whole. In appropriate and deserving cases the judge can deliver a judgment to ensure that the society remains stable. One can call to mind the decisions of the apex court in the cases of: ***Awolowo vs Shagari & 20 ors (1979) 6-9 SC. Inakoju vs Adeleke (2007)4 NWLR (PT 1025) 432***

- ***BE A GOOD AMBASSADOR OF THE JUDICIARY***

A judge should be a leader by example and must shun all shady characters and transactions. He should not be seen to be fighting in public. He should live a conservative and reserved live. He should avoid all those things that will expose him to ridicule. As said earlier, his personality is a public property, therefore like ceaser's wife he must be above board. He represents the corporate face of the judiciary in public and private:

CALIBRE OF APPOINTEES TO THE BENCH

As a judge, he is expected to rise to the highest occasion, it follows that a lot of importance must be attached to the caliber of people appointed to the bench. A judge should be a person of great knowledge, of unimpeachable character and of high moral fibre. He should, in one word, be stainless. He should be one, who should not only be prepared to live up to the words of his oath, that is, to do justice among all manner of men, without fear or favour, affection or

ill-will, but who should readily be accepted by the generality of the public to be a person of such sterling quality.

It is the duty of every judge, after his appointment, consciously to stand clear of all odium. In this sense, he gives no cause whatsoever to be suspected of proximity to anything that is shady. He, like linen, remains stainless, but more so, he guards against stain. He is, in effect, like the proverbial Caesar's wife. And therein lies his test. For a judge is also human. He is certainly not a disembodied spirit. In the words of the American judge, Justice Felix Frankfurter[11], he responds to human situations. He does not reside in vaccuo. It is in appreciating this human aspect of a judex, that Justice Mr. Reynolds of America maintained that a judex could not, and should not be **"an amorphous dummy, unspotted by human emotions"**. Neither is he a monk or a scientist, but a ***"participant in the living stream of our natural life, steering the law between the***

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[11] (1882-1965) he was an Associate Justice of the United States Supreme Court. He served as a Justice of the Supreme Court between 1939-1962 and he wrote247 opinion for the court, 132 concurring opinions and 251 dissents.

dangers of rigidity on the one hand and formlessness on the other."

The judge therefore belongs to a class. A class that is human, a class that is not a dummy, a class that is neither monk nor scientist but a class that must evolve its own style, free of infamy and disgrace; a class wherein the members are representatives of themselves, of the group inter se and of the country at large. A class that should be incorruptible. It is the imperative duty of every judge to frown at any other judge who falls short of this standard. Corruption? Yes, and corruption does not consist of only monetary gain. Its price, especially in a society like Nigeria could range from money to position or even juxtaposition within the corridors of power. It was **Bishop Hugh Latimer[12],** who I believe, has given a most apt description of corruption, in his sermon. The man of God described it in a language that has become famous:

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[12](1487-1555) he was Chaplain to King Edward Vi He was a fellow of Clare College, Cambridge and later Bishop of Worcester, in 1555, under Queen Mach, he was burnt at the stake, becoming one of the three Martyrs of Anglicanism

"Princely kind of thiefing. They will be waged by the rich, either to give sentences against the poor, or to put off the poor man's cause. This is the noble theft of princes and Magistrates. Let them leave their colouring and call them by their Christian name-bribes"

That sermon was delivered a long time ago but it is as graphic today as it was 500 years ago when it was delivered. It is more so in our society, where the common man's last hope is the judiciary. There have been disgraces at the Bench in recent years and one would have hoped that these disgraces should for ever belong to the past. The great Lord Francis Bacon[13], author of ***"Of Truth"*** and ***"Of Judicature"*** pleaded guilty to taking bribes while he was Lord Chancellor of England. After his conviction, he said he hoped that judges would fly from anything that is the likeness of corruption as from a serpent.

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[13](1561-1626), he was an English Philosopher, statesman, Lawyer, Jurist. He served both as the Attorney General and Lord Chancellor of England. His career later ended in disgrace

Corruption now exists as more than over before. The relations which are made by the press on our own society in regard thereto and from time to time, most disconcerting.

The primary goal of the judge must be to instill confidence in the judiciary, for upon this the entire infra-and superstructure of the society are built. In pursuance of this, one of the credos of the judge must be his adoption of that rule of natural justice which dictates that justice should not only be done but should be seen to be done; He is to avoid sitting as a judge, not only over matters in respect of which, in the words of Blackburn J.,

> ***"would raise the reasonable apprehensions, of a reasonable man fully apprised of the facts".***

A judex in pursuance of the course of justice, however, has limits. He is, as should be, circumscribed to a good extent, by law and procedure. He is bound by precedents. It is a principle of judicial policy that adherence to precedence the doctrine of stare decisis is both necessary and desirable.

Even in this, care should be taken, for there are precedents and precedents. Though precedents abound in

the law reports, not all precedents are of equal rank and this is so, especially in a case where one had a choice of alternatives. Coke referred to it as ***"the known certaintie of the law (which) is the saftie of all". "Once a rule of law has been established by one generation of judges",*** declared Lord Denning, ***"their successors are bound to follow it. They may pass it away, and try to mitigate the consequences, but they cannot reverse it altogether. That can only be done by Parliament,"***

And so, though the judge is a law legislator he only legislates, to use the words of Holmes, ***"interstitially, confined from molar to molecular motions".*** The role of the judex in the effective administration of justice is well put by Cardozo when he said:

"He is not to innovate at pleasure. He is not a knight-errant, roaming at will in pursuit of his own ideal of beauty or of

goodness. He is to draw his inspiration from consecrated principles. He is not to yield to spasmodic sentiment to vague and regulated benevolence. He is to exercise a discretion informed by tradition methodiced by analogy, disciplined by system, and subordinated to the necessity of order in the social life".

PERCEPTION OF THE BAR

It is a truism that the bar and the bench are the two sides of the same coin. By the nature of the work of the lawyer, he is best placed to form impressions and have perspective on the members of the bench. Ir is natural! Some years ago, a colleague that became a high court judged told me, that until he became a judge, he never knew that judges whenever they meet, discussed lawyers. I can say that it is mutual. Lawyers also discuss and x-ray judges either formally or informally! Period.

In a forum like this, I must then avail your lordships of the current trend of lawyers' discussions on the members of the bench.

After all, anyone that wants to know the happenings in hell, will have to ask the devil, while only the angels can speak on the goings on in heaven or paradise. Lawyers are best placed to talk about judges and vice versa.

CORRUPTION

It is not uncommon to see many addressing the judicial arm of government as the last hope of the common man. It is clear to all now that the judiciary is the last hope of even the uncommon man! Perhaps, it could be because it guarantees, or so it seems, equal access to justice and equity, to everyone that approaches its hallowed temple. The world over, an independent judiciary is regarded as a sine qua non for a functional democracy. In fact, its centrality to social harmony and good governance in any given democratic society is widely documented. This explains why advocates of good governance, for instance, stress that if the rule of law must be guaranteed in a democratic society, the funding of the judiciary must, necessarily, be removed from the control of the executive so that its officials would

not be unduly influenced or hamstrung in the discharge of their statutory responsibilities[14].

Hence, it is taken for granted that in a society buffeted by corruption such as ours, a courageous, independent, unbiased and financially autonomous judiciary is a most needed bulwark against the continued reign of the monster of corruption and graft in the country. An indispensable tool in any meaningful anti-graft war! Nigeria, sadly, has not been particularly fortunate in its drive to evolve a functional democratic governance since 1999, which could deliver the oft-mentioned but elusive dividends of democracy to the people, principally because of the unspeakable greed of its political class, and the attendant impunity accentuated by a seemingly compromised and disabled judiciary. The effects are everywhere for anyone to see.

- **POPULIST JUDGMENTS**

Some judges in Nigeria now prefer to give what may be termed as 'populist judgment', without even really evaluating the submissions of

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[14]http://www.thenigerianvoice.com/nvnews/31100/1/nigerian judiciary as temple of corruption.html

the parties. This is because they want the press and the public as a whole, to commend and hail them on the particular decision they have made, even though such was made in error or total disregard to the principle of precedent and stare decisis. While comments on the action of a judge are desirable, an extolment of his action in upholding the rule of law per se which he is there to uphold any way, could only be viewed as a sad reflection on the projected image of the judiciary. Indeed, the loaded phrases employed by the Press, like, ***"redemption of the good name of the judiciary"*** -sums up the sad position.

Some of the time, the legal practitioner is confronted by a judex that takes over the proceedings once pressmen are in the court. Sometime judges tell pressmen to spell their names correctly in their report of the proceeding. This speaker had been privy to a discussion, where a judge called attention to the rave review of a judgment delivered by him! There had been instances, where parties to a concluded matter got

copies of the ruling or judgment weeks after pressmen had gotten and published same.

- **KNOWLEDGE OF THE LAW**

Judges by the nature of their job are confronted on daily basis with diverse legal issues and problems which could be intellectually challenging. A judge needs a sound mastery of the law in order to cope with the ever-changing situations of law. A judge who lacks the required level of intellectual capacity will find it pretty tough coping on the job. An ignorant judge is the death not only of the law but of the society. Justinian the great Roman Jurist in his institute sums it up in the following words:

"The ignorance of the judge is the calamity of the innocent, for a judge who is not up to date in his law can ruin a party, by giving him a wrong judgment, which unless he has the means to appeal the case to the highest court in the land, may perpetuate injustice".

A judge must not only be learned in the law, he must know a bit of every topic. He should be a master of the arts, the sciences and other branches of knowledge. He should be knowledgeable in the rudiments of accounting, book keeping and on matters of day-to-day affairs of modern business. In short, he must be a streetwise person, a man of the world and an encyclopedia of human behaviour and action. With utmost due respect, can it be said that all our judges in Nigeria posses these attributes? The answer I think is NO.As said earlier, an ignorant judge is a calamity to the society. Therefore, to ensure an effective administration of justice in Nigeria, sound knowledge of the law is very important.

Lawyers are of the view that appointment to the bench should not become an avenue for promotion or pay back day to loyal registry staff. We are also of the view that appointment to the highest court of the land should be more open and inclusive. One is at a loss on what could make a high court judge to order that a representative of a bank standing trial should be remanded in prison custody until he provided

sureties, when he was not on trial before that judge for any cognizable offence whatsoever!

- **LACK OF PATIENCE**

In time past, lawyers have been known to muddle up clients cases not because of their professional ineptitude but due to the fear of incurring the wrath of judges when conducting the cases of their clients. In some circles of lawyers, the fear of certain judges is the beginning of practice wisdom. With respect, some judges do not condone any form of mistake from lawyers no matter how slight or trifle. An ideal judge should possess the following attributes as postulated by Socrates the ancient Greek Philosopher:

(a) he should hear courteously

(b) answer wisely

(c) consider soberly

(d) decide impartially

A judge that shouts and abuses lawyers and litigants is not only a disservice to the bench but also to humanity. We all know that respect is reciprocal. If a judge abuses a lawyer, he can be sure that he may be paid back in kind. We are all witnesses to many rancorous scenes in the courtrooms. Such untoward events tend to bring the authority of the bench into disrepute.

A talkative judge will in all probability ends up receiving strictures from the appellate Courts as it happened to the trial judge in **AKINFE V. THE STATE.** One is regaled on a daily basis with stories of negative happenings in our courtrooms between judges and lawyers. The recurring accusation of bias against many judges is usually as a result of the descent of such judges into the arena of litigation. A judge that descends into the arena of legal battle cannot but have his vision blurred and possibly have his nose bloodied. I commend the recent case of **F.R.N VS AKUBUEZE (2010)17 N.W.L.R (Pt 1223)** to your Lordships among others.

- **PARTIALITY AND FAVOURITISM**

Partiality, favouritism and sentiment should have no place in the judiciary of the new millennium. A Judge should scrupulously insist that Court orders should be obeyed and sanctified by all. The rule of law demands equality before the law therefore there should not be "Kabiyesi" syndrome on the bench. The law is no respecter of anyone or institution.

Selective justice is no justice. There should be harmony between law and justice. Justice should be done in accordance with the law. The application and interpretation of the law should be even handed as between the powerful and the powerless, the rich and the poor, the affluent and the humble. One will be repeating the obvious by stating that judges by the company they keep could raise the spectar of suspicion of favouritism. A judge that boasts openly of having business partners will no doubt call his impartiality into question.

- ABUSE OF EX PARTE ORDERS

Some judges are in the habit of abusing **ex-parte** orders. The power to grant ***ex-parte*** orders should be watched and exercised with circumspection. The apex court have said this time without numbers that ex parte orders should be granted with caution and circumspection, especially when it comes to political issues.

Recently, the INEC Chairman said that more than 150 cases have been instituted as a result of the party primaries and that there were situations in which the same court have issued conflicting orders with respect to the candidature of a candidate. We must watch this, if we all recall that the erstwhile military government of Gen. Babangida gave the excuse of conflicting court orders to annul the 1993 presidential election!

Most lawyers believe that the jurisprudentially prudent decision of the Supreme Court in **OKAFOR VS ONUOHA (1983) 2SCNLR 244** as reaffirmed in **DALHATU VS TURAKI (2003) 15 NWLR pt 843, pg310** on matters of internal affairs of political parties, is to be

preferred. The futility of the court dabbling into internal affairs of political parties was brought home in the celebrared case of **UGWU V. ARARUME (2007) 12 NWLR pt 1048 pg 365.**

- ***OVER SOCIALIZATION***

The nature of the job of the Judge makes him a social outcast of some sort. He should be reserved, without becoming self effacing, he should be modest, without becoming a social outcast, and he should be friendly without becoming a jester. He must watch the circle of his friends. A judge that patronizes nightclubs or such other organizations is an easy target for blackmailers and other social miscreants. This point cannot be over flogged in view of recent unsavoury developments, when some people now hunt for call logs to see which lawyers made phone calls to judges and vice versa.

CONCLUSION

The administration of justice, the main task of the judiciary, is now universally recognized as a function exclusively belonging to the state.

Today, the judiciary is not only required to settle individual disputes but the court are often required to find out the intention of the legislature. The judiciary is also regarded as the custodian and defender of individual's rights. As observed by Lord Bryce ***"There is no better test of the excellence of a Government than the efficiency of its judicial system. For nothing more nearly touches the welfare and security of the average citizens than the feeling that they can rely on the certain and prompt administration of justice".***

In determining a nation's rank in political civilization, no test is more decisive than the degree in which justice, as defined by the law, is actually realized in its judicial administration, both as between one private citizen and another and the government. The Constitution has placed the judiciary as the arbiter between the individual and the government and has armed the superior courts with all necessary means to (do) justice [15],

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[15]See Ademola O. Ropoole, "The Court of Appeal of Nigeria and the challenge of the Rule of Law,

It goes without saying that in order to secure the rights of the citizens, promote accountability, transparency and the essential virtues of a decent and just society, ensure the subsistence of a functional state under the Rule of Law, it is necessary to promote, strengthen and protect the integrity of our judicial system as well as the integrity of the individual judge that is charged with the onerous responsibility of the dispensation of justice.

My Lords, ladies and gentlemen, I pray that I have strived to meet your expectation in this presentation. If yes, I rejoice in the fact that I have been a good student of your Lordships. If no, then I challenge your Lordships to intensity your efforts on my training. I assure you Sirs, that you will find me a dedicated student.

I cannot take my seat without acknowledging the debt of gratitude I owe to you all for your patience and perseverance in the last few minutes that I have unleashed my thoughts on you.