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S. I. No. 23 of 2013

NATIONAL JUDICIAL INSTITUTE

NATIONAL JUDICIAL INSTITUTE ACT, CAP. N55, LFN 2004

PUBLIC NOTICE No. 1

THE NATIONAL JUDICIAL POLICY



[30th Day of September, 2013]

Commence-
ment.

PREAMBLE

In exercise of powers conferred on it by Section 3(2)(e) of the National Judicial Institute Act, Cap. N55, LFN 2004, the Board of Governors of the National Judicial Institute, under the leadership of the Chairman, Board of Governors, the Honourable, the Chief Justice of Nigeria, Hon. Justice ALOMA MARYAM MUKHTAR, GCON, has resolved that a new National Judicial Policy be introduced to establish guidelines for the operation of the affairs of the Nigerian Judiciary, both at the Federal and State levels.

2. Towards this end, the National Judicial Policy is applicable to all Judicial Officers and Employees of the Judiciary for the maintenance of a high standard of adjudication and administration in the dispensation of justice in Nigeria.

THE NATIONAL JUDICIAL POLICY

1.—(a) The independence of a Judge is sacrosanct and very necessary to impartial justice delivery. All institutions and authorities must respect, protect and defend that independence.

Judicial
Independence
and
Accountability.

(b) In the performance of judicial functions the Judge is subject only to the law and must consider only the law.

(c) A Judge must not take or attempt to take orders or instructions of any kind from anyone that may influence his decisions in the performance of his judicial functions.

(d) In the performance of judicial functions the Judge must be impartial and must be seen to be so.

(e) A Judge shall in discharging his functions ensure the rights of everyone to a fair trial.

2.—(a) Judges must be accountable for public funds and property in their care and should be prudent in the management and use of resources.

Accountability.

(b) The Judge must perform his or her functions with restraint and uphold the dignity of the court and of all persons involved.

3. The Code of Conduct for Judicial Officers and Code of Conduct for Court Employees, with the amendment discouraging acceptance of gifts from other arms of Government, are adequate. Compliance with their provisions shall be mandatory.

Judicial
Ethics.

(i) Every Judiciary in Nigeria should establish a Public Enlightenment Unit to enlighten the public on the workings of the judiciary.

7.—(a) The Judiciary should adopt measures designed to promote flexibility in the handling of cases, while reducing cost, delay and other unnecessary burdens to litigants in the adjudication of cases.

Case flow
Management.

(b) It will be essential to also fix time frames for the disposal of civil and criminal cases. The criminal cases should be given priority because of the sub-human conditions in which persons awaiting trial or undergoing trial are kept. Fundamental Rights cases should also be on the fast track.

(c) Courts in Nigeria should therefore develop a *Caseflow Matrix* as well as maintain a *Case Tracking Register* (where such do not exist) to ensure effective management of the flow of cases within their respective jurisdictions. The Caseflow Matrix and Case Tracking Register could be manual, electronic or both.

8.—(a) There is the need to appoint more Judicial officers in Nigeria considering the large population. The number of Judges to be appointed should be commensurate not only to the population but also the workload in that State or court, as the case may be.

Speedy and
Judicious
Disposal of
Corruption,
Economic
Crime and
High Profile
Cases.

(b) Adequate funding for the Judiciary, especially, at the State level and proper infrastructure and ICT equipment as well as conducive work environments must be provided to complement the improved manpower in each jurisdiction.

(c) The Judge should take firm charge of his court and should be proactive in dealing with interlocutory applications and must not bend to the whims and caprices of counsel.

(d) The Judge should give priority to criminal cases and "high profile" cases. In areas where there are a high number of criminal cases, Judges should be specially designated to handle such criminal cases.

9.—(a) The Judiciary shall put in place strategies that will achieve the goals of Judicial Administration *vis-a-vis* the powers vested in the courts by Section 6 (6) of the Constitution of the Federal Republic of Nigeria, 1999.

Judicial
Administra-
tion.

(b) The Judiciary at the Federal and State levels in Nigeria shall provide a fair, transparent and impartial administration of Justice in accordance with the Constitution of the Federal Republic of Nigeria, the law and other good practices.

(c) Federal and State Judiciaries shall develop a plan of action for Judicial Officers and Court Staff to refresh their knowledge on current developments in law, the practice of law and Court procedure. Such training shall be in-house and externally provided. Participation in courses organised by the National Judicial Institute shall be compulsory for Judicial Officers and support staff in the judiciary. The National Judicial Institute shall be strengthened further to encourage and undertake training of the staff at the State level to ensure that more Judicial Officers and Staff benefit from such training.

10.—(a) The Judiciary in Nigeria both at the Federal and State level shall encourage the use of Information and Communication Technology (ICT) and, in particular, all courts shall, as far as practicable, predicate and integrate their

Technology.

Relationship
with other
branches of
government.

4.—(a) The relationship of the Judiciary with the other arms of government should be cordial.

(b) The Judiciary shall not resort to lobbying in ensuring that the Legislature and the Executive to perform their constitutional responsibility.

(c) All the arms of government should respect the doctrine of Separation of Powers as enshrined in the Constitution of the Federal Republic of Nigeria, 1999.

Justice
Sector Co-
ordination.

5.—(a) The Hon. Chief Justice of Nigeria, and all Hon. Chief Judges of the States and the Federal Capital Territory, Abuja, shall set up the Administration of Justice Commission and the Administration of Justice Committees, where they have not been set up at the Federal and State levels as provided for under the Administration of Justice Act, Cap 3, Volume 1, Laws of the Federation of Nigeria (LFN) 2004.

(b) The Administration of Justice Commission/Committees shall ensure that there is a deliberate and determined effort to achieve interagency co-operation in the Justice Sector and shall set out the strategy for achieving this goal.

(c) The Commission/Committee shall ensure that all Agencies collaborate to determine the possibility of effectively linking proposed reforms with the overall objectives of other agencies.

(d) The Commission/Committee shall consider the challenges faced by each agency and proffer solutions.

(e) Government at the Federal and State levels shall ensure adequate funding of the Court system and all the agencies charged with various responsibilities in the administration of Justice, to enable them perform their functions properly, thereby ensuring an efficient and effective justice delivery system in Nigeria.

Access to
Justice.

6.—(a) In order to enhance Access to Justice, more Courts should be built especially at the lower level, so that justice is brought to the doorsteps of all the citizenry.

(b) More Judges should also be appointed to man all the Courts with adequate supporting Staff.

(c) The Courts should be well maintained and comfortable, and the welfare of all judicial officers and staff should be enhanced.

(d) The training of all manpower is very necessary and must be undertaken where necessary.

(e) All Courts should promote the use of Information and Communication Technology (ICT).

(f) The Courts should have updated and easily accessible Laws and Procedure Rules.

(g) Alternative Dispute Resolution (ADR) should be adopted by all courts.

(h) Immediate implementation of and compliance with the Administration of Justice Commission Act.

information technology system on the Judicial Information Technology Policy of the Federal Republic of Nigeria, when adopted.

(b) Judicial Bodies and Institutions shall be equipped with information technology systems.

(c) All Judicial Officers shall undertake mandatory training on use and application of information technology systems including electronic and digital recording and transcription of court proceedings and processes.

Alternative
Dispute
Resolution.

11.—(a) All Judiciaries within the Federal Republic of Nigeria should ensure that all courts in their jurisdictions further the overriding objective of justice by actively managing cases.

(b) A Judicial Officer shall always encourage parties before the Court to explore Alternative Dispute Resolution (ADR) procedures where appropriate.

Review of
Outdated
Laws.

12.—(a) Outdated laws should be amended to reflect the present day reality in Nigeria and enhance the administration of justice.

(b) Legal draftsmen should be trained and deployed or employed to carry out the task of drafting laws in a professional manner, so as to portray the true spirit and intention of the law.

Public
Awareness,
Trust and
Confidence
in the
Judiciary.

13.—(a) Each Federal and State Judiciary in Nigeria shall establish enlightenment units, to generally and specifically enlighten the public on their policies and processes, including changes thereto.

(b) It shall be the policy of the Judiciary on petitions, that allegations of misconduct against Judicial Officers or other employees of the Judiciary shall not be leaked or published in the media. Where complaints or allegations against Judicial Officers and Court Employees are submitted for investigation, the petitioner or petitioners shall be made to give an undertaking not to do anything to prejudice investigation or actions that may be taken. The Institutions of the Judiciary concerned with investigation and implementation of decisions taken on such complaints shall be obliged to cease further action where such petitions or complaints are leaked or discussed in the media.

(c) Where such a leakage is occasioned after the submission of a petition, then all investigations on the petition shall be suspended, the leakage investigated and if it is from the petitioner or through other parties known to such a petitioner, then such a petition should be discarded. Where such leakage is occasioned prior to the presentation of the petition and the source of the leakage is found to be the petitioner or through other parties known to and connected with the petitioner, then such petition shall not be accepted, upon submission, by the appropriate disciplinary body.

(d) Upon the conclusion of any investigation, the judicial disciplinary bodies may allow public disclosure of their findings, subject to following the proper channels for such disclosure.

These directions shall take effect from the 1st day of July, 2013.

GIVEN under my hand at Abuja, this 30th Day of September, 2013.

HON. JUSTICE ALOMA MARYAM MUKHTAR, GCON
*the Honourable, the Chief Justice of Nigeria and
Chairman, Board of Governors of the National Judicial Institute*