

# Jurisdiction of selected tribunals in nigeria



**ASSIGN  
BUSTER**

This work will be divided into assorted parts. We shall research the assorted significances of the word legal power. Broad types of courts shall be briefly mentioned. We shall so choose five Courts whose legal power we shall subsequently look into in inside informations. We shall try analyzing the grounds behind the creative activity of our selected Tribunals. The ground for denying ordinary tribunals legal power shall be looked into. We shall, after analyzing the composing of the assorted courts selected, seek to see whether the advantage of specialisation was achieved.

Legal power is derived from the Latin word “ juris” and “ dico” and literally means “ I speak by the law” . 1 The word legal power implies a tribunal or tribunal with judicial power to hear and find a instance and such courts can non be except by authorization of jurisprudence. 2 Jurisdiction ever emanates straight and instantly from the jurisprudence. It is a power which cipher on whom the jurisprudence has non conferred it can exert. 3 As sometimes used, it means power, authorization, power over the peculiar “ res” or capable. 4

The word is often used nevertheless as intending authorization to make the peculiar thing done, or conversely a privation of legal power often means a privation of authorization to exert in a peculiar mode a power which a board or court has, the making of something in surplus of the power possessed. 5

Looked at another manner, one may state that legal power is a affair of power and screens incorrect every bit good as right determinations or truly or wrongfully and does non depend on the rightness of the determination made. 6 Besides, in a wide and general sense, legal power is judicial power

and basically, the term means the power or capacity given by jurisprudence to a tribunal or other organic structure or officer to hear and find certain contentions. 7

There are assorted types of Courts. For case we have:( a ) “ Strong Policy Element Tribunals”( B ) Pseudo-Courts” and1 | P a g vitamin E( degree Celsius ) “ Court Substitute Type Tribunal” .

It has been argued that tribunals are by and large excessively expensive, excessively formal, excessively proficient in process, deficiencies expertness and that there is besides doctrinal deficiency of policy consciousness on the portion of the tribunals. 8 Besides, it has been said that the difference between court-substitute type Tribunal and the Regular Courts are their bargain rate ; their velocity and efficiency, their privateness and their informality. 9

In taking the legal power of Courts to analyze in this paper, we are guided by convenience. All our courts show a common parenthood in being creative activities of the military at different times in response to comprehend jobs confronting the state. In this paper, we shall be analyzing the legal power of:

( a ) Recovery of public belongings Particular Military Tribunal ; 10 ( B ) Tribunal constituted under Robbery and Firearms ( Special Provision ) Act ; 11( degree Celsius ) Assorted Offenses Tribunal ; 12( vitamin D ) Tribunal constituted under Exchange Control ( Anti-Sabotage ) Act ; 13 and( vitamin E ) Particular Appeal Tribunal. 14

The purpose of the Recovery of Public Property ( Particular Military Tribunal ) Act was to do commissariats for the probe of the assets of any public officer who is alleged to hold been engaged in corrupt patterns. unfair enrichment of himself or any other individual who has abused his office or has in any manner breached the codification of behavior for public officers contained in the Constitution of the Federal Republic of Nigeria. 15

The demand arose because of the high degree of corruptness and maltreatment of office by the Second Republic politicians and public retainers. The purpose of the jurisprudence putting up the Robbery and Firearms Tribunal was to do comprehensive commissariats for affairs associating to armed robbery. 16 This was necessitated by the batch of armed robbery that greeted the surcease of the civil war in 1970.

Similarly. the purpose of Particular Tribunal ( Miscellaneous Offenses ) Act was to make a figure of assorted discourtesies with stiff punishments and besides to set up a Particular Tribunal for the test of such wrongdoers. 17 The aim of the authorities could be discerned from the assortment of discourtesies that were to be tried by the tribunal. As respects the Tribunal set up under the Exchange Control ( Anti- Sabotage ) Act. the purpose was to do particular penal commissariats with regard to Acts of the Apostless insurgent of the exchange control statute law in force in the state. It besides prescribed stiff punishments.

With the dwindling of foreign exchange grosss by the state as a consequence of autumn in the monetary value of major foreign exchange earner. oil and the monolithic fraud perpetrated by few persons and companies in traffics

associating to foreign exchange. the creative activity of such a Tribunal became a foregone decision.

It could non be doubted that many people were really uncomfortable about the deficiency of proviso for entreaty in the legion Courts that were created by the military authorities. 19 In fact. Mr. S. I. O. Giwa-Amu was quoted as holding said that “ detractors of the Federal Military Government will certainly reason that the regulations of natural justness are breached since the executive initiates the proceedings. the executive adjudicates. the executive confirms the determination and the executive is the exclusive donee of the whole proceedings! That independent 3rd arm of authorities. the bench. which is supposed to judge impartially between a citizen and the executive is made to play 2nd violin by moving in an consultative capacity. Many critics will see this Decree as an inexplicit ballot of no assurance in the judiciary” .

Besides. it could be argued that the “ tribunal culture” of the military disposal does go against the rule of separation of powers. It is our position that it was the looks of feelings like the aforementioned that led the Babangida’s disposal in its initial “ Human Right” position to amend the Recovery of Public Property ( Particular Military Tribunal ) Decree. 1984. taking to the creative activity of the “ Special Appeal Tribunal” 21 which in our position seem to corroborate the strong belief of the seasoned professor of Public Law Abiola Oja when he opines therefore: “...an of import mechanism for delft rectification in any judicial system is the procedure of entreaty or judicial reappraisal. This non merely ensures thoroughness and equity in the lower tribunals. being witting that there is the possibility of a

<https://assignbuster.com/jurisdiction-of-selected-tribunals-in-nigeria/>

higher tribunal re-examining their records and determinations. It besides gives the litigator that confidence and satisfaction that they have a 2nd and 3rd opportunity of another independent judicial organic structure reexamining their case... To take a firm stand that there would be no entreaties from the determination of a organic structure is to presume that such a organic structure is perfect and can non do errors even of law” .

It is to the ageless recognition of the Babangida’s disposal that it took the above bold determination which other anti-human rights advocates may see as clip blowing in a military government. The point must be made that sentiments were divided on the public-service corporation of Courts in Nigerian Legal System ; for case. some were in understanding with the position that Courts have ever been set up for particular intents that might non be appropriate for the ordinary tribunals. The size. grade. complexness and manner of economic misdirection that the state has been subjected to ; the size of operation involved and the demand to guarantee rapid probe and test of these instances are thought to be unsuitable for the ordinary tribunals of jurisprudence.

Equally. the thought of utilizing the ordinary tribunals for the test of public officers who have unjustly enriched themselves for the intent of retrieving the belongingss has non found favor in some quarters. It is said that the procedures of the tribunals are excessively slow and involved. that attorneies would present unneeded and irrelevant trifles thereby making confusion and hold that the temper of the state does non favor ageless dissolutions ; that it is a false belief to presume that merely attorneies can be impartial and nonsubjective than the gift of reading of the jurisprudence

<https://assignbuster.com/jurisdiction-of-selected-tribunals-in-nigeria/>

is a monopoly of the learned work forces and that Judges are excessively removed and aloof from concrete societal jobs to be realistic in their grasp of the demands and temper of society.

There is no uncertainty that it was the above positions which contributed in no little manner in the creative activity and use of Tribunals particularly the Tribunal 4 | P a g e vitamin E created under the Recovery of Public Property ( Particular Military Tribunals ) Act.

On the other manus. it has been contended that “ although the sheer vandalization and maltreatment of the economic system of the state calls for urgent and drastic solution to salvage the state from prostration. attention should besides be taken to equilibrate the involvement of the populace with the right of the ordinary persons” . The greatest scoundrel still has the right to protection in the legal system and that “ although the conditions in Nigeria today make it imperative to widen the usage of courts for test intents. peculiarly as impacting civil autonomies. the limitless usage of them to destruct or sabotage the authority of the judicial power and maps of experts and expertness is unjustified” . 25

Under the Recovery of Public Property ( Particular Military Tribunal ) Act. the Tribunal had the legal power to seek any public officer who: ( a ) has engaged in corrupt patterns or has corruptedly enriched himself or any other individual ;

( B ) has. by virtuousness of maltreatment of his office. contributed to the economic hardship of the Federal Republic of Nigeria ;( degree Celsius ) has in any other manner been in breach of the codification of behavior ; or

<https://assignbuster.com/jurisdiction-of-selected-tribunals-in-nigeria/>

( vitamin D ) has attempted. aided. counseled. procured or conspired with any individual to perpetrate any of the discourtesies set out in this Section.

26 The Tribunal created under Robbery and Firearms ( Particular

Commissariats ) Act has legal power to seek any individual who commits the offense of robbery and the individual us armed with any piece or any violative arm or is in company with any individual so armed ; or at or instantly before or instantly after the clip of the robbery the said wrongdoer lesions or uses any personal force to any individual.

Besides. it has power to seek any individual who. with purpose to steal anything. assaults any other individual and at or instantly after the clip of assault. uses or threatens to utilize existent force to any other individual or any belongings in order to obtain the thing intended to be stolen. Similarly. any individual found in any public topographic point in ownership of any pieces whether existent or imitation and in circumstance moderately bespeaking that the ownership of the pieces is with purpose to the immediate or eventual committee by that individual or any other individual of offense of robbery is apt to be tried by the court.

Persons possessing pieces illicitly. those sheltering and handling armed robbers are every bit apt to be tried by the Tribunal. 27 The Tribunal set up under the Particular Tribunal ( Miscellaneous Offenses ) Act known as Assorted Offenses Tribunal has the legal power to seek the undermentioned discourtesies: forging and expressing negotiable instrument. wilful devastation of public belongings. incendiarism on public edifice. home house. office or construction whatsoever whether completed or non occupied



or non or to any vas. ship. aircraft. railway path or waggon or vehicle or to any mine or the working. adjustments. or contraptions of a mine ; incendiariism of cultivated vegetable green goods ; or mineral or vegetable fuel ; improper devastation of main roads ; fiddling with oil grapevines.

Importing or exporting of mineral or mineral ore ; fiddling with electric works. plants. overseas telegrams. wire or assembly of wires designed or used for transforming or change overing electricity. Tampering with electrical adjustments ; metres or other contraptions used for bring forthing. transforming. change overing. conveyancing supply in or selling electricity ; fiddling with telephone wires ; fiddling with postal affairs ; improper exportation of trade good ; merchandising of forbidden goods ; importing and exportation of unsafe drugs like cocaine and diacetylmorphine. rip offing at scrutiny. covering with crude oil merchandises and debasement of crude oil merchandises.

The Tribunal set up under Exchange Control ( Anti-sabotage ) Act has legal power over the undermentioned offense: “ Any individual who. whether or non before the beginning of the Act but non earlier than 1st October 1979 does any of the undermentioned things that is to state:

a ) Without the permission of the appropriate authorization:( I ) makes any payment to or for the recognition of a individual resident outside Nigeria. or( two ) makes any payment to or for the recognition of any individual occupant in Nigeria by order or on behalf of a individual who is resident outside Nigeria. or ( three ) makes any payment whatsoever in regard of any loan. bank overdraft or other recognition installations outside Nigeria or

topographic points any amount to the recognition of any individual resident outside Nigeria. B ) Without the permission of the appropriate authorization and being a individual occupant in Nigeria makes any payment outside Nigeria to or for the recognition of a individual resident outside Nigeria. or takes or accepts any loan. bank overdraft or other recognition installations. degree Celsius ) Without the permission of the appropriate authorization in Nigeria makes any payment to or for the recognition of any individual occupant in Nigeria or being resident in Nigeria makes any payment outside Nigeria to or for the recognition of any individual occupant in Nigeria at consideration for or in association with:

( 1 ) the reception by any individual of payment made outside Nigeria or the acquisition by any individual of belongings which is outside Nigeria. or( two ) the transportation to any individual or the creative activity of a favor to any individual. of a right ( whether nowadays or hereafter. or whethervested or contingent ) to have a payment outside Nigeria or to get belongings which is outside Nigeria. vitamin D ) Without the permission of the appropriate authorization and non being authorized trader. in Nigeria bargains or borrows any foreign currency from sells or lends any foreign currency to any individual other than an authorised trader.

vitamin E ) Without the permission of the appropriate authorization and non being an authorized trader while occupant in Nigeria bargains or borrows any foreign currency outside Nigeria from or sells or lends any foreign currency to any individual other than an authorised trader ;

degree Fahrenheit ) Without the permission of the appropriate authorization:

( I ) transportations any security or creates or transportations any involvement in a security to or in favor of a individual resident outside Nigeria ; ( two ) transportations any security from a registry in Nigeria to a registry outside Nigeria or does any act which is calculated to procure. or forms portion of a series of Acts of the Apostless which together are calculated to procure. the permutation for any security which is either in or registered in Nigeria of any security which is either outside or registered outside Nigeria ; or( three ) issues whether in Nigeria or elsewhere any security which is registered or to be registered in Nigeria to a individual resident outside Nigeria ; or( four ) acquires or disposes any foreign security. g ) Counterfeits or falsifies any papers which is required for obtaining any permission under the Act or which is used for the dealing of any concern connected with the obtaining of any such permission ;

H ) Knowingly accepts. receives or uses any papers to which paragraph ( g ) at this subdivision relates ; I ) Counterfeits any seal. signature. initials or other grade of or used by any officer for the confirmation of any papers to which paragraph ( g ) of this subdivision relates ; orJ ) Alters any papers to which paragraph ( g ) of this subdivision relates after it has been officially issued ; K ) Does any other act which is prohibited under the Act. 29 Last. the Particular Appeal Tribunal created under the Recovery of Public Property ( Particular Military Tribunal ) Act has its legal power clearly set out in S. 16 ( 1 ) of the Act. It has legal power to hear and find entreaties from the determinations of the Courts set up under the undermentioned passages:

a. the Recovery of Public Property ( Particular Military Tribunals ) Act ; b. the Exchange Control ( Anti-sabotage ) Act ; c. the Particular Tribunal ( assorted discourtesies ) Act ; andd. the Counterfeit Currency ( Particular Provisions ) Act as amended.

Having gone through the legal powers of the assorted of Courts. our following undertaking is to ask whether the composing of the Tribunals has any relationship with the legal power conferred. A close expression at the composing of the assorted Courts indicated that there was no contemplation of specialised cognition amongst the members. Though functioning or retired. judicial officers were to be presidents in the assorted Tribunals the nonprofessionals particularly members of the Armed Forces and the Nigerian constabulary were in the bulk. We could non acquire the information whether members of the Armed Forces and constabularies were appointed on the evidences of specialised cognition in the countries covered by the legal power of the Tribunals. Our feeling is that it is really improbable that such attempts were made.

In position of the above. we hasten to reason the specialisation which is the most important trademark of policy-oriented Courts in the United Kingdom<sup>31</sup> is absent in the Nigerian opposite number particularly the Courts covered in this paper.

It besides follows that the instance for the usage of Courts because of its sensed advantages over regular tribunals is non made our convincingly in Nigerian context. It is our considered sentiment that if our tribunals are

adequately equipped and manned the usage of Courts would be drastically reduced.

### Decision

We have looked at the assorted significances of the word legal power. we selected five Courts for closer scrutiny of their legal powers. We looked at the grounds behind their creative activity. After analyzing the composing of the assorted Courts selected we came to the unmistakable decision that expertness in the countries covered by the legal power of the selected Tribunals was non the overruling factor in the assignment of its members and accordingly specialisation which is the trademark of policy-oriented Tribunals was absent.