



Examining Legal Framework on Administration of Judicial System in Nasarawa State

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ARTICLE INFO

Keywords: Nasarawa, State,
Judicial, System,
Administration

Received : 28, March

Revised : 20, April

Accepted: 25, May

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ABSTRACT

A judicial system administration is fundamental in determining a civilized society which respects rule of law other than rule of might. The Judges and their Courts play pivotal roles in ensuring justice is served as at when needed without recourse to political, economic and religious considerations. This article examined the legal framework for judicial system in Nasarawa State and aims at associating modern legal framework with the extant legal regime for the judiciary in Nasarawa State. It deployed the doctrinal methodology sourcing data from primary sources like the Nigerian Constitution, High Court of Northern Nigeria Law, Magistrate Courts Law, Area Courts Law. The article found that the extant High Court Law, Magistrate Courts Law and Area Courts Law are those which were promulgated or enacted during the regional system in Nigeria of pre-1966. It was found that some Warrants which established Magistrate Courts and Upper Area Courts in the State were on their face value defective. Recommendations were that the Nasarawa State House of Assembly enacts Laws for the High Court, Magistrate Courts and Area Courts in keeping with judicial system borne from autochthonous laws.

INTRODUCTION

Judicial systems around the world are established to ensure that persons within the territorial jurisdictions of the adjudicator gain access to justice, fair trial during hearing, before an unbiased umpire and recommence for or against their actions (Oraegbunam, 2019). Judicial system consists of persons, laws and regulations (Adewoye, 1978). The persons may be involved in adjudications and or administration (Adewoye, 1978). Persons engaged in adjudication are Judges and Magistrates (Blocher, 2012). In some jurisdictions like the Nasarawa State, the Chief Judge of the State seats as a Judge and doubles as the head of administration of the Court: a dual position of a judicial officer and administrator of the Court Staff and operations within the State (Nasarawa State Judicial Service Commission). Court staff are persons who perform the administrative aspect of the aims and objectives of the judicial system (Bertram, 2008/2009). The staff enforce the decisions of Court in collaboration with the executive arm of government (Bertram, 2008/2009:7). They are the closest of the executive arm of government to the judicial system. Registrar, Bailiff, Clerk and other rank and file of the Court staff are to ensure smooth administration of justice.

The evolution of judicial system in Nasarawa State began with the creation of the State in 1996 (Nkwede, 2014). It is traceable to the defunct Benue-Plateau State judicial system from which the Nasarawa State was calved (Nkwede and Nkwede, 2010). The Nasarawa State High Court, prior to its creation in October 1996, formed part of what was Benue-Plateau State High Court. With the creation of Nasarawa State on 1st October, 1996, the State High Court was established (Ogunlola, 2013). The office of the Chief Judge of the State was occupied first by Hon. Justice Suleiman Galadima. In all criminal and civil matters or causes, the State High Court has original and appellate jurisdiction. Section 272(1) of the 1999 Constitution provides for its original jurisdiction. The Nasarawa State Judiciary is a third arm of Nasarawa State Government; the Executive and the Legislature constitute the other two parts. The Judiciary in the state has three units, which are: the High Court of Justice, the Sharia Court of Appeal and Customary Courts of Appeal then, Magistrates/Area Courts. The regulatory/supervisory body for the state Judiciary is the state Judicial Service Commission. The body handles appointment, promotion and disciplinary issues of the Judiciary. The Chief Judge chairs the Judicial Service Commission in the state, is the administrative head of High Court as well as the Judiciary for the State (section 2(a), Number of Judges of the Superior Courts of Record Law, 2001). The superior Courts of record in the State are the High Court, Sharia Court of Appeal and Customary Court of Appeal (section 5, Number of Judges of the Superior Courts of Record Law).

The High Court is the highest judicial authority in the State as far as matter which the State House of Assembly has powers to make laws (Akande, 1991). This authority of the High Court does not negate the constitutionally guaranteed powers of appeal to the Court of Appeal and Supreme Court of Nigeria. The High Court of Justice is a court of trial and appellate jurisdiction. It handles cases as Court of first instance and on appeals Area Court or Magistrate Court. The High Court of Justice of the State has unlimited jurisdiction over the

subject matters and persons under its jurisdiction (Essien, 2000). Part of the functions of a State High Court is to hear and determine appeals from decisions of Magistrates and Area Courts in all criminal matters or from District Court in civil causes; other than customary or Islamic personal law or causes which lie to Customary Court of Appeal in the State or Sharia Court of Appeal. For the Sharia Court of Appeal in Nasarawa State, a Grand Kadi heads it (section 3(a), Number of Judges of the Superior Courts of Record Law). The Sharia Court of Appeal in the State hears causes or matters arising as appeals from inferior courts on Islamic personal laws of inheritance, child custody, wills and related matters of Islamic law interpretation. The Sharia Court of Appeal and Customary Court of Appeal are majorly courts of second instances; that is, cases before them are those on appeal Area Courts on matters of native law and custom; and, questions of Islamic personal law (section 277(1), CFRN 1999) for the Customary Court of Appeal and Sharia Court of Appeal respectively. The Sharia Court of Appeal also has powers over "any question of Islamic personal Law regarding a marriage concluded in accordance with that Law, including a question relating to the validity or dissolution of such a marriage or a question that depends on such a marriage and relating to family relationship or the guardianship of an infant" (section 277(2)(a), CFRN 1999); and, any question of Islamic personal Law regarding a wakf, gift, will or succession where the endower, donor, testator or deceased person is a Muslim (section 277(2)(c), CFRN 1999); etcetera.

The practice of constituting two or three Judges of a High Court as Panel in the hearing of appeals from lower courts is not vitiated by a single Judge (Sokefun, 2016). The High Court of the State may have several Judicial Divisions but with single jurisdiction over matters which arose from the State. The High Court headquartered in Lafia - the State capital with branches littered in most Local Government Areas of the State for the purposes of convenience and access to justice by litigants and residents. For example, Keffi has two High Courts, a High Court is at Akwanga and Nasarawa-toto, both with resident judges. Again, Mararraban-Gurku area houses five High Courts with the most senior as assigning judge.

THEORETICAL REVIEW

Justice

Justice is derived from the Latin word "jus" which means 'to bind to contract'. In the Greek, justice is derived from the word "Dike". It means nearer to righteousness. Justice connotes customs and practices which are righteous; conduct which is just or fair; exercise of authority in maintenance of righteousness, justness, equality and fairness. Some scholars like Robinson (2003) and Obioha (2011) regard justice as virtue while others view it as equality; rule of law or the fabric of basic civilization (Obioha, 2011). Jeremy Bentham (Robinson, 2003) believes in numerical justice, which is, giving equal share to all - where everyone can be anything without particular qualifications. Plato and Aristotle (Obioha, 2011) favour geometrical justice, that is, justice which give equal share to equals and unequal to unequals. On the whole, justice for them

means a just state of affairs; condition of morality; proper distribution of favour and losses; and, it is an indicator of democratic possibilities. Justice loses its savoury when a Judge or Magistrate or Member of a judicial panel or tribunal engages in ethical misconduct like improper demeanour (Tolibjonovich and Umidbek, 2021); Rubinstein (1988) holds the view that any judge who fails to properly remove the doubts of bias has put himself in the arena and will be supposed to act in conflict of interest. For example, if a judge engages in *solo* communication with any party. Any violation of fundamental principles of fair trial would be egregious to the law. Justice is not said to have been served where persons are jailed for no just cause, or for wrong evaluation of evidence or in breach of rule of law.

In the opinion of Bertram, justice is the moral basis for putting together 'benefits and burdens' on all activities of persons in a society. The expectations are that those who seek justice should themselves be void of error, without "compromise and deliberate perversion" (Bertram, 2008-2009) Justice is that which according to a reasonable mind, is done justly, fairly and impartially as well as rewarding each as they deserved. According to Bertram, (2008-2009) justice is at once an easily recognized, highly esteemed ideal, and an elusive concept; one about which reasonable minds can differ (Bertram, 2008-2009). For Rawls, (1999) justice is when all comes to a single unit of umpire and none is disadvantaged or advantaged because of his/her resources or influence or position or association in the society. The author reasoned that factors like age, ethnicity, sex, and income level should persuade the scepter of justice against the weight of evidence and facts (Rawls, 1999). This article agrees with Manuel Velasquez and others that "justice is giving to each person what he or she deserves as his or her due" (Velasquez et al., 1990).

The Judicial System

Judicial system may simply mean the judiciary's system. It is that system known to the law as arising from the arm of government charged with adjudication and determination of rights and obligations of persons under the law within a certain territory or jurisdiction. Judicial system connotes persons and place where judicial activities are processed and an outcome given. Gray (1921) argues that "the law of a state or any organized body of men is composed of the rules which the court that is, the judicial organs of that body, lay down for the determination of legal rights and duties" (Gray, 1921:82). For Holmes, (1887) law, is the 'prophesies of what the court would decide (Holmes, 1887:457). Upon the criticism which followed these perspectives of legal minds, the significance lay in the role Courts play in administration of justice.

METHODOLOGY

The primary source of data for this research is from the various laws which constitute the legal framework for Nasarawa State Judiciary arm of government. The judiciary for this purpose is restricted to the Courts in the State and constituent membership. High Court of Justice of Nasarawa State, Sharia Court of Appeal and Customary Court of Appeal laws formed the basis for

analysis of superior courts in the state while Area Courts Law and Magistrate Courts Law were deployed for analysis on inferior courts of record. For this paper, doctrinal method is adopted to ensure recommendations could be implemented by the State House of Assembly and Chief Judge of the State respectively.

RESEARCH RESULTS AND DISCUSSION

The Constitution

The Constitution is the supreme law of the land from which other laws draw existence and being. It is that source of law for a nation beyond which no other law exists. If any law is inconsistent with it, that other law to the extent of the inconsistency becomes void (section 1(3), CFRN 1999). The Constitution is the organic law by which arms of government like the Legislature, Executive and Judiciary is established. Section 6 of the Constitution vest judicial powers of the government in the Judiciary; it also create Courts for the Federation and States. High Courts (sections 270-274, CFRN 1999), Sharia Court of Appeal (sections 275-279, CFRN 1999) and Customary Court of Appeal (sections 280-284, CFRN 1999) are created by the Constitution for the State. The High Court for each States in the federation should consist of a Chief Judge and such other Judges as the House of Assembly of those States would permit by law enacted by them (section 270(2)(a&b), CFRN 1999). The appointment of a Chief Judge of a State is done by the Governor of such state following recommendation of the state's National Judicial Council subject to confirmation by its House of Assembly of the State (section 271(1), CFRN 1999). Grand Kadi of Sharia Court of Appeal as well as the President of Customary Court of Appeal for the State pass through similar process as the Chief Judge (sections 276(1)&281(1), CFRN 1999).

The House of Assembly of Nasarawa State, for example, has the constitutional powers to make laws for the good governance of Nasarawa State (section 4(7), CFRN 1999). They are also empowered to make laws prescribing the number of High Judges their State should have, considering the level of cases that may arise because of the commercial activities operational in the state (section 270(2)(b), CFRN 1999). Section 275(2)(b) of the Nigerian Constitution empowers them to prescribe number of Kadis for a Sharia Court of Appeal in the State. Similarly, section 280(2)(b) of the Constitution provides that the House of Assembly can by law prescribe the number of Judges of the Customary Court of Appeal in the state.

National Judicial Policy

The National Judicial Policy places emphasis on securing an independent judiciary, capable of promoting and protecting the rule of law and human rights is of great importance in the selection and appointment process. It demands that the process of judicial appointments must be transparent, merit- and skill-based (Para. 2.1.1, National Judicial Policy (NJP) (2016)). Inherent in the National Judicial Policy is a system for progressive reform of the recruitment process that encourages the assessment and evaluation of candidates and evidence of the

requisite qualifications, skill, experience competence and integrity (Paras. 2.1.3-2.1.6, NJP, 2016). The National Judicial Council makes the National Judicial Policy pursuant to paragraph 20, Part 1, 3rd Schedule to the 1999 Constitution as amended.

The National Judicial Policy is relevant to this research because it provide guide both to the National and State based the appointment, promotion, discipline and welfare of Judicial officers like the High Court Judge in Nigeria. The policy specifies qualifications for appointment and the procedures drawing from the Constitutional provisions on who is qualified to be a High Court Judge. The framework covers the Judges of the Customary Court of Appeal and Sharia Court of Appeal in the State. It may not dictate for the State Judicial Service Commission but provides precedent on what the State should do in appointing Judges and Magistrate for their states Courts.

High Court Law of Nasarawa State

This research made efforts to finding the Law which established the Nasarawa State High Court of Justice in Nasarawa State but to no avail. The research recognizes that the State was part of Benue-Plateau and had under that defunct State the High Court Law of Northern Nigeria. The information accessed at the Nasarawa State Judicial Service Commission website holds out the High Court Law of Northern Nigeria as the High Court Law for Nasarawa State (Nasarawa State Judicial Service Commission, About Nasarawa State Judiciary (Past & Present) January 2024). It is on the foregoing that this article took the High Court Law of Northern Nigeria as the establishment law for Nasarawa State High Court of Justice (sections 1&3, High Court Law of Northern Nigeria 1961).

Section 270 subsection one of the Nigerian Constitution provides for a High Court for each State of the federation with a Chief Judge and other numbers of Judges as may be prescribed by a Law enacted by the House of Assembly of each state (section 270(2)(a&b)). The Nasarawa State House of Assembly has enacted the Number of Judges of the Superior Courts of Record Law, 2001 in the satisfaction of the Constitutional provision under section 270 of the Nigerian Constitution. This law in itself does not translate into a High Court Law for the State suitable for modern realities in appointment, promotion and discipline of Judges of Courts of Record in the State. It is argued that the State ought to have its own High Court Law like the High Court Civil Procedure Rules.

Section 6 of the High Court Law of Northern Nigeria refers to the 1999 Constitution for retirement age of Judges in Nasarawa State (section 6, High Court Law of Northern Nigeria, 1961). All the judges of the Court shall have equal power, authority and jurisdiction under the Law (section 7(1), High Court Law of Northern Nigeria, 1961). This provision places equality of powers and authority on all Judges. It follows that a decision of a judge does not in itself override the decision of another in the state. What should be borne in mind is that there ought to be situations where same matter or cause is presented at different divisions of the High Court in the State. To make certain this provision, there ought to be an Order in the Practice Direction for High Court and in fact all other Courts in the State for a sworn Affidavit by litigants that they are not

institution an action or bringing *ex parte* on a matter decided or pending at another Court in the State.

Section 9(1)(a) of the High Court Law of Northern Nigeria 1961 provides for qualification to the position of a High Court *inter alia*: “(a) He is, or has been, a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or in the Republic of Ireland;” This provision speaks volume of where and how archaic the said High Court Law has become. This is more of a colonial provision or a pre-1967 provision. Adequately, it is clear that the High Court Law needs repeal and re-enacting. It is contrary to the Independence and Republican nature of Nigeria’s constitution for a law in Nasarawa State to refer to the Royal Majesty in England as authority for qualifying for becomes a Judge in Nasarawa State (Section 13(1)(a) of the High Court Law of Northern Nigeria 1961).

This reads more like a pre-1963 enactment – a law enacted before Nigeria became a Republic in 1963. Republic herein means that Nigeria does not take final decisions in consultation or subject to the overriding opinion of the Queen of England. Sections 14&15 thereof needs repeal too because it refers to the Constitution of Northern Nigeria which does not exist in since 1967 when States replaced Regional System in Nigeria. Overall, the High Court Law of Northern Nigeria currently used in Nasarawa State is overdue repeal and re-enactment and this ought to be done urgently.

Customary Court of Appeal Law of Nasarawa State

Section 2(1)&(2) of the Nasarawa State Customary Court of Appeal Law (NSCCAL) established the Nasarawa State Customary Court of Appeal as a superior Court. The President of the Court is appointed by an appointing authority on the advice of the appropriate authority (section 4, NSCCAL). In addition to the qualification by the Constitution for the appointment into a Court of Record, a person is not be qualified to hold office of a Judge of Customary Court of Appeal unless the appointing authority is satisfied that he has requisite knowledge and experience in the practice of customary law(section5(1)(a), NSCCAL). The second qualification is that the person has been qualified to be a legal practitioner for not less than 10years(section5(1)(b), NSCCAL). At the stage of qualification for appointment into the office of a Judge for the State Customary Court of Appeal, why is it necessary to leave such foundational requirement at the discretion of an appropriate authority and appointing authority. This is a lacuna that could be exploited to appoint unqualified persons with ulterior motive of using such a person to procure activities which may tarnish the image of the judicial system. If the qualifications are known and written in the law, it will be easier for the public to police persons designated for appointment into this crucial aspect of judicial system administration of the State. The 10 years post call to the Bar is not sufficient for the position of a Customary Court of Appeal Judge. The additional practical practice of the law in a private firm or the ministry of Justice of the State – someone who has regular Court practice experience would serve better the purpose of dispensing justice in that cadre of judicial

system of the state. Section 14 of the NSCCA Law provides to the effect that a judge who believed at the time of reaching a decision that his believes conformed with the law shall not be liable if it turns out that he had no jurisdiction to make such decision in question.

The jurisdiction of the Customary Court of Appeal in the state is only appellate to civil matters only which arose from area Courts on customary causes. The Court has all the powers of an Area Court in terms of enforcement and other incidental powers of a Court (section 20, NSCCAL). The matters on which the appellate jurisdiction of the Court may be activated includes: customary marriages or dissolution of same or relating to guardianship of an infant of such marriage(section 21(a), NSCCAL); “where all the parties are subject to Customary Law, any question regarding family relationship, a founding or guardianship of an infant” (section 21(b), NSCCAL); “any question of Customary Law regarding a gift, will or succession where the endower, donor, testator or deceased person subject to Customary Law”(section 21(c), NSCCAL); when questions of law concerns infant or prodigy or whether a person is of sound mind or he is physically challenged or have issues with his mental health (section 21(d), NSCCAL); or where parties agree in writing that the cause or matter be heard under customary law (section 21(e), NSCCAL). The Customary Court of Appeal of Nasarawa State enforces customary laws which are not repugnant to natural justice, equity and good conscience; and those which are not incompatible with any law in force or by implication impede any such extant law. It enforces Area Courts law and any other law or rules affecting Area courts in so far as it pertains to a cause or matter involving Customary Law(section 23, NSCCAL).

Sharia Court of Appeal Edit of Nasarawa State

The Nasarawa State Sharia Court of Appeal was established vide an Edict of the military administrator of the State in 1997. The Sharia Court of Appeal for the State is to hear matters arising from Area Courts in respect of Islamic personal law (section 3, Sharia Court of Appeal Edict (SCAE), 1997). Section 4 of the Edict provides: “The Court shall consist of a Grand Khadi and such number of Kadis as may be appointed by Military Administrator” (section 4, SCAE, 1997). The qualifications for membership of the Court is more specific and pointed leaving less ambiguity as to its intent; it provides *inter alia* that such a person must be a Muslim, at least 35 years post call, legal practitioner for 10 years, have knowledge of Islamic laws from recognized institution, and have experience of Islamic law (section 5, SCAE, 1997).

Judges of the Court may retire by age or letter written to the State Judicial Service Commission(section 6, SCAE, 1997). The Court has powers to transfer cases it deems fit for High Court or Customary Court of Appeal of the State. The Edict made provisions for regulations of session by order of the Court(section 15, SCAE, 1997); it confers powers on the Court to dispense with holding of session in places where unnecessary(section 16, SCAE, 1997); representation of parties by Counsel or in person or by parent, guardian or spouse or relative(section 17, SCAE, 1997); officers of the Court; negligence of misconduct; protection of persons executing warrants restriction of officer of the Court buying property

sold in execution; and, powers in the Court to make its Rules(sections 18-23, SCAE, 1997).

Administration of Criminal Justice Law of Nasarawa State

The Nasarawa State Administration of Criminal Justice Law (ACJL) 2018 is a law of the State House of Assembly for the administration of criminal proceedings in the State. It is borne out of the National Act on same subject geared at easy, fair and just trial in various Courts with criminal jurisdiction within the State. It deals with arrest, bail and other matters related with justice administration within the preliminary inception of criminal proceedings(sections 3-34, ACJL, 2018). Matters on methods for commanding attendance of persons before the Courts are covered under Warrants, Summons and re-summon as well as re-warrant(sections35-49, ACJL, 2018). It also provides for prevention of offences and security of good behavior as a tool for peace maintenance and sustainable stable society for economic growth(sections50-64, ACJL, 2018). Parts 5&6 covered proceeding in all cases subsequent to order to furnish security and public nuisance. Parts 7&8 provides for attachment where a person disobeys summon or warrant as well as for provisions relating to criminal trials and inquiries in general. Place of trial or inquiry is taken care under sections 93 to 103. It affirmed the powers of the Attorney General of the State under sections 104 to 106 ACJL 2018. It further empowers the Attorney General to in some circumstances discontinue criminal cases (sections107&108ACJL).

First Information Report is provided for under section 112 thereof; enforcement of appearance of suspect and issue form and service of summons are covered under sections 113 to 135 ACJL. Part 17 deals on saving of validity of process; part 18 deals on search warrants; bail and recognizance is provided for by virtue of Part 18. Parts 20,21 and 22 covers property and persons as well as charge and any alteration or amendment thereto. Part 23 covers matters of convictions when charged with one of several offences or when charged with one offence. Previous acquittals or conviction as well as witnesses - compelling attendance and taking of Oath or making of affirmation are provided in Parts 24and 25. Witnesses expenses and examination of witnesses with plea bargain and plea generally are covered in Parts 26 to 28. Determination of who is of unsound mind; presentation of case by prosecution and defence and conclusion of trial are within Parts 29 and 30. Section 311 to 330 covers costs, compensation, damages and restitution. Custody disposal and restoration of property; seizure, forfeiture, confiscation and destruction of instrumentality of crime are covered in section 321 to 338 ACJL. Summary procedure in perjury; trials and summary trials as well as rules relating to charges are provided under sections 339-386 ACJL.

Sentence of death are in Part 37 of the ACJL; procedure where a woman is convicted of capital offence, particularly where she alleges that is pregnant and such is proven, what the Court should do are covered under Part 38. Then sentencing for other offences which are not capital offences are also afforded in the ACJL(Part 39). Detention in a safe custody or suitable place other than prison

or mental health asylum, child offenders and probation cum non-custodial alternatives are covered by Parts 40 to 42. Matters of parole; administration of criminal justice monitoring committee and trial of corporation are provided under Parts 43 to 45. Last but not the least, Parts 46 and 47 provided for appeal from Magistrate Court to High Courts as well as fees and miscellaneous (section 458). These vast provisions needs constant training and retraining of those saddled with the herculean task of application and interpretation of the provisions for effective administration of criminal justice in the State judicial system.

Magistrate Courts Law 1955

The Magistrate Courts Law 1955 appears to be the foundational law upon which the Chief Judge of the State has anchored his Warrants which established several in various Magistrate Courts in the State. For example, there is the 'Magistrate Courts Warrant' of 18th May 2020 which established Keffi Chief Magistrate Court II. The Keffi Magistrate Courts is to exercise its jurisdiction only on civil and criminal causes which arose from Keffi Local Government Area (Keffi Chief Magistrate Court II, Magistrate Courts Warrant of 18th May 2020). There is another 'Magistrate Courts Warrant' which established Mararaba Gurku Chief Magistrate Court. The Warrant required that the Magistrate exercise jurisdiction on civil or criminal matters within Mararaba Gurku and Karu Local Government Area. Though it seemed to have been given on 14th October 2020, it was made effective 18th May 2020. The article observed that criminal jurisdiction cannot be assumed in retrospect by virtue of section 36(8) of the Nigerian Constitution. Magistrate Courts Warrant which established Adogi Senior Magistrate Court took after Mararaba Gurku Chief Magistrate Court. In its heading, it was dated 14th October 2020 but it is given by the hand of the Chief Judge on 18th May 2020. For Adogi Senior Magistrate Court and Mararaba Gurku Chief Magistrate Court both are noted for 2020.

Area Courts Law 1968

The Area Court Warrant for Keffi Upper Area Court II of Legal Notice No.21 2020 dated 14th October 2020 established under section 3 of the Area Court Law of the State was given by the hand of the Chief of Judge on 31st December 2014. The explanation for this would either be omission of date placement or compensation for seating at the jurisdiction without covering or requisite warrant. If the position aforementioned does not satisfy this curiosity, it then leaves much to surface questions whether this categories of Courts promulgation would not affect perspectives of the public as to what to think would be the reason for such oversight. Area Court Warrant with Legal Notice no.20 of 2020 is dated 14th October 2020 and it established the Wamba Upper Area Court to exercise jurisdiction within Wamba Local Government Area but was given on 18th May 2020. The foundation for the issuance of the Warrants for Keffi Upper Area Court and Wamba Upper Area Court is the Area Court Law of 1968.

A community reading of sections 1,3 and 4 of the Area Courts Law of 1968 confers on the Chief Judge of the State the powers to establish Area vide a

warrant issued in his hand. The Court can seat without an assessor(section 5, Area Courts Law, 1968). The State Judicial Service Commission are statutorily empowered to dismiss, suspend or exercise disciplinary control on any Area Court Judge or member. The Area Court purports to apply to any person whose tribe or tribes are indigenous to some part of Africa and the descendants of any such person; Any person one of whose parents was a member of such tribe; and any other person in a cause or matter in which he consents to the exercise of the jurisdiction of the Area Court (section15(1)(a,b&c), Area Courts Law, 1968). This is argued to be too wide for a state with limited territorial jurisdiction not to think of an Area Court. Does the State House of Assembly have the powers to legislate on African indigeneship? This article argues that it does not have such powers under the Nigerian Constitution or at all.

CONCLUSIONS AND RECOMMENDATIONS

Administration of judicial system in Nasarawa State as is with other states in Nigeria anchors on laws establishing Courts in the state. The laws establishing Courts might have been inherited or adapted from defunct states from which the current state was created or may have colonial colourations. However, in modern times, laws establishing a Court should evolve with society and forecast what the civilization should be. This paper reveals multiple lacuna in the legal framework for administration of judicial system in Nasarawa State and therefore recommends as follows: there should be repeal and reenactment of the Nasarawa State High Court Law to comply with republican status of Nigeria as sovereign state independent of the British Crown. Secondly, obvious inconsistencies in the Upper Area Courts Warrants and Magistrate Courts Warrant should be revisited by the Chief Judge of Nasarawa State. There can be a single Magistrate Courts Law which may regulate the administration of justice in the Magisterial Districts in the state.

ADVANCED RESEARCH

In writing this article the researcher realizes that there are still many shortcomings in terms of language, writing, and form of presentation considering the limited knowledge and abilities of the researchers themselves. Therefore, for the perfection of the article, the researcher expects constructive criticism and suggestions from various parties.

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