

CAUSES OF DELAY IN DISPENSATION OF JUSTICE IN TARABA STATE, NIGERIA

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ABSTRACT

This research work focuses on the causes of delay in the dispensation of justice in Taraba state. The findings have shown that there is serious problem of delay on the dispensation of justice in state. Even though there are so many problems that have hindered the judiciary from administering justice to the citizens. Sadly, the role played by the corrupt judges within the judicial sector has deprived so many Nigerians from getting the value justice fairly, efficiently and transparently. It is unfortunate that money and other forms of gratifications have for long played a role in determining the outcome of a judicial proceeding in the state. Moreover, because of high level of judicial corruption within the Taraba state judicial system, the citizens have lost confidence with the judicial system and indeed the democratic process. So many Tarabans as shown by the findings of this research prefer to take the laws into their hands and take revenge rather than to take the matter to court because according to them justice is for the highest bidder in the state. Based on this finding, corruptions of various types do exist within the justice system in the state. Such other forms of corruption include promise of offer of next promotion, promise of award of government residential houses and promise of providing the judge with furniture and electronic gadgets in his house and sometimes in their offices which as a result of that they tend to give justice to those who do not deserve it why those who deserve it are left to suffer in jail on awaiting trial or suffer unnecessary delay more especially in those cases which the accuse is presumed innocent until proven otherwise

Keywords: Delay, Dispensation and Justice

1. INTRODUCTION

Judiciary as the most critical arm through which democracy rest and the last hope of the Common man been in the state of mess in Nigeria. The temple of justice with the judge as highest priest and the institution that was vested with power of dispensing justice to the citizens, government and organizations is in the state of decay to the extent that the highest bidder gets justice to his own side more especially during and after elections when judiciary is supposed to have played their role by dispensing justice to all parties involved without fear or favor based on the provisions of the constitution of the country but reversed is the case because the highest bidders and those in the ruling party gets justice in their favor even when they don't deserve it. Similarly, the Nigerian judiciary has had a bitter experience of its 64 years of independence; Nigeria has had to groan under various military dictatorships for 28 years. Admittedly, during these periods many judicial officers out of fear of sudden removal or subsequent banishment to penury and obscurity did pass judgments in favor of the military government and their allies even when they don't deserve it. Fortunately, some courageous judicial officers have stood up to uphold their sacred oath to dispense justice without fear or favor.

Moreover, the analysis of the policy trend in the judiciary in Nigeria since independence both under military and the civilian reign has clearly depicts that the judiciary had compromised its standard to the extent of being accused of deeply involved in so many corrupt practices more especially on election matters that involves the politicians. The activities of the Nigerian judicial staff which involve not only the court judges but also both lawyers and judicial staff as well has constituted a serious traits and danger to the survival of the nation and its democratic institutions, this is because individuals have begin to lose hope on the judiciary they rather prefer to take action on any issue that is supposed to be taken to the court for proceeding because they are not sure whether they would be given the justice they deserve or not because justice to a common man in Nigeria is for sale to the highest bidder.

Furthermore, It is contended in this research work that if the much adherence to the rule of law and the change project in Nigeria is anything to go by, then the Nigerian government and the judicial sector must formulate the necessary strategy and tactics of ensuring that it live up to its expectations by fighting corruption and all vices that may hinder free and fair justice to all regardless of the socio economic status of the parties involved in the country. Similarly, in the tripod characterization of government powers into legislative executive and judicial, the judiciary is the arm of government responsible for interpreting the laws and administering justice; a system of courts, a body of judges, the primary duty and responsibility of the judiciary, therefore is to exercise judicial power in the adjudication of disputes between persons and government or authority, between the Federal and the state and between states and the proceedings for the determination of any question as to the rights and obligations of any person, government or authority. The judiciary is a creation of the constitution and hence derives its power from the constitution of the federal republic of Nigeria under Section 6 of the 1999 Constitution as amended in 2011 vested judicial powers in the courts established

under Section 6 (5) which includes the Supreme Court of Nigeria as the highest and final appellate body, the Court of Appeal which is subordinate to the Supreme Court, but hears appeals from lower courts, the Federal High Court and State High Court (including the High Court of the Federal Capital Territory, Abuja) which have coordinate jurisdiction in their different spheres of authority. Also established is the Sharia Court of Appeal and the Customary Court of Appeal which exercises such appellate and supervisory jurisdiction in civil proceedings involving questions of Islamic personal law, and such appellate and supervisory jurisdiction in civil proceedings involving questions of customary law respectively.

Nevertheless, Section 6(4) of the constitution empowers the National Assembly or any House of Assembly to establish courts other than those mentioned above, with subordinate jurisdiction to that of a High Court. The constitution under the same section made provision for the existence of lower courts such like Magistrate courts, District Courts, Area Courts and customary courts in the various states where applicable.

Consequently, the judicial arm of government in Nigeria does not operate in vacuum, but within the framework of a legal system. The legal system in this sense consists of the entire laws or legal rules and the legal machinery that work in synergy to ensure the smooth dispensation of justice in the country. Nigeria as a sovereign and independent African country, due to its historical antecedents, Nigerian legal system is purely the British common law system. The implication of the system to the Nigerian judiciary is that it has made it possible for all authorities and persons to imbibe the tradition of making sure that the earlier decisions of the apex court should be binding authorities for subsequent cases. It is based on that principle of law that decisions of higher courts are binding on the lower courts and also, decisions of courts of coordinate jurisdiction are also binding on those courts. The court in which the decision is given may depart from it only in special cases while the courts below it is strictly bound by that decision. Such lower courts may not veer from the path of that precedent even where they are inclined by good reason to do so.

Furthermore, as part of the prerequisite for the smooth operation of the doctrine of precedent, Nigeria has a well-structured hierarchy of courts as earlier mentioned with the Supreme Court of Nigeria being the final or the apex court in the country. The decision of the Supreme Court can never be contested anywhere as its decision is final and no appeal after the judgment of the supreme court of Nigeria.

Moreover, based on the Nigerian legal process the courts, the judges, are advised to be detached from the disputants and to maintain a neutral stand as interested umpires relying on the arguments from both sides for their final decisions. For example, under Nigerian law an accused is presumed innocent and the prosecutor is required to prove his case beyond all reasonable doubt. Judges are expected to offer little or no assistance to the prosecution in securing the conviction of an accused person.

Nevertheless, the constitution of the federal republic of Nigeria remains the basic law for the country and under section 1 of the 1999 Constitution, it has explicitly made it clear that the constitution is supreme and its provisions shall have binding force on all authorities and persons throughout the Federal Republic of Nigeria. If any other law is inconsistent with the provisions of this constitution this constitution shall prevail, and that other law shall to the extent of the inconsistency be void.

Legal System in Nigeria

Nigerian legal system was partly inherited from Britain due to the colonial past of the country. English common law form the basis of the country's legal system, though there were some legal system that are in use but the English common law over shadowed the two existing legal systems which include sharia or Islamic law and the customary law. The sharia law in Nigeria deals with only issues of marriage contract, divorce, inheritance and secession while the customary law deals with the issue relating to customs and traditions.

Moreover, sharia or Islamic law, unlike customary law, is written. Its principles are clearly defined and articulated. This system of law is based on the Holy Koran and the teachings of the Holy Prophet Muhammad. Islamic law is being enforced in some states in the Northern part of Nigeria especially where populations are predominantly Moslem. The scope of operation of Islamic law has been broadened since the introduction of the Sharia legal system in a number of Northern states such as Zamfara, Kano, Kaduna, and Sokoto among others. The sharia or Islamic law introduced in those states can only deal with issues relating to marriage and family affairs but not criminal cases.

The Supreme Court is the highest court in Nigeria. It replaced the Judicial Committee of the Privy Council in 1963 as the final court of appeal. The Court of Appeal was established in 1976 as a national penultimate court to entertain appeals from the High Courts, which are the trial courts of general jurisdiction. The Court of Appeal sits in 10 Judicial Divisions scattered throughout the country but is still a single court and is ordinarily bound by its own decisions. The Court of Appeal and all lower courts are bound by the decisions of the Supreme Court. The High Courts and other courts of coordinate and subordinate jurisdiction are equally bound by the decisions of the Court of Appeal. The doctrine of judicial precedents does not apply rigidly to certain courts like the customary/area courts and the Sharia courts in Nigeria.

The sources of the Nigerian legal system include English law, constitution, legislation, judicial precedents, sharia law and customary law.

Sources of the Nigerian Legal System

The following are the sources at which the Nigerian legal system derived its validity;

Customary and Islamic law

English law

Constitution

Nigerian Legislation

Judicial Precedent

Law Reports

Textbooks

Customary and Islamic Law

Customary and Islamic law are rules and regulations which formed part of the sources through which the Nigerian law derived its strength and validity. The customary and Islamic laws are the laws that are recognized by the indigenous people which had its origin from religion and cultural beliefs of Nigerians in the areas that include marriage, divorce, succession and inheritance, land and chieftaincy matters. For any customary or Islamic rule to have the force of law, it must not be inconsistent with the natural justice, equity and good conscience. Secondly such rule must not be incompatible either directly or by implication with any law for the time being in force. Finally, it must be the existing native law or custom and not the native law and custom of ancient time. Customary law must be proven beyond any reasonable doubt of its existence in any Nigerian society before non-customary courts either through the testimony of witnesses who are considered versed in that area or those who are considered to be the custodian of the culture of that society in question example is the traditional rulers and traditional title holders. Proof of a particular custom by evidence can be dispensed with if judicial notice has been taken of it in such circumstances stated in the Evidence Act.

English Common Law

By virtue of Nigeria being a British ex colony, English Law became one and the first source of country's law and the legal system even though, the applicable of it in the country was through the mechanism of local legislation called DOMESTICATION. The English laws so received in the country consist of the Common Law of England, the Doctrines of Equity, and the Statute of General Application in force in England on the 1st of January 1900 and the Statute and Subsidiary Legislation on specified matters.

Nigerian Legislation

This source of the Nigerian legal system refers directly to the laws made by any legislative arm of government within the three tiers of government namely federal, state and the local government legislative council in Nigeria. Under a military regime, they are known as Decrees and Edicts (for federal and states respectively). On the other hand, under a civilian regime, federal laws are known as Acts of National Assembly or Acts of Parliament (depending on whether the system referred to is presidential or cabinet system). State laws are simply called law while laws made at the Local Government level are called bye-Laws. During colonial period those laws were known as Ordinances.

Judicial Precedent

Judicial precedent as one of the sources of the Nigerian laws or the legal system is simply the process that involve a setting of standard by the higher courts through their judgments which the lower courts may refer to as a point of reference in passing a judgment on a similar case even though the process followed was not in constitution of the country. The idea may be based on its decision in relation to the material fact before it must be followed by the lower courts below it in the judicial hierarchy. But a lower court can only follow a judgment of a higher court if that judgment has not been overruled by a court higher in the hierarchy of courts or by the court that gave the judgment. It follows therefore that the decision of the highest court will bind all other courts and until changed by statute, it remained the law in respect of the matter covered. Specifically what constitute a precedent for later judgment is the ratio decided, that is, the reason for the decision. Such statement made by the judge in passing or by the way in the course of delivering his judgment and which is not strictly relevant to the issue before him is an orbiter dictum. This has no binding effect but may be of persuasive authority. And where a decision or judgment of a court of law is arrived at by mistake or oversight of the law, such decision or judgment is said to be given per incuriam

Law Reports

The weekly Law reports is another source of the Nigerian law and the legal system, it is essential for the growth of case law system. The weekly law reports are composed of all judgments passed by courts of competent jurisdiction in the

country. The Nigerian Weekly Law Reports (NWLR) is being produced by Gani Fawehinmi (SAN) law chamber and the All Nigerian Law Reports produced by the Federal Ministry of Justice amongst others are some of the well compiled and edited series. conclusively, the court may sometimes fall back to textbooks by notable scholars in the field of law to serve as a reference point to any judgment they considered very fragile and complicated more especially where such cases have not been previously decided in the court or where the position of the law on the case is not clear, courts may turn to textbooks by notable authors for assistance and guidance. But their books are merely persuasive. The Evidence Act specifically provides as regards customary laws that any book or manuscript recognized by natives as a legal authority is relevant. Especially books written by re known legal

Current State of the Nigerian Legal System

The attainment of justice by all individuals signifies the fulfillment of the promises of any constitutional democracy to give all individual regardless of their socio economic or cultural back ground to reclaim and enjoy the rights and liberties granted by the constitution or laws of the country and the international convention which the country is a signatory.

Nevertheless, despite the establishment of the constitutional democracy in Nigeria however, the attainment of justice by all in the country is being strewn with so many problems which includes among others such as socio cultural and institutional problems that made it difficult for the individuals in the country to have justice as enshrined in the constitution of the country.

Moreover, the problem of not having desirable justice by the citizens in Nigeria is being worsen by the fact that the judges in the country aligned themselves more to the rich and the political office holders in the country at the detriment of the majority of the masses as a result of that the judges manipulates justice to suit the preference of the rich and the political office holders in the country.

Problems of the Judiciary in Nigeria

The following are the problems of judiciary in Nigeria;

Judicial corruption

Manipulation

Intimidation of judges

The problem of judicial corruption in Nigerian judicial system is very alarming over the years; this is due to the fact that judges, lawyers and the judicial staff are seems to be deeply engaged in corrupt practices which eventually made the judicial sector to lose its credibility in the face of both citizens and the international community as well. The issue of judicial corruption engaged by the court judges and lawyers handling a case or cases in the Nigerian courts is becoming an issue of serious concern more especially with the arrest of some prominent judges of the country's apex court and some lawyers who are currently facing trail in different Nigerian courts on issues bordering corruption which was facilitated by the lawyers handling those cases in other to attract the favor of the judge on the cases or case before the court. The situation is very serious more especially among the senior judges and lawyers who handle sensitive cases of either high profile individuals who are accused of corruption or cases that has to do with electoral matters which the parties involve are politicians who may be ready to offer them any amount for them to get favor from the court.

Okechukwu o. (2005:18-19) states that because of the massive corruption within the Nigerian judicial sector, there is a widely distrust among Nigerians on the sector's integrity and its ability to protect the civil rights and check the excesses of the elected officials in the country. Judiciary to so many Nigerians is considered to be like a business ventures where the highest bidder gets justice he wants but not what he deserved.

In a similar vein Okechukwu (2005:25) stated that Corruption seems to be the systemic disease of the Nigerian judiciary, and has generated complaints from all segments of the society, including social commentators. A study conducted in 2002 by A.J. Owonikoko reported that since 1999, more than fifty-five cases of corrupt practices have been processed by the National Judicial Council, the body charged with responsibility for enforcing discipline in the judiciary.⁸¹ allegations of judicial corruption are currently working their way through the National Judicial Council.

Okechukwu (2005:27) further stated that the president of Nigeria, while acting on the recommendations of the National Judicial Council, confirmed the compulsory retirement and dismissal of two judges of the Federal High Court, Justices Samuel Wilson Egbo-Egbo and C.P.N. Senlong, Justice Egbo-Egbo of the Federal High Court, Abuja, issued a string of ex parte orders under questionable circumstances and clearly without jurisdiction. Each manifestly illegal order made without jurisdiction reinforced the public's already abrasive contempt for the judiciary. Disturbingly, Justice Senlong, one of the most senior judges of the Federal High Court, was implicated in a bribery scandal that involved the unlawful influencing of other judges carrying out judicial functions. Judge Senlong was quickly suspended and ultimately dismissed from the bench for what the National Judicial Council described as "the despicable role he played in

attempting to influence the decision of an election tribunal. “Judge M.M. Adamu, chairman of the tribunal and a judge of the Plateau State High Court, was also dismissed for receiving a bribe.

Consequently, Akambi (2005:29) stated that the First problem of the judiciary in Nigeria is the problem of the corruption among judges. Corrupt judge according to him is just like an afflicted person—just like the carrier of the AIDS virus or kleptomania. He suffers from a deadly disease. To him, justice is not his primary concern. What matters to him most is the corrupt money that is turned over to him by his partners in crime. His conscience is warped. His judicial Oath means nothing, and so he hardly realizes that he is an obstacle to justice according to law. In any case, by his nature, he is a stranger to justice, and if he is not caught in the act, he remains a perpetual obstacle in the way of justice until perhaps Nemesis catches up with him. Otherwise, he is unable to appreciate, let alone administer justice according to law. Second is the dangerous and mischievous Judge who knows the law but prefers not to follow the law. He acts on whims and caprices. He assumes jurisdiction where there is none. He declines jurisdiction where there is. To him, judicial precedence means nothing. His motive is dangerous. His wig and gown are mere symbols of his ego. Again to this class of Judges, the judicial Oath is a mere cosmetic. Such a Judge is not only an obstacle to justice according to law, he is a danger to the entire Judiciary as an institution.

Going by the above analysis of the Nigerian judicial system, it is very correct to say that one of the major problems of the Nigerian judicial sector is the problem of corruption which has eaten very deeply into it to the extent that the citizens don't get the justice they deserved simply because justice is for the highest bidder if you have money you can now buy justice to yourself that is exactly the situation with the Nigerian judiciary.

Furthermore, the executive arm and well-connected citizens, manipulates the search for a fair trial by manipulating the judiciary. Senior government officials have little or no respect for the principle of separation of powers while they use their influence and powers to manipulate the judiciary through Interfering with the judicial process. This illegal act by the executive and its allies is so deeply rooted into the Nigerian culture to the extent that politicians and the wealthy among Nigerians have continue to influence court proceedings despite the fact that judicial arm of government supposed to be an independent body free from all kind of control. Governments, such like the state governments they use different methods and techniques to manipulate the judiciary through offering of gratification or bribe to judges in order to manipulate judgment to their favor more on election matters. The relationship between executive and the judicial arm of government makes it much easier for government officials to manipulate judges to give judgment that will favor them. Though the appointment of the judges are done by the executive on the recommendations of the National Judicial Council, meanwhile judges must have good relationship with the government for many of their benefits like housing and transportation. Some Judges live with the anxiety that government officials are unhappy with their decisions, could make life difficult for them by denying them decent housing and transportation or luxury which they may need from either executive or highly placed politicians

Karibi. W (2005:37-38) stated, that when the Executive controls what the Judiciary requires for discharging its constitutional functions, when the maintenance of the health and comfort of members of the Judiciary lies at the whims of the Executive; when the facilities for interaction with other judicial colleagues all the world over is controlled by the Executive, the only value left is that of impartiality which is maintained by the human spirit, and the sacred resolve to uphold the judicial oath. To what extent the vagaries of the executive oppression affect impartiality depends upon the pain threshold of the individual Judges and resistance of the injustice inflicted by the executive misdemeanors.

Moreover, intimidation of judicial staff and lawyers in Nigeria by the rich and powerful Nigerians made it very difficult for the judges to mediate conflicts and disputes through the judicial process. The preferred mode of operation by the rich and powerful in Nigeria is to blunt demands for justice by engaging the judges in a strategy of intimidation and manipulation. The prevailing strategic used by the rich and powerful in Nigeria is to bribe the judges that can be bribed and intimidate those who refuse to be bribed. Bribery in most cases usually involves money, but may also include promises of elevation to the higher rank. Intimidation of judicial officers is found in all branches of the judiciary from trial courts up to the Supreme Court. Similarly, there are various reports on the Nigerian media on the harassment and intimidation of judicial officers though no name was mentioned as to who is intimidating who but the scenario sound like the intimidation and harassment came from the executive arm. Consequently, the murder trial of those accused of killing the late Attorney General of the Federation, Bola Age, was delayed for a long time because of intimidation and harassment of the judges handling the case. Three judges separately refused to continue hearing of the case, citing pressure from unnamed highly placed persons in government. Justice Moshod Abaas narrowly escaped from being intimidated and harassed by the powerful individuals whose names were not mentioned citing pressures from unusual quarters. This situation accurately portrays the unfortunate and uncomfortable situation in which judges find themselves once they assume jurisdiction in high profile cases. The intimidation of judges is becoming alarming and disturbing. The recent dimension by the powerful individuals who are well placed in the government of the country towards the

Court of Appeal hearing in Enugu was a clear indication that judges in the country are being intimidated more especially on the cases the power brokers has interest. The presiding judge of the Court of Appeal, Justice Okechukwu Opene, publicly declared that he received threats from persons interested in the case. He stated, "Before I go on, I want to say my mind and that is my personal opinion. I am under pressure: there are calls and threats. But I have to go on with this matter." Immediately after one of the justices of the appeal court sitting in Enugu delivered his minority judgment in the case, supporters of one of the parties to the case stormed the court premises and threatened to physically deal with the judges. According to the newspaper report, "The judges had to quickly escape through the back-door midway into their judgments. "The recent intimidation and assault on the Appeals Court Justices in Enugu was a clear indication that the lives of the judges more especially those who stood their ground to make sure judgments are being done without any fear or favor as contained in the constitution of the federal republic of Nigeria is in great danger. Similarly, the activities of thugs who are being sponsored by the political class or the wealthy people in the society have made it extremely difficult for the decent judges to operate because of the corrupt environment the judges found themselves. The thugs believed that their intervention is necessary to influence the outcome of any case. Even though the laws of the country stated that it is a crime in Nigeria for anyone to interfere with the administration of justice through threats, intimidation or offering gratification but the fact remains that law enforcement agencies more especially are not doing enough to protect the judges from the dangers of those threatening the lives of the judges. The reactions of judges who publicly complained of threats demonstrate the pervasive sense of unease engendered by the lack of adequate protection for judges. It is both curious and instructive that judges who notified the public of threats and pressures on them failed to name the culprits. Failure to name the culprits not only reflects the awe in which even judges hold powerful Nigerians, but it also displays a lack of faith in the ability of the system to protect judicial officers

Inadequate Infrastructure

One of the features of the current state of the Nigerian judiciary is bad infrastructures such as outdated, and poorly equipped physical facilities such as dilapidated buildings, poorly furnished with no modern ICT connections such like computers printers and photocopy machines among others are not in place for office use, staff in those offices are left with no option other than to take sensitive documents to the business center for either photocopying or printing which sometimes lead to the leak of court's sensitive documents which as a result of that, it seriously undermine the fair and speedy administration of justice in the country. Justice can hardly be speedy if judges are not provided with the necessary facilities and equipments to enable them discharge their constitutional responsibilities as enshrined in the constitution of the federal republic of Nigeria.

Furthermore, Human Rights Watch report (2017) states that, Court facilities in Nigeria are grossly, hopelessly overcrowded, badly equipped, and underfunded. In some courts the Interpreters may be nonexistent or badly trained. Court libraries are inadequate. There are no computers, photocopiers, or other modern equipment and in some cases, judges do bring their own paper and pen to record their judgment and If litigants need a transcript of the judgment for the purposes of an appeal, they have to pay for the transcript themselves.

Consequently, infrastructural deficiencies in the Nigerian courts have seriously undermined the search for a true and fair trial in the country. The poor infrastructural facilities in the Nigerian judicial sector has permitted if not encourages bribery and corruption within the sector. Records of court proceedings, courts' other sensitive documents and judgments are stored in a very poor conditions thereby making them susceptible to intentional destruction by unscrupulous staff of the organization. Modern facilities in the Nigerian courts are totally not in place which made it very difficult to store or retrieve data for future use. Moreover, lack of centralized data base for the Nigerian judiciary has provided an enabling environment for corrupt and unethical court officials to tamper with evidence or even court records for the purpose gaining some gratification out of it. Secondly, because of the ill-equipped nature of the Nigerian courts, parties are limited in the kinds of technological and visual aids available throughout litigation. The courtrooms are not equipped with modern technology devies to handle audio, slide and other visual presentations in the court rooms for the purpose of tendering of evidence by the parties during litigation. Okoro O. (2015), a lawyer, stated that the hardware and software of the court system is moribund Record keeping and document management facilities and procedures are rudimentary. Court libraries are outdated, compelling judges to borrow books from lawyers appearing before them. Time saving court procedures such as discovery and interrogatories are largely regarded by the Bench and the Bar alike as novelties. Modern information technology and office equipment are virtually unknown.

Nevertheless, delay in the dispensation of justice in Nigeria has been identified and confirmed to be one of the major feature of the Nigerian judiciary by this research, even though the constitution of the country has seriously forbid any form of delay in the justice dispensation in the country but because of some reasons which may be unveiled by this research in due course delay of different kind do take place in the judicial sector of the country. Under section 36 (1) of the Nigerian constitution, the right of the citizens to a fair trial in Nigeria is guaranteed by the Constitution, and it

provides that, "In the determination of his civil rights and obligations, including any question or determination by or against any government or authority, a person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law. Very regrettably, trials in the country are never heard within a reasonable time as stipulated by the constitution, cases last longer than necessary in courts more especially if the trial judge and the lawyer handling the case are gaining something out of the case they will never let the case finish in a short period of time. Research conducted by some human rights organizations and scholars have identified delay in the dispensation of justice in Nigeria as one of the major problem to the search for justice in the country's judicial courts. For instance, Hurilaw, a Nigerian nongovernmental organization found that, "extreme delay in litigation in the courts is routine. On the average, hearing in a case at first instance in a Nigerian superior court can take as long as 5–6 years with another 3–4 years consumed in appellate proceedings." In a similar vein, research conducted by Human Rights Watch (2017) found that "delays plague the course of litigation against oil companies."

Jedrzal George Frynas, a Professor at Coventry University, lists delay in justice in Nigeria as one of the impediments frustrating access to the courts. He stated: that Delay in the disposal of cases is perceived as the fourth most important problem of access to courts in Nigeria. This appears to be due primarily to the congestion in the courts, which manifests itself through the high number of pending cases. Cases in Nigerian courts including appeals may take over 10 years before reaching a final verdict. Sometimes the original litigants will have died by the time the judgment is made.

2. RESEARCH DESIGN

For any scientific research of this kind to be carried out successfully the researcher must use a method or some methods which would assist in collecting of all necessary data require for the analysis. The method adopted here therefore is expected to reflect on the research location, method of data collection, sample size (s) and sampling technique (s) and finally data analysis.

In view of the above therefore, qualitative research strategy has been adopted and used in conducting this research work and an open-ended questionnaire was used to collect all necessary data for this research. The research was designed to cover the entire Nigerian judicial sector with a specific interest in Taraba state judiciary with the aim to find out the causes of the delay in the dispensation of justice in the state.

3. METHOD OF DATA COLLECTION

The method adopted by the researcher in collecting the relevant data for this research work was divided into two major sources which include;

Primary sources

Secondary sources

A questionnaire method was therefore adopted as a tool used in collecting all primary data for the research. An opened ended questionnaire was designed with some set of questions which respondents are expected to tick any of the option which they feel are the most correct and to also write out their views where appropriate. The secondary data for this research was obtained through the cross examination of documented materials about the formal justice system such materials include journals, text books, law reports and other similar published research work on the research topic.

Sample Size (S) and Techniques

Sample size (s) and techniques were used in undertaking this research work because the study area is very wide and densely populated, it will be easier and convenient for the researcher to use the sample size (s) and the sampling techniques in collecting all necessary data for the research. Ideally it would be preferable for the researcher to survey the entire population. In view of that therefore, the researcher used a sample instead. The sampled size will depend on the expected data of the precision which in this case is sixty (60) respondents. The sampling of the respondents in the research area was based on the three senatorial zones and the sampling criterion in each zone was based on the concentration of courts and population of each zone. Northern zone got twenty-two (22) respondents sampled out of the zone while central zone and southern zone got nineteen (19) respondents respectively. The criteria used in administering the questionnaires in those selected areas was randomly done, each respondent was given a questionnaire that contains set of questions that he or she needs to answer to the best of his or her ability and the confidentiality of the respondents and the information they have provided are hereby assured as the information collected or gathered are strictly for academic purposes.

4. METHOD OF DATA ANALYSIS

The method adopted and used in analyzing the data for this research is the content analysis. Content analysis is therefore defined by Bryman A. (2016:283) as an approach to the analysis of document and text which may consist of words,

images and may be printed or online, written or spoken that seeks to quantify content in terms of predetermined categories and in a systematic and replicable manner.

5. RESEARCH FINDINGS

This section of the research work deals with basically the analysis of the responses gathered with the aid of questionnaire which was administered in the research area. Thus, sixty questionnaires were administered and only forty-one were safely returned. The analysis was done base on the responses on the forty-one questionnaires that was returned through the use of the content analysis method. This method was chosen because it enables a researcher collect, organize different type of data and above all it is an efficient tool for interpreting complex materials.

Therefore, it is relevant particularly for a research on the causes of delay in dispensation of justice because the method helps to identify and count the occurrence of specific features or dimension within documents with the aim of coming up with significant results about the causes, effects and the solutions to the problem of delay in justice in Taraba state. (Agbonika and Alewo2014).

Thus, with regards to the findings on the causes of delay in justice dispensation in Taraba state, the researcher has chosen to content analyzed the research findings which was gathered or collected with the aid of questionnaire.

Moreover, in order to methodologically analyze the findings, the researcher followed a data collection process for the content analysis and the steps followed by the researcher was the one offered by Krippendoff 2012, Bryman 2016, Neuendorf 2016 in their books written on the application of content analysis to analyze findings or documents.

The first question asked by the researcher was whether administrators of justice in Taraba state are discharging their constitutional responsibilities as contained in the constitution of the country? On that question, twenty five (25) respondents agreed that the administrators do discharge their duties as stated in the constitution of the federal republic of Nigeria while sixteen (16) disagreed with the position of the twenty five respondents and respondent (A) among the sixteen respondents that disagreed says that “the administrators of justice don’t discharge their functions as enshrined in the constitution because they engaged in corrupt practices”

Furthermore, the second question was whether there is delay in justice dispensation in Taraba state? About thirty-seven respondents out of the forty-one respondents that were returned agreed that there is delay in the dispensation of justice in the north east sub region of Nigeria while four of the respondents said there is no delay in the justice dispensation in the sub region of the country. Respondents (B) on his contrary view said that “there is no delay in the justice dispensation base on my understanding because judges need more time to look into cases properly.” Based on the result of the finding it is very clear to note that the delay might be caused by some factors such as corruption and abuse of office procedures which has been identified by the majority of the respondents as the major cause of the delay in the justice dispensation in the state contrary to the position of the respondents on the first question who strongly believed that the administrators of justice do discharge their functions as contained in the constitution of the country.

Nevertheless, the researcher asked a question on the causes of delay in the dispensation of justice in Taraba state, twenty three respondents out of forty one said corruption is a major cause of the delay in the dispensation of justice in the state while three respondents disagreed with the position of the twenty three respondents and maintained that inadequate staff not corruption is responsible for the delay in justice dispensation in the state while eleven respondents were of the opinion that other factors such as ethnicity or religious factor is responsible for the delay in the justice dispensation in the state. Respondent C while responding to my question said “corruption is never the cause of delay in the justice dispensation but rather some social problem such like ethnicity and religion that are responsible for that”.

Similarly, on whether in adequate court rooms for judges is responsible for the delay in the justice dispensation in Taraba state, about twenty nine respondents out of forty one responses returned had a view that inadequate court room is never a cause to the delay in justice in the state while twelve out of the respondents hold the view that it is in adequate court rooms for judges that is responsible for the delay in justice in the state. Respondent D said “in adequate court room is responsible for the delay in the justice because to the best of my knowledge so many judges shared one court room”

Consequently, when respondents were asked on whether the role played by the Nigerian police help in the smooth dispensation of justice in the state, about twenty one of the respondents out of forty one responses returned were of the opinion that the role played by the Nigerian police force helped in the smooth dispensation of justice in the state while twenty respondents disagreed with the position of the twenty one respondents, they hold a view that, the roles of the Nigerian police force has not help in any way towards the smooth dispensation of justice in Taraba state. Respondent E maintained that “because of the corrupt nature of the Nigeria police they do not help in any way”.

Nevertheless, twenty seven respondents out of the total forty one responses that were safely returned had a strong belief that the low salaries paid to the judicial staff is responsible for the delay in the dispensation of justice in Taraba state while fourteen respondents disagreed with the position of the twenty seven respondents holding their opinion that there

is no co relation between salaries and the delay in justice dispensation, respondent F among those who disagreed said “ there are people who survive on salary lower than their own but never engage in corruption” but going by the responses recorded on corruption as the major factor responsible for the delay in the dispensation of justice which about twenty three respondents out of the forty one questionnaires returned agreed that corruption is responsible for the delay and going by current happening in the country’s judicial sector where some senior judges of the country’s apex court and lawyers are currently facing trial bordering corruption charges labeled against them by the anti-craft agency. Going by the above scenario therefore, it might not be out of place to say that corruption might be the cause of the delay in the justice delivery system in Taraba state and the country at large by taking into account the position of the country in the corruption index rated by transparency international in 2017 which judicial arm is part and parcel of the system that made up the country.

Moreover, when respondents were asked whether shortages of judicial staff or court judges are responsible for the delay in the dispensation of justice in Taraba stste? About twenty four respondents disagreed by saying shortages of judges is never responsible for the delay in the dispensation of justice while seventeen respondents were of the opinion that shortages of judges has contributed to the delay to the dispensation of justice, respondent G said “ shortage of staff triggered delay considering the number of cases in court and the number of judges” but going by the majority of the responses received it is clear to note that the country’s judicial arm is not in any way being under staffed , the major problem of the sector might be the problem of corruption and abuse of office as identified by the majority of the responses received which be responsible for the delay.

Furthermore, based on the outcome of the question asked by the researcher on whether accused persons are left in the prison longer than there prison term in the north eastern Nigeria, about thirty five of the respondents out of the forty one questionnaires that was safely returned agreed that majority of the prisoners in Taraba state and the country at large are kept in the prison on awaiting trial longer than their prison term which according to the respondents was as a result of so many factors which include corruption, in proper record keeping as a result of negligence of duty on the side of both police, court judges and the court officials more especially on the criminal cases which is prosecuted by the police. On the contrary, the six respondents disagreed with the position of the thirty-five respondents they maintained that accused persons are not kept longer than their expected jail term before their faith is determined by the court. Respondent H disagreed with the position of the majority said ” accused persons are not kept longer than their prison term to the best of my knowledge” Going by the position of the thirty five it is very clear to say that their position has concord with the position of the former Nigerian president Obasanjo who said that accused persons are kept on waiting trial longer than their prison term more especially on criminal cases.

Okechukwu. O (2005:43-44) states in line with the finding of this research that the hardware and software of the court system is moribund Record keeping and document management facilities and procedures are rudimentary. Court libraries are outdated, compelling judges to borrow books from lawyers appearing before them. Time saving court procedures such as discovery and interrogatories are largely regarded by the Bench and the Bar alike as novelties. Modern information technology and office equipment are virtually unknown. Verbatim recording of trials is not available; judges are compelled to manually record proceedings in long hand.

Moreover, respondents were asked by the researcher whether in adequate court rooms were responsible for the delay in the dispensation of justice, About twenty eight respondents out of the forty one questionnaires safely returned did not that agree that in adequate court rooms for the judges do delay the speedy dispensation of justice rather the respondents attributed the delay to corruption within the judicial system. While on the contrary, thirteen respondents strongly agreed that inadequate court rooms for judges is the cause of the delay in the dispensation of justice in Taraba state and the country at large. Nevertheless, the researcher asked the respondents if the bureaucracy within the office of the director of public prosecution do contribute to the delay in the dispensation of justice in Taraba state, twenty three out of forty one responses that were safely returned clearly showed that the bureaucracy in the office do contribute to the delay in the dispensation of justice while eighteen out of forty one did not agree that bureaucracy delays the dispensation of justice in their opinion other factors such like corruption are the cause of the delay in the dispensation of justice in Taraba state and the country at large. Respondent K said,” Corruption not bureaucracy is responsible for the delay in the dispensation of justice “ Furthermore, respondents were asked by the researcher whether unavailability of vehicle to transport accused persons from the prison is the cause of the delay in the dispensation of justice in Taraba state. About twenty four out of forty one respondents agreed that unavailability of functional vehicles do delay the dispensation of justice which according to the respondents was as a result of corruption, the senior officers who are charge with the responsibility of maintaining the vehicle do divert the fund released by the government for the maintenance and fueling of the vehicle to their personal accounts which at the end the vehicle may not perform the function it is made for while on the contrary, seventeen respondents out of the forty one responses that were returned did not agree that unavailability

of vehicle for transporting of the accused person from the prison to the court do not hamper or delay the judicial process. Respondents J said "all prisons are given cars for transporting accused person so this should not be a reason for the delay"

The Future of the Nigerian Legal System

The future and the faith of the Nigerian legal system depends solely on if the problems of the Nigerian judiciary such like Judicial corruption, Manipulation, Intimidation of judges, Institutional problem are solved.

The problems of the judicial corruption in the Nigerian judicial sector have become very alarming to the extent that it lost its credibility in the face of both citizens and the international community. The substantial and enduring costs inflicted on the citizens, legal profession, judiciary and the Nation as a result of corruption Calls for reform of the entire system and the re orientation of the citizens and the staff of the judicial sector on the danger of corruption on judicial sector and the country at large. The international communities are concerned more about the danger of corruption on the survival of the rule of law and the consolidation of the country's democracy which can be destroyed by corruption. For the country to experience growth and development, corruption of all kind must be reduced to its barest minimum to give the citizens their constitutional rights to a fair trial within a reasonable period as enshrined in the constitution of the federal republic of Nigeria. Bodies like the National judicial council and the Nigerian bar association should as a matter of serious concern live to their expectation by making sure all judges, judicial staff and lawyers who are found to be involved in all corrupt practices should be punished based on the provisions of the laws as contained in the constitution of the federal republic of Nigeria. If that is done then the good image of the judiciary will be restored and all citizens regardless of their status in the society will be treated fairly in the face of law. Nevertheless, in the event when the above mentioned measures are not taken then the entire judicial sector will be in the state of mess where corruption will take over the business of the day by making sure only those who can afford can buy justice to themselves that is exactly how the future of Nigerian judiciary will look like if measures to sanitize the system from corruption is not taken.

Furthermore, executive manipulation of the judiciary is another problem that has seriously engulfed the Nigerian judicial system at the moment and if proper measures are not taken the future of the Nigerian judiciary and the country will be in the state of crisis because people may prefer to take revenge than to go to court. Similarly, the executive arm at both federal and states levels use their executive influences to manipulate and control the judicial arm to the extent that the executive determine whom the justice will be given and in most cases the delay in the dispensation of justice in the country are being caused by the executive arm in those cases which they have interest. Even though, the judicial arm is regarded theoretically as independent but practically is not because masses in the country prefer to take the law into their hands by taking a revenge when being cheated than to take the matter to court because justice at the moment is for those who know someone in government more especially, during and after election when the election petition tribunal is set up to entertain grievances from those who are not satisfied with the manner at which the election was conducted the executive manipulates the judgment in favor of their preferred candidates against the wishes of the people whom he will be representing. The scenario might be very bad for the future of the Nigerian judicial system because the entire country may be turned into a state of anarchy where the strongest in the society takes over the properties of the weaker ones and there will be no stronger judiciary to fight for the weaker ones as the judiciary in the country were already in partnership with the rich and political office holders in the country.

Moreover, the future of the Nigerian judiciary may be at stake as the judges that are supposed to mediate fairly between individuals or between individuals and organization or government are already being under intimidation and threat by the rich and the most powerful people in the country. Proper measures must be in place in order to safeguard and rescue the only hope for the common man. The national judicial council at each level must be ready and fully equipped to protect and defend any judge or a judicial staff who is intimidated by any person or body in the country. The Nigerian bar association should also liaise with the national judicial council to make sure no any judge, judicial staff or a lawyer is being intimidated by any person or government in the country.

Nevertheless, the future of the Nigerian justice system will be bright only if the institutional problems such like the delay in the dispensation of justice in the country are solved. The country's justice system has been battling with serious problem of delay which were as a result of corruption, executive interference, and poor infrastructure which if proper action is not taken the future of the justice sector in the country will be at stake because most of citizens may prefer to take revenge rather than going to court because even if they do at the end they may not get the justice they deserved. Similarly, if the situation is not handled properly it may lead to constant crisis because the cases that are supposed to be taken to court for mediation may end up being treated by the parties themselves through violent means which may not be good for the country will be turned into battle field for the sake taking revenge on the matter that is supposed to be treated in court.

6. CONCLUSION

Judicial corruption is confirmed by this research as a serious problem to the dispensation of justice in Taraba state. Even though there are so many problems that have hindered the judiciary from administering justice to the citizens of the country. Sadly, the role played by the corrupt judges within the judicial sector has deprived so many Nigerians from getting the value justice fairly, efficiently and transparently. It is unfortunate that money and other forms of gratifications have for long played a role in determining the outcome of a judicial proceeding in Nigeria. Moreover, because of high level of judicial corruption within the Nigerian judicial system, the citizens have lost confidence with the judicial system and indeed the democratic process. So many Nigerians as shown by the findings of this research prefer to take the laws into their hands and take revenge rather than to take the matter to court because according to them justice is for the highest bidder in the country. Based on this finding, corruptions of various types do exist within the justice system in Nigeria. Such other forms of corruption include promise of offer of next promotion, promise of award of government residential houses and promise of providing the judge with furniture and electronic gadgets in his house and sometimes in their offices which as a result of that they tend to give justice to those who do not deserve it why those who deserve it are left to suffer in jail on awaiting trial or suffer unnecessary delay more especially in those cases which the accuse is presumed innocent until proven otherwise.

7. RECOMMENDATION

National judicial council should as a matter of urgency sit up to their responsibilities by making sure all corrupt judges are punished in line with the provision of the constitution of the federal republic of Nigeria and also corruption of all kind within the judicial sector should be brought to its minimal so that the confidence of the citizens of Nigeria on the judiciary will be restored.

Similarly, in cases that are non-criminal conduct, the National Judicial Council should be the body or authority empowered by law to investigate and recommend punishment to who so ever that is found guilty to the relevant authority empowered by the constitution. However, if the misconduct amounts to a criminal misconduct, the National Judicial Council should as a matter of fact, after sanctions or punishment, the matter should be refer immediately to the appropriate authorities for further investigation and necessary action which may probably amount to a criminal prosecution For example, a case that involved collecting or demanding bribe from the litigants or any party involve in a case that are regarded by law as a violation of the Code of conduct. Therefore, if a judge for instance is accused of collecting or demanding bribe he may be sanctioned by the National Judicial Council and be prosecuted for the same offense. However if disciplinary proceedings is initiated by the National Judicial Council it should never preempt or preclude further case of criminal prosecution of the judge that is under investigation, Because criminal prosecutions and disciplinary proceedings serve entirely different purposes. Any disciplinary proceedings or investigation instituted by the National Judicial Council is basically to ensure compliance with the approved standards of the judiciary. The Nigerian Bar Association should also look further into the matter to see if it deserved to be given such punishment, however, all Judges are lawyers.

Moreover, the independence of the judiciary in Nigeria is extremely fragile, ruthlessly mishandled by politicians or the executive arm. Even though, the constitution provides a clear separation of powers between the executive and the judiciary, it is very sad to note that the independence of the judiciary as contained in the constitution is just a night mere in Nigeria simply because the funding, appointment, and the promotion of court judges is still being done by the executives which gave them the power to have control over the judges and influence judgments to their favor. Complete independence of the judiciary should be put granted to enable judiciary function effectively without any control and intimidation from any quarter.

Furthermore, continuing judicial education through workshops, seminars and refresher courses should be considered a priority for judges in Nigeria to enable them update their knowledge and function effectively as contained in the constitution of the federal republic of Nigeria. Newly appointed judges should be given proper orientation or training on how to work efficiently as a judge in line with the laws of the federal republic of Nigeria.

Lastly, judges' salaries and other allowances should review upward and paid promptly to avoid the judges being tempted by the litigants who may like to offer them bribe for the sake of winning favor from them.

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