A Critical Analysis of the Practice, Procedures and Mechanisms for the Appointment of Heads of State Judiciaries

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Abstract

The appointment of heads of courts in Nigeria was carefully enshrined in the Nigerian Constitution, having regard to its sensitive nature, with a view to ensuring the protection of human rights and an independent and effective judiciary. However, experience has shown that this provision has been blatantly abused by the politicians because of their political objectives. This constitutes a fundamental impediment to the effective functioning of the Nigerian judiciary, with profound implications for the enforcement of litigants' constitutionally guaranteed right of access to justice. With a view to solving this problem, this paper examines the relevant provisions of the 1999 Constitution (as amended) on the power of appointment of the head of judiciary of the state courts in Nigeria with a view to determining the constitutionality or otherwise of the actions taken so far by the National Judicial Council, State House of Assembly and the Governor of a State. Theories of human rights and judicial independence were adopted, while this study employs a doctrinal and analytical legal research methodology. This paper recommends an amendment to the constitution of Nigeria and a review of the procedure leading to the appointment of heads of state courts in Nigeria.

KEYWORDS: Judiciary, Human Rights, Constitution, Judicial Appointment, Judicial Independence.

1. Introduction

There are three arms of government: the legislature, the executive, and the judiciary. While the appointment of the first two is by election, the judiciary is appointed.[1] The term judiciary refers to the collective personnel, such as judges, magistrates, and other adjudicators, who

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National Judicial Council of Nigeria, *Guidelines and Procedural Rules for the Appointment of Judicial Officers of all Superior Courts of Record in Nigeria* <https://njc.gov.ng/njc-guidelines> accessed 11 June 2026

form the core of a judiciary (sometimes referred to as "the bench"), as well as the staff who keeps the system running smoothly. In other words, it denotes the branch of government, constitutionally responsible for interpreting the laws and administering justice.[2] The judiciary in Nigeria, as established under Section 6 of the Constitution of the Federal Republic of Nigeria 1999, comprises the system of courts vested with judicial powers to interpret the law, resolve disputes, protect fundamental human rights, and uphold constitutional governance.[3] Each of the Nigerian courts has a Head who manages the affairs of the court.

The Head of the Supreme Court of Nigeria is the Chief Justice of the Federation,[4] while that of the Court of Appeal is the President of the Court of Appeal;[5] the Federal High Court is the Chief Judge of the Federal High Court;[6] and the one for the National Industrial Court is the President of the Court. The High Court of the Federal Capital Territory, Abuja, is presided over by the Chief Judge,[7] while the Head of the Sharia Court of Appeal of the Federal Capital Territory is the Grand Kadi.[8] The head of the Customary Court of Appeal of the Federal Capital Territory, Abuja, is the President of the Court.[9] That of the State High Courts is the Chief Judge of the State High Court,[10] while that of the Sharia Court of Appeal of the State is the Grand Kadi,[11] and the Customary Court of Appeal of the State is the President of the Court.[12]

The judicial appointments of these heads of courts are not merely administrative procedures; they are constitutionally significant processes that directly affect the independence, impartiality, and legitimacy of the judiciary. Where such processes are influenced by

[2] Bryan A Garner (ed), Black's Law Dictionary (8th edn, Thomson West 2004) 864.
[3] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 6(1).
[4] *Ibid.* S 230(2)
[5] *Ibid.* S 237(2)
[6] *Ibid.* S 249(2)
[7] *Ibid,* S 255(2)
[8] *Ibid,* S 260(2)
[9] *Ibid,* S 265(2)
[10] *Ibid,* S 270(2)
[11] *Ibid,* S 275(2)
[12] *Ibid,* S 280(2)

political considerations, opaque procedures, or institutional weaknesses, they risk undermining public confidence in the courts and, more fundamentally, the protection of human rights.

This concern is particularly acute in the Nigerian context, where the appointment of Heads of State Courts involves multiple actors, including the executive, state legislatures, and the National Judicial Council. While this multi-layered process is designed to promote checks and balances, it has, in practice, generated controversy regarding executive dominance, delays, and allegations of politicisation. When the Nigerian courts are overrun by the ever-advancing avalanche of moral decay or interference, or of pressure, or of all three, then the warning shots are being fired for the inauguration of a reign of terror and chaos.[13]

This article undertakes a critical analysis of the practice, procedures, and institutional mechanisms governing the appointment of Heads of State Judiciaries in Nigeria. It argues that while the constitutional framework provides a formal structure intended to safeguard judicial independence, its practical operation reveals structural vulnerabilities**,** particularly executive influence, procedural opacity, and inconsistent adherence to merit-based criteria. These challenges, it is contended, undermine not only the institutional autonomy of the judiciary but also the broader human rights framework that depends on it.

2. Power and Roles of the Heads of State Courts in Nigeria.

The Chief Judge is the highest judicial officer in the state and acts as the Head of the judicial branch in the state. At the same time, the Grand Kadi of the Sharia Court of Appeal of a State and the President of the Customary Court of Appeal of a State are the Heads of the respective courts, and they preside over their court's meetings and allocate cases to courts. The duties of the Head of Courts are the same as those of other judges, except for the other roles and powers that the position of the Head of Courts confers on them. By their judicial oath, all Judges bind themselves to uphold the Constitution of the Federal Republic of Nigeria and to obey its laws; to do justice to all manner of people without fear or favour, affection, or ill will. Doing justice is

[13] C A Oputa, The Law and Twin Pillars of Justice (Government Printers, Owerri 1981) 75.

thus the central role of the Judges. Role is thus described as the function or part played by a person or institution in a particular situation or process.[14]

Within the scope of their constitutional mandate, the daily functions of a Judge, Kadi, or Head of Court inevitably reflect the court's jurisdictional authority. Yet a defining and pervasive aspect of the role of Heads of Court lies in safeguarding constitutional, human, civil, and legal rights. They serve as guardians against the wrongdoing of individuals, shield the weak from the strong, protect the powerless from the powerful, and ensure that citizens are insulated from the arbitrary or unlawful exercise of state power.[15]

The High Court of a State has jurisdiction to adjudicate civil proceedings in which the existence or scope of a legal right, duty, liability, privilege, interest, obligation, or claim is contested. It likewise has authority to hear and determine criminal proceedings concerning penalties, forfeitures, punishments, or other liabilities arising from offences committed by individuals.[16] The Chief Judge of a State has the power to make rules for regulating the practice and procedure of the High Court of the State.[17] Also, the Sharia Court of Appeal of a State has appellate and supervisory jurisdiction in civil proceedings involving questions of Islamic personal law,[18] while the Customary Court of Appeal of a State has appellate and supervisory jurisdiction in civil proceedings involving questions of customary law.[19] The Grand Kadi of the Sharia Court of Appeal and the President of the Customary Court of Appeal have the power to make rules for regulating the practice and procedure of their respective courts.[20]

As a measure of the importance the Nigerian Constitution attaches to the role of judges and heads of courts, section 4(8) of the Constitution forbids the legislature from enacting any law "that ousts or purports to oust the jurisdiction of a court of law or of a judicial tribunal

[14] BA Garner (ed), Black's Law Dictionary (11th edn, Thomson Reuters 2019).
[15] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 6.
[16] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 272(1).
[17] *Ibid,* Section 274.
[18] *Ibid,* Section 277.
[19] *Ibid,* Section 282.
[20] *Ibid*, Sections 279 and 284.

established by law." Furthermore, Section 17(2) (e) of the Nigerian Constitution provides that "the independence, impartiality and integrity of courts of law, and easy accessibility thereto shall be secured and maintained." Although this provision is under the chapter titled "Fundamental Objectives and Directives of State Policy," whose provisions are non-justiciable by virtue of Section 6(6) (c) of the Constitution.[21]

Accordingly, the ostensibly high-sounding declaration in Section 17(2) (e) of the 1999 Constitution of the Federal Republic of Nigeria (as amended) remains largely hortatory, devoid of enforceable substance. What might have served as a constitutional guarantee of judicial independence is reduced to a rhetorical slogan without normative bite. Yet, judicial independence, impartiality, and integrity, together with fidelity to the rule of law, are universally recognised as indispensable to the establishment, preservation, and advancement of a civilised society.[22] When Heads of Court discharge their constitutional responsibilities by punishing wrongs, safeguarding rights, and resolving disputes through a thoughtful, independent, and impartial application of the law, the justice system secures the freedoms, tranquillity, and equality necessary for the realisation of humanity's highest aspirations.

By ensuring that laws are applied fairly, consistently, and intelligibly to all, State Heads of Court foster public confidence in the legal process, affirming that fidelity to law remains the most reliable pathway to achieving substantive justice, social harmony, and progressive development. This doctrinal position is reinforced by comparative constitutional jurisprudence, where jurisdictions such as South Africa[23] and the United Kingdom[24] enshrine judicial independence as a binding guarantee rather than a mere aspirational principle. Thus, the Nigerian framework, unless strengthened by enforceable mechanisms, risks perpetuating a justice system

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[21] *Attorney-General of Ondo State v Attorney-General of the Federation* (2002) 9 NWLR (Pt 772) 222, 382 (paras A–B); *Archbishop Anthony Okogie and Others v Attorney-General of Lagos State* (1981) 2 NCLR 350.

[22] Mauro Cappelletti, The Judicial Process in Comparative Perspective (Clarendon Press 1989).

[23] Constitution of the Republic of South Africa 1996, s 165.

[24] Constitutional Reform Act 2005

vulnerable to executive interference and incapable of fully realising the constitutional promise of impartial adjudication.

3. Appointment of the Heads of Courts of the States in Nigeria

There are three superior courts of the state, namely the High Court of the State,[25] Sharia Court of Appeal,[26] and the Customary Court of Appeal established by the Constitution. There are provisions under the said constitution for the appointment of Heads of each court in the Constitution. It makes express provisions for the appointment of Heads of Court. Specifically, Section 270(2) stipulates that the High Court of a State shall consist of: (a) a Chief Judge of the State; and (b) such number of Judges of the High Court as may be prescribed by a law of the House of Assembly of the State.

Furthermore, Section 271(1) provides that the appointment of a person to the office of Chief Judge of a State shall be made by the Governor of the State on the recommendation of the National Judicial Council (NJC), subject to confirmation by the House of Assembly of the State. In contrast, the appointment of a Judge of the High Court of a State is effected by the Governor acting on the recommendation of the NJC, without the requirement of legislative confirmation.[27] It is clear from the provision of the Constitution that a person is not qualified to hold the office of a Judge of a High Court of a State unless he is qualified to practice as a legal practitioner in Nigeria and has been so qualified for a period of not less than ten years.[28]

Where the office of the Chief Judge of a State becomes vacant, or the incumbent is unable to perform the functions of that office, the 1999 Constitution (as amended) empowers the Governor of the State to appoint the most senior Judge of the High Court to act in that capacity until a substantive Chief Judge is duly appointed or the incumbent resumes office.[29] Such an appointment has a lifespan of three months.[30] This arrangement, while ensuring continuity in judicial administration, has been criticised in recent scholarship for leaving significant

[25] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 270(1).
[26] *Ibid,* section 275(1)
[27] *Ibid,* Section 271(2)
[28] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 271(3).
[29] *Ibid*, Section 271(4).
[30] *Ibid*, Section 271(5).

discretion in the hands of the executive, thereby exposing the judiciary to potential political influence.[31] The National Judicial Council (NJC), though mandated to recommend candidates, lacks binding authority, which weakens the constitutional safeguard of independence envisaged under Section 17(2)(e).

Section 275(2) of the 1999 Constitution (as amended) provides that the Sharia Court of Appeal of a State shall consist of a Grand Kadi and such number of Kadis as may be prescribed by the State House of Assembly. The appointment of the Grand Kadi is made by the Governor, acting on the recommendation of the National Judicial Council (NJC), subject to confirmation by the House of Assembly. By contrast, the appointment of Kadis requires only the Governor's action on NJC's recommendation, without legislative confirmation. Eligibility criteria for this position are stringent. A Kadi must be a legal practitioner of at least ten years' standing and must hold a recognised qualification in Islamic law from an institution approved by the NJC. Alternatively, a candidate may qualify by holding such a recognised Islamic law qualification for not less than ten years, coupled with either considerable experience in Islamic law practice or recognition as a distinguished scholar of Islamic law.[32]

Where the office of the Grand Kadi of the Sharia Court of Appeal of a State becomes vacant, or the incumbent is unable to perform the functions of that office, the 1999 Constitution (as amended) empowers the Governor of the State to appoint the most senior Kadi of the Sharia Court of Appeal to act in that capacity until a substantive Grand Kadi is duly appointed or the incumbent resumes office. While this arrangement ensures continuity in judicial administration, recent scholarship has highlighted that vesting interim appointment powers in the Governor exposes the judiciary to executive influence, thereby

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[31] Osi Chinenyenwa Ugonna, 'Strengthening Judicial Independence for Effective Constitutional Governance in Nigeria' [2025] 5(2) Scholarly Journal of Advanced Legal Research 13–17; Izuchukwu Christiantus Anyanwu, 'Judicial Independence in Nigeria: Institutional Constraints, Reform Pathways, and Democratic Consequences' [2025] 2(27) Athena Perspective <https://athenacentre.org/publication/judicial-independence-in-nigeria-institutional-constraints-reform-pathways-and-democratic-consequences> accessed 8 June 2026.

[32] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 276(3).

undermining the constitutional promise of independence under Section 17(2)(e).[33]

In respect of the Customary Court of the State, section 280 makes provision for the establishment of the Customary Court of Appeal of a State. The said court shall consist of a President of the Customary Court of Appeal of the State and such number of Judges of the Customary Court of Appeal as may be prescribed by the House of Assembly of the State.[34] The appointment of a person to the office of President of a Customary Court of Appeal is made by the Governor of the State on the recommendation of the National Judicial Council, subject to confirmation of such appointment by the House of Assembly of the State,[35] while the appointment of a person to the office of a Judge of a Customary Court of Appeal is made by the Governor of the State on the recommendation of the National Judicial Council.[36]

A person is not qualified to hold office of a president or of a Judge of a Customary Court of Appeal of a State unless, he is a legal practitioner in Nigeria and he has been so qualified for a period of not less than ten years and in the opinion of the National Judicial Council he has considerable knowledge and experience in the practice of customary law; or in the opinion of the National Judicial Council he has considerable knowledge of and experience in the practice of customary law.[37] In a situation where the office of President of the Customary Court of Appeal of a State is vacant or if the person holding the office is for any reason unable to perform the functions of the office, then until a person has been appointed to and has assumed the functions of that office, or until the person holding the office has resumed the functions of that office, or until the person holding the office has resumed those functions, the Governor of the State shall appoint the

[33] NULAI Nigeria, 'Review of Judicial Independence in Nigeria: Submission to the United Nations Special Rapporteur on the Independence of the Judiciary on the Current State of Nigerian Judiciary' [2024] <https://www.ohchr.org/sites/default/files/documents/issues/ijudiciary/cfis/contemporary-challenges-democracy/subm-sr-independence-judges-cso-nulai.pdf> accessed 8 June 2026.

[34] Section 280(2)

[35] Section 281(1)

[36] Section 281(2)

[37] Section 281(3)

most senior Judge of the Customary Court of Appeal of the State to perform those functions.[38] The appointment shall cease to have effect after the expiration of three months from the date of such appointment, except on the recommendation of the National Judicial Council, and the Governor cannot re-appoint a person whose appointment has lapsed.[39]

In practice, the process of appointing the Head of Court in a State begins with the State Judicial Service Commission (SJSC), which typically proposes two nominees for consideration.[40] These nominees are then forwarded to the National Judicial Council (NJC), which, in discharging its constitutional responsibility under Paragraph 21 of Part I of the Third Schedule to the 1999 Constitution (as amended), evaluates each candidate based on relevant criteria. Such considerations include seniority on the bench, judicial performance, integrity, comportment, and available security reports.[41]

After this evaluation, the NJC recommends one candidate to the Governor of the State. If the Governor accepts the recommendation, he transmits the name of the candidate to the State House of Assembly for confirmation, following which the appointment is formally made. This three-tiered process: SJSC nomination, NJC recommendation, and legislative confirmation ensures that judicial appointments are not solely at the discretion of the executive but are subject to institutional checks and balances. It is clear from a literal interpretation of the above provisions and practice of appointment that three main parties are involved in the appointment of Heads of Courts in the states of Nigeria. These are the Governor of the State, the National Judicial Council, and the House of Assembly of the State.

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[38] Section 281(4)

[39] Section 281(5)

[40] BM Wifa, 'The Independence of the Judiciary in the Context of the Doctrine of Separation of Powers under the 1999 Constitution' paper presented at the July Monthly Meeting of the Nigerian Bar Association, Port Harcourt Branch (Port Harcourt, July 2014) 23.

[41] National Judicial Policy, SI No 23 of 2013; Code of Conduct for Judicial Officers of the Federal Republic of Nigeria; Justice Niki Tobi, 'Code of Conduct and Professional Ethics for Judicial Officers in Nigeria' in J O Irukwu and Justice I A Umezulike (eds), Judicial Excellence: Essays in Honour of Hon Justice Anthony I Iguh (JSC) (Snaap Press Limited, Enugu 2004) 37, 39–83.

3.1 The Governor of the State

The Governor of a State in the Nigerian Federation is constitutionally recognised as the Chief Executive of the State.[42] This designation places the Governor at the apex of state leadership, with command authority over the affairs of the State. In practical terms, the Governor heads the executive branch of the state government and is vested with the responsibility of ensuring that the Constitution and all laws made by the State House of Assembly are faithfully executed. The Governor makes numerous executive branch appointments, such as the Commissioners and the heads of Departments. He also appoints the heads of higher courts in the state.[43] The constitutional framework formally limits executive discretion through the involvement of the National Judicial Council and the State House of Assembly in the appointment of heads of state courts. It could be argued that the Governor retains significant indirect and procedural influence, particularly through delays, acting appointments, and political alignment with confirming authorities, which may undermine judicial independence in practice. A perceived lack of independence can violate the right to a fair hearing and public confidence in justice as enshrined in the international conventions.[44]

3.2 The National Judicial Council

The National Judicial Council was established as a Federal Executive Body[45] and given vast authority to protect the Judiciary from the whims and caprices of the Executive and to ensure its independence, which is essential to any democratic government.[46] This authority includes suggesting to the governors candidates from the list of

[42] Section 176

[43] Constitution of the Federal Republic of Nigeria 1999 (as amended), ss 271(1), 276(1), 281(1).

[44] International Covenant on Civil and Political Rights (ICCPR), adopted 16 December 1966, entered into force 23 March 1976, 999 UNTS 171; African Charter on Human and Peoples' Rights (Banjul Charter), adopted 27 June 1981, entered into force 21 October 1986, OAU Doc CAB/LEG/67/3 rev 5; 21 ILM 58 (1982).

[45] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 153.

[46] National Judicial Council (NJC), 'Profile of NJC' <https://njc.gov.ng/profile-of-NJC> accessed 8 June 2026.

applicants provided by the State Judicial Service Commissions for appointments to the state's head of court positions, which include Chief Judges, Grand Kadis, and Presidents of the Customary Courts of Appeal.[47] Additionally, it has the right to advise the governors that judicial officers be removed from their positions and to exercise disciplinary jurisdiction over them.[48] The Supreme Court affirmed the NJC's authority when Mohammed, J.S.C. (as he then was), held that,[49]

> It is quite plain from the provisions of paragraph 21 sub-paragraphs (c) and (d) of Part 1 of the Third Schedule to the Constitution of the Federal Republic of Nigeria, 1999, that the National Judicial Council is the body that had been assigned the duty and responsibility of recommending to the Governors of the States of the Federation, suitable persons for appointments to the offices of Chief Judges of the States… it can be seen here again, although the Governor of a State has been vested with the power to appoint the Chief Judge of his own State, that power is not absolute as the Governor has to share the power with the National Judicial Council in recommending suitable persons and the State House of Assembly in confirming the appointment. It is in the spirit of the Constitution in ensuring checks and balances between the three arms of government that the role of the Governor in appointing and exercising disciplinary control over the Chief Judge of his State is subjected to the participation of the National Judicial Council and the House of Assembly of the State in the exercise to ensure transparency and observance of the rule of law.

The State Judicial Service Commission starts the process by advising the NJC,[50] which serves as the central authority to guarantee merit and integrity. This is also pertinent to the nomination of a state's head of court. The Governor's position is formal, and the appointment is only made upon recommendation from the NJC. The purpose of this tiered

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[47] Constitution of the Federal Republic of Nigeria 1999 (as amended), ss 271(1), 276(1), 281(1), Third Schedule, Part I, para 21(c).

[48] *Ibid*, para 21(d).

[49] Hon Justice Raliat Elelu-Habeeb (Chief Judge of Kwara State) & anor v Attorney-General of the Federation & 2 ors (2012) All FWLR (Pt 629) 1011, 1063 (A–H).

[50] Constitution of the Federal Republic of Nigeria 1999 (as amended), Third Schedule, Part II, para 6(a).

arrangement is to protect judicial independence and stop unilateral nominations.

The constitutional allocation of the power to recommend candidates for appointment as Chief Judges and other Heads of State Courts to the National Judicial Council under the Constitution of the Federal Republic of Nigeria 1999 presents a complex tension within Nigeria's federal structure. On the one hand, vesting this function in a centralised body is intended to safeguard judicial independence by insulating the appointment process from direct political control at the state level. On the other hand, it raises concerns regarding indirect federal influence over the composition of state judiciaries, particularly given the national character and institutional positioning of the Council. This perceived federal involvement may generate apprehension that the autonomy of state judicial systems is being compromised through centrally mediated appointment processes.

In practice, however, the operation of this framework reveals a different set of challenges. The effectiveness of the National Judicial Council's recommendation power is frequently undermined by procedural and political constraints arising at the state level. Governors have, in several instances, delayed or declined to act on recommendations, while State Houses of Assembly, often aligned with the executive, may frustrate or politicise the confirmation process.[51] Consequently, rather than demonstrating excessive federal control, the appointment process reflects a fragmented institutional dynamic**,** in which both centralised oversight and sub-national political interference interact in ways that may ultimately weaken judicial independence.

3.3 The House of Assembly of the State

The State House of Assembly has a significant constitutional stake in the appointment and dismissal of state court heads under the Constitution. Its primary function is to serve as a tool for legislative matters and to check and balance the authority of the governor and the judiciary.[52] The exercise of its constitutional legislative powers is

[51] Unini Chioma, 'Again, Cross River Assembly Rejects NJC's Request to Confirm Justice Ikpeme as CJ' The Nigeria Lawyer (2020) <https://thenigerialawyer.com/again-criver-assembly-rejects-njcs-request-to-confirm-justice-ikpeme-as-cj/> accessed 13 April 2026.

[52] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 6.

subject to the jurisdiction of courts of law and judicial tribunals, except where the constitution states otherwise.[53] It cannot pass any bill that ousts the jurisdiction of the court under the law.[54] According to Sections 271(1), 276(1) and 281(1) of the 1999 Constitution, the Governor has the power to appoint a person to the office of the head of the courts in the state on the recommendation of the National Judicial Council. By this provision, the recommendation of a person for the position must be confirmed by the State House of Assembly.

In the exercise of its legislative and confirmatory functions, the House of Assembly is not amenable to an order of mandamus compelling it to confirm or reject a nominee in a particular manner. This reflects the broader constitutional principle that courts will not interfere with the internal proceedings or discretionary functions of a legislative body. Accordingly, the House retains a wide margin of discretion in deciding whether or not to confirm a candidate. Nevertheless, it would be inaccurate to suggest that the actions of the House of Assembly are entirely beyond judicial scrutiny. While courts will not compel the legislature to exercise its discretion in a particular way, they may intervene where there is a clear violation of constitutional procedure, bad faith, or an abuse of power. The distinction, therefore, lies not in absolute immunity, but in the limited justiciability of legislative discretion**,** as opposed to the more readily reviewable administrative functions of bodies such as the National Judicial Council.

4. Issues Relating to the Appointment of the Head of State Courts

4.1 The Politics of Appointment of the Head of Courts

The entrenchment of the judiciary within the dynamics of electoral politics has manifested most acutely in the contestation surrounding appointments to the leadership of state courts in Nigeria. This phenomenon is explicable by the pivotal role occupied by the head of court, who functions as the institutional conduit for the regulation of judicial appointments, the administration of capital projects, and the allocation of budgetary resources. Beyond these administrative prerogatives, the head of court exercises considerable influence over the judicial process itself, including the assignment of cases, the constitution of panels in matters of heightened political sensitivity, and

[53] *Ibid* Section 8
[54] *Ibid.*

the determination of membership in election petition tribunals. Furthermore, the constitutional framework mandates that the head of court convene investigative panels in circumstances where proceedings for the impeachment of a governor or deputy governor are initiated.[55] Collectively, these powers render the office a locus of both judicial authority and political contestation, thereby intensifying the stakes of its appointment.

Once a governor does not like the most senior judge, it will be nearly impossible for him to appoint a Chief Judge, and if he becomes a Chief Judge, it will be difficult to act successfully. This salient illustration of the politicisation of judicial appointments in Nigeria can be observed in Rivers State during the tenure of Governor Rotimi Amaechi. Between 2012 and 2013, the Governor declined to appoint any candidate recommended by the National Judicial Council (NJC) after failing to secure the elevation of his preferred nominee to the office of Chief Judge.[56] This refusal effectively paralysed the judiciary in Rivers State, as the absence of a Chief Judge meant that no authority existed to assign cases or administer the judicial system, resulting in the closure of the courts for the final two years of Amaechi's administration.[57] The Governor's resistance was presumably informed by political calculations: the prospect that a Chief Judge not aligned with his preferences might act unpredictably in the event of impeachment proceedings initiated by a State House of Assembly dominated by the People's Democratic Party (PDP), from which Amaechi had defected to the All Progressives Congress (APC). This episode underscores the extent to which judicial leadership positions can become entangled in partisan struggles, thereby destabilising the administration of justice.

In 2004, the succession to the Chief Judge of Enugu State became a flashpoint of judicial political contestation. Governor Chimaraoke Nnamani manoeuvred to bypass the NJC's recommendation of Justice

[55] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 188(5).

[56] Zacchaeus Adangor, 'Depoliticising the Appointment of the Chief Judge of a State in Nigeria: Lessons from the Crisis over the Appointment of the Chief Judge of Rivers State of Nigeria' (2015) (44) *Journal of Law, Policy and Globalization* 62.

[57] Timothy Enietan-Matthews, 'CJN Slams Amaechi over Closure of Courts in Rivers' Daily Post (8 December 2014) <https://dailypost.ng/2014/12/08/cjn-slams-amaechi-closure-courts-rivers-state/> accessed 9 June 2026.

Raphael Agbo by facilitating his elevation to the Court of Appeal, thereby creating the opening to install his preferred candidate, Justice Innocent Umezulike, as Chief Judge.[58] Among the justices in the Enugu State High Court, Hon. Justice Innocent Umezulike ranked sixth in terms of seniority.[59] He was appointed as the Chief Judge and acted for 13 years before he was removed in 2017 on charges of criminal corruption.[60] Additionally, on April 30, 2009, the then-governor of Kwara State sent an address to the state's House of Assembly in which accusations were made against the Chief Judge and her removal was suggested on the grounds that she was incapable of carrying out her duties and her misconduct, which violated the state's code of conduct for the Chief Judicial Officer.[61] In response, the Kwara State House of Assembly, without allowing the Chief Judge to defend herself, found the allegations made against her as established and removed her as the head of the judiciary of Kwara State in her absence and without notice of her removal as Chief Judge communicated to her.[62] The Supreme Court's decision invalidated the Governor's and the House of Assembly's actions, which saved the Chief Judge.[63]

In Cross River State, the politicisation of judicial appointments was exemplified by the repeated rejection of the National Judicial Council's recommendation of Justice Akon Ikpeme as substantive Chief Judge. On two separate occasions, the State House of Assembly declined to confirm her appointment, citing concerns that she constituted a "security risk" to the state. This characterisation was premised on her place of birth in present-day Akwa Ibom State, notwithstanding her marriage to a Cross River indigene and her long service within the Cross River judiciary, where she had risen to the

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[58] Idayat Hassan (ed), 'Justice on Trial: Courts and Commissions in West Africa' (2019) 6(4) West African Insight.

[59] *Ibid.*

[60] *Ibid.*

[61] Timileyin Ojo, 'Analytical Review of Decision in Hon Justice Raliat Elelu-Habeeb v Attorney-General of the Federation' (Academia.edu, 10 December 2025) <https://www.academia.edu/38836112/Analytical _Review _of_Elelu_v._AG_Fed> accessed 10 December 2025.

[62] *Ibid*

[63] Hon Justice Raliat Elelu-Habeeb (Chief Judge of Kwara State) & anor v Attorney-General of the Federation & 2 ors (2012) All FWLR (Pt 629) 1011, 1110

position of Acting Chief Judge.[64] The controversy underscores the intersection of judicial succession with ethno-political considerations, revealing how questions of origin and identity can be mobilised to obstruct the advancement of otherwise qualified judicial officers. She was finally sworn in on January 28, 2021, by the State Governor after a lot of pressure.

In the same vein, the Osun State House of Assembly, during its sitting on 16th November 2023, suspended the Chief Judge of the State, Hon. Justice Adepele Ojo, and directed that the next most senior judge be sworn in as Acting Chief Judge.[65] The Governor subsequently approved the suspension and instructed the Deputy Governor to administer the oath of office to the judge in order of seniority as Acting Chief Judge without any reference to the National Judicial Council (NJC).[66] At its 104th meeting held on December 6–7, 2023, the National Judicial Council (NJC) reaffirmed that Hon. Justice Adepele Ojo remained the duly recognised Chief Judge of Osun State.[67] The Council declined the Governor's request to swear in an Acting Chief Judge.[68] Thereby upholding constitutional procedure and judicial independence.

This dynamic has reinforced perceptions that many Chief Judges remain subservient to the executive, thereby undermining the independence of the judiciary that is widely demanded. A notable illustration occurred in July 2014, when Governor Tanko Al-Makura of Nasarawa State, a member of the All Progressives Congress (APC), faced impeachment proceedings initiated by a State House of Assembly dominated by the People's Democratic Party (PDP). In

[64] Unini Chioma, 'Cross River Assembly Rejects NJC's Request to Confirm Justice Ikpeme as CJ' The Nigeria Lawyer (7 December 2025) <https://thenigerialawyer.com/> accessed 7 December 2025.

[65] Osun State Government, 'Governor Adeleke Approves Resolution of the Osun Assembly Asking Osun State Chief Judge to Step Aside' (16 November 2023) <https://www.osunstate.gov.ng/2023/11/governor-adeleke-approves-resolution-of-the-osun-assembly-asking-osun-state-chief-judge-to-step-aside/> accessed 12 June 2026

[66] *Ibid.*

[67] The Yoruba Times, 'NJC Nullifies Osun CJ's Suspension, Rejects Ag CJ' (9 December 2023) <https://theyorubatimes.com/njc-nullifies-osun-cjs-suspension-rejects-ag-cj/> accessed 12 June 2026

[68] *Ibid.*

accordance with constitutional provisions, the State Chief Judge, Suleiman Dikko, constituted the investigative panel to examine the allegations. The panel's eventual decision to clear the Governor of all charges was widely interpreted as an expression of institutional loyalty to the executive rather than an impartial adjudication of the claims.[69]

This episode highlights the susceptibility of judicial mechanisms to partisan influence, particularly in contexts where the judiciary is expected to act as a check on executive power. The Federal Attorney-General, Mohammed Bello Adoke, suggested in his memoir that the Governor had been very strategic in ensuring he had the right offices under his influence and control.[70] The Hon. Justice Akinola Aguda stated thus,

> We all know the possible evils from the system which allows politicians to appoint judges in our country, ruled by deep ethnic, tribal, and political biases and prejudices of the sort not usually encountered in countries with a far longer history of democratic governments.[71]

Also, Hon. Justice Ariwoola JSC in the case of Hon. Justice Raliat Elelu-Habeeb (Chief Judge of Kwara State) &Anor. V. The Hon. Attorney-General of the Federation &2 Ors, states that,[72]

> As saying goes, power corrupts, absolute power corrupts absolutely. If the Governor alone is allowed to, in exercise of his executive power, appoint directly…, this may, no doubt, lead to avoidable corruption and prevent judicial officers from carrying out their functions freely and without any intimidation by the executive. Judicial officers may become stooges of the Governor of the State for fear of being removed from office unceremoniously.

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[69] Idayat Hassan (ed), 'Justice on Trial: Courts and Commissions in West Africa' (2019) (6)(4) *West African Insight*

[70] *Ibid.*

[71] Hon Justice Akinola Aguda, Selected Law Lectures and Papers (Associated Publishers (Nigeria) Ltd 1971) 7–8.

[72] Hon Justice Raliat Elelu-Habeeb (Chief Judge of Kwara State) & anor v Attorney-General of the Federation & 2 ors (2012) All FWLR (Pt 629) 1011, 1109 (E–F).

The Nigerian bench's deteriorating competence and integrity can be attributed in part to the appointment procedure. In the initial phase, notable scholars like Dr. Teslim Elias, Dean of the University of Lagos' Faculty of Law, were appointed to the Supreme Court and even represented Nigeria on the International Court of Justice bench. Today, the appointment of heads of state courts has been afflicted by the turn-by-turn syndrome of a decaying bureaucracy. Judges do not have a hand in the appointment of Ministers, Commissioners, Director Generals, the Inspector General of Police and even in the election of Governors and the President. The Chief Judge only administers the oath of office to the elected Governor. So also ought to be for the Chief Judge or any of the State's Heads of Court. The Governor ought only to swear in the heads of courts.

4.2 Seniority Syndrome

Debates surrounding the appointment of heads of state courts in Nigeria have often centred on the principle of seniority. One school of thought maintains that the most senior Judge or Kadi should automatically ascend to the position of Chief Judge, President of the Customary Court of Appeal, or Grand Kadi of the Sharia Court of Appeal. An alternative perspective argues that the head of court may be drawn either from serving Judges/Kadis or from legal practitioners with not less than ten years post-call experience. These positions rely on constitutional provisions contained in Sections 271(1) and (3), 276(1) and (3), and 281(1) and (3) of the 1999 Constitution (as amended), which stipulate that the appointment of a Chief Judge, President, or Grand Kadi of a state shall be made by the Governor on the recommendation of the National Judicial Council (NJC), subject to confirmation by the State House of Assembly.

The Court has further clarified this issue. In *Governor of Rivers State & Ors v. National Judicial Council & Anor,*[73] Justice Lambo Akanbi held that the Constitution prescribes distinct rules for the appointment of a substantive Chief Judge and an Acting Chief Judge. He emphasised that Section 271(1) does not require that only a serving Judge of the State High Court, or the most senior among them, is eligible for recommendation by the NJC to the Governor for appointment as substantive Chief Judge. This judgement underscores

[73] (FHC Port Harcourt, Suit No FHC/PH/CS/421/2013, 18 March 2013, unreported).

the constitutional flexibility in the appointment process, while simultaneously highlighting the potential for executive discretion to shape judicial leadership in ways that may depart from the convention of seniority. According to the learned trial Judge:

> The provision of paragraph 21 of the 3rd Schedule to the Constitution does not empower the NJC to make its choice of nominee for the office of the Chief Judge of a State based on the seniority of Judges of the High Court of Rivers State.[74]

The learned trial Judge further held at page 67 of his judgment that,

> Thus, I agree with the submission of learned senior counsel for the plaintiffs that aside from the foregoing requirement of qualification of a potential candidate as a legal practitioner with ten years post-call experience, there is no other requirement contained in the Constitution for a person vying to occupy the office of Chief Judge of a State… Indeed, much as it is desirable, a nominee for appointment to the office of Chief Judge of a State need not be a Judge. All that the Constitution requires is that such a nominee should be a legal practitioner in Nigeria and have so qualified for at least ten years.

This might cause an injustice to the most senior judge, as it happened in Imo State, where the most senior Judge was denied the position and the number 4 judge on the roll of seniority was appointed and after the retirement of the No 4 Judge, the most senior, Hon. Justice Ijeoma Agugua was made the Acting Chief Judge on March 13, 2020.[75] The constitutional requirement that only the most senior Judge of a State High Court may be appointed in an acting capacity as Chief Judge under the Constitution of the Federal Republic of Nigeria 1999 reflects a broader institutional commitment to seniority, experience, and continuity within the judiciary. While the Constitution does not expressly mandate that the most senior judge must be appointed in a substantive capacity, it would be difficult to justify a departure from this principle without undermining the coherence of the appointment framework.

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[74] *Ibid* 62.

[75] Unini Chioma, 'Long Knives in Imo Over Chief Judge' The Nigeria Lawyer (23 April 2026) <https://thenigerialawyer.com/long-knives-in-imo-over-chief-judge/ > accessed 23 April 2026.

The distinction between acting and substantive appointments cannot reasonably be interpreted to permit a lower-ranked judge to supersede more senior colleagues in permanent appointments, particularly where the acting arrangement itself is constitutionally anchored in seniority. To do so would introduce inconsistency into the constitutional scheme and risk eroding established norms of judicial hierarchy, morale, and institutional integrity. Accordingly, although seniority may not constitute a rigid legal rule for substantive appointments, it operates as a **constitutional convention of considerable normative force**, guiding the exercise of discretion by the National Judicial Council and other appointing authorities. Any deviation from this convention would therefore require a compelling justification; failing which may give rise to legitimate concerns regarding arbitrariness, politicisation, and the erosion of judicial independence.

4.3 Appointment of Head of Court from a different Court

Another issue is whether a Judge or a Kadi of a court can be appointed as the Head of another court. That is, for example, whether a Judge of the Customary Court of Appeal of a State (or a Judge of that Court) can be considered for appointment to the office of Chief Judge of the High Court of that State? The state courts are distinct with different jurisdiction and membership, so it is an aberration to appoint a Head of Court from a different court. The jurisdiction of the High Court of a State, Sharia Court of Appeal and that of the Customary Court of Appeal are not co-ordinate or identical because while the State High Court is a court of unlimited jurisdiction, the Customary Court of Appeal and Sharia Court of Appeal are courts of limited jurisdiction vested with power to hear appeals in civil proceedings involving questions of customary law and Islamic law respectively only.[76]

Also, the qualification for appointment to the office of Chief Judge is different from that of Grand Kadi and the President of the Customary Court of Appeal. Judges of the High Court of a State are not required to have any knowledge of or experience in the practice of customary

[76] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 282(1); *Okhae v Governor, Bendel State* [1990] 4 NWLR (Pt 144) 327, 376; *Chieshe v Customary Court of Appeal Benue State* [2000] 7 NCLR (Pt 1) 171, 180; *Golok v Diyalpwan* [1990] 3 NWLR (Pt 139) 411, 418; *Customary Court of Appeal, Edo State v Aguele* [2006] 12 NWLR (Pt 995) 545, 564–565.

law, as required in the appointment of Judges of the Customary Court of Appeal, and Islamic law, as required in the appointment of Kadis. A person who is not a legal practitioner in Nigeria but who, in the opinion of the National Judicial Council, has considerable knowledge of and experience in the practice of customary law or Islamic law may be appointed as a Judge of the Customary Court of Appeal and Kadi, respectively.[77] At this point, can a person at that level who is not a lawyer administer and adjudicate well? How would such a person understand the rudiments of law and practice? The Section of the Constitution granting such a recommendation for the appointment should be removed. There is a plethora of authorities that state that state courts are distinct with different jurisdictions and membership. The Court of Appeal in the case of *Ado v. Dije*[78] held that,

> The 1979 Constitution of Nigeria prescribes in sections 234 and 235 for the establishment of the High Court of a state and the mode of appointment of its Judges and of their qualifications. Similarly, sections 240 and 241 of the same Constitution provide for the establishment and jurisdiction of a Sharia Court of Appeal of a state and the qualification for appointment of its members. The two courts are separate and distinct, with different jurisdiction and membership. A judge of one is different from that of the other, and their membership cannot be interchanged. It is only the constitution of the country which established both courts and prescribed the qualifications of their members and jurisdiction, that could make a judge of one court sit in another, but regretfully, no such provision exists in the present Constitution.[79]

Although the foregoing decision of the Court of Appeal was rendered under the provisions of the repealed 1979 Constitution, it is submitted that the reasoning remains applicable under the 1999 Constitution (as amended). This is because the relevant provisions—namely Sections 270, 271, 280, and 282 of the 1999 Constitution, which prescribe the constitution, membership, and jurisdiction of the State High Court and the Sharia Court of Appeal are in *pari materia* with Sections 234, 235, 240, and 241 of the 1979 Constitution. The substantive similarity of

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[77] Constitution of the Federal Republic of Nigeria 1999 (as amended), ss 281(3)(b), 276(3)(b).

[78] [1984] 5 NCLR 260, 267.

[79] *Ibid* 267

these provisions ensures that the interpretive principles articulated under the earlier constitutional framework continue to hold persuasive authority in the contemporary context, thereby reinforcing continuity in judicial interpretation across constitutional regimes.

The Court has further clarified the constitutional boundaries between the State High Courts and the Customary Courts of Appeal. In *Chieshe v The Customary Court of Appeal, Benue State,*[80] Tur J. considered whether the High Court of Benue State and the Customary Court of Appeal of Benue State were courts of co-ordinate jurisdiction under the 1979 Constitution. He held that the High Court of a State is not of the same rank as the Customary Court of Appeal of a State, thereby affirming the hierarchical distinction between the two institutions. Similarly, in *Goodhead & Ors v The Hon. Attorney-General of Rivers State*,[81] the court, after reviewing unchallenged evidence that Hon. Justice P.N.C. Agumagu was a Judge and President of the Rivers State Customary Court of Appeal, emphasised that his appointment to that office had neither been challenged nor nullified. Nonetheless, the court held that the 1999 Constitution clearly demarcates the jurisdictional boundaries of the High Court of Rivers State and the Customary Court of Appeal of Rivers State, and that the functions of one cannot be assumed by the other. At page 12 of the judgment, the trial judge concluded: "His Lordship, the Hon. Justice P.N.C. Agumagu is not qualified as a State High Court Judge; hence he is not suitable and/or qualified to be appointed as Acting Chief Judge of the High Court of Rivers State."

Conversely, a court held that the President of a State Customary Court of Appeal may be eligible for recommendation by the National Judicial Council (NJC) to the Governor for appointment as Chief Judge of the State High Court.[82] In this view, the Constitution does not restrict the State Judicial Service Commission to selecting candidates exclusively from the State High Court when advising the NJC on suitable nominees. Rather, the Commission's mandate is to identify individuals who are "suitable" in the constitutional sense. That is,

[80] (2000) 7 NCLR 1, 171–187.

[81] (FHC Port Harcourt, Suit No FHC/PH/CS/358/2013, 19 February 2013, unreported).

[82] Governor of Rivers State & ors v National Judicial Council & anor (FHC Port Harcourt, Suit No FHC/PH/CS/421/2013, 18 March 2013, unreported).

persons deemed acceptable, appropriate, eligible, and proper for the office of Chief Judge. The court further reasoned that holding the office of President of a Customary Court of Appeal does not, in itself, disqualify a person from consideration.[83] Indeed, while seniority within the High Court may be desirable, the Constitution requires only that a nominee be a legal practitioner in Nigeria with at least ten years post-call experience. This interpretation underscores the breadth of constitutional eligibility and highlights the discretionary space available to appointing authorities in shaping judicial leadership.

The position of this court has been followed recently. In Oyo State, Nigeria, Hon. Justice Eni Esan (Rtd.) was appointed the President of the Customary Court of Appeal, Oyo State, when she was a High Court Judge of the State.[84] Also, the same with Hon. Justice Aderonke Adekemi Aderemi, Judge of the High Court of Oyo State, now the President of the Customary Court of Appeal, Oyo State.[85] In Osun State of Nigeria, Justice Foluke Eunice Awolalu, who was a High Court Judge of Osun State, was sworn in as the new President of the Customary Court of Appeal, Osun State, sometime in January, 2020.[86] With these appointments and the recommendation of NJC, it seems the position of the law is that Judges of a particular court can be made head of a court of another court, but what if these judges are not knowledgeable in customary and Islamic law as provided for in the constitution? It is not right to appoint a judge from a particular court to

[83] *Ibid* 59.

[84] Ifeoma P, 'Justice Eni Esan sworn in as Oyo State Customary Court of Appeal President' (2018) The Nigeria Lawyer<https://thenigerialawyer.com/justice-eni-esan-sworn-in-as-oyo-state-customary-court-of-appeal-president/#google_vignette> accessed 1 April 2026.

[85] 'NJC approves appointment of 70 judges for Nigerian courts (full list)' Premium Times (Abuja, 5 April 2026) <https://www.premiumtimesng.com/news/headlines/389882-njc-approves-appointment-of-70-judges-for-nigerian-courts-full-list.html> accessed 5 April 2026; 'Gov Makinde swears in Justice Aderemi as President, Customary Court of Appeal' InsideOyo (Ibadan, 2020) <https://insideoyo.com/makinde-swears-in-aderonke-aderemi-as-president-customary-court-of-appeal/> accessed 13 April 2026.

[86] T Omofeoye, 'Oyetola swears in Osun Customary Court of Appeal president' The Guardian (Lagos, 14 April 2026) <https://guardian.ng/news/oyetola-swears-in-osun-customary-court-of-appeal-president/> accessed 14 April 2026.

be the head of another court; only a member of a court should be appointed as the head of that court.

4 Redressing Structural Challenges in the Appointment of Heads of Courts

Nigeria's constitutional structure as a federation presupposes a distribution of powers between the federal and state governments, each operating within defined spheres of authority.[87] Within this framework, the establishment and powers of the National Judicial Council (NJC) introduce an important dimension to the governance of the judiciary, particularly in relation to judicial appointments.

While the NJC was conceived as a mechanism for safeguarding judicial independence through centralised oversight, its role in the appointment of Heads of State Courts has generated debate regarding its compatibility with federal principles.[88] The concentration of recommendatory authority in a national body, over institutions that are, in structure and function, components of state governance, may be perceived as limiting the autonomy of state judicial systems. However, this centralisation also serves an important countervailing purpose: insulating the appointment process from direct political pressures at the state level.

The challenge, therefore, lies not in the existence of the NJC per se, but in achieving an appropriate balance between federal oversight and state autonomy**.** Any reform must carefully weigh the risks of excessive centralisation against the dangers of unregulated state-level politicisation. One possible approach is to strengthen the role of State Judicial Service Commissions while retaining the supervisory function of the NJC. This would involve enhancing the capacity, independence, and integrity of these bodies, ensuring that appointments are guided by transparent, merit-based criteria, including professional competence, integrity, experience, and, where appropriate, seniority. Such an approach preserves institutional checks while promoting local accountability.

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[87] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 2(2).

[88] I E Sagay, 'The Judiciary in a Modern Democracy' in I A Ayua and others (eds), Issues in the 1999 Constitution (Nigeria Institute of Advanced Legal Studies, Lagos 2000) 109.

Comparative experience offers useful insights. For instance, in India, judicial appointments are influenced by the collegium system.[89] In which senior members of the judiciary play a decisive role.[90] While not without criticism, this model underscores the importance of insulating judicial appointments from overt political control. Nevertheless, its wholesale transplantation into the Nigerian context may be neither feasible nor desirable, given differences in constitutional structure and political environment.

It is also necessary to reconsider the role of political actors in the appointment process. Although the involvement of the Governor and the State House of Assembly reflects democratic accountability, the exercise of these powers should be subject to clearer procedural safeguards. These may include defined timelines for action, requirements for reasoned decisions in cases of refusal or delay, and increased transparency in the confirmation process. This will necessitate the amendment of the Nigerian Constitution. Furthermore, the over-reliance on acting appointments should be discouraged, as it may create uncertainty and expose judicial leadership to undue influence. Ensuring timely substantive appointments is therefore essential to maintaining institutional stability and independence.

Ultimately, the objective of reform should not be the complete exclusion of any arm of government, but the creation of a coherent, transparent, and accountable appointment framework that minimises the risk of politicisation while preserving constitutional balance. Judicial independence, encompassing institutional autonomy, financial security, and decisional freedom, remains indispensable to the rule of law and the protection of fundamental rights.

In this regard, adherence to both constitutional principles and international standards, including those reflected in the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, is essential. A reformed appointment

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[89] Abhinav Chandrachud, 'The Insulation of India's Constitutional Judiciary' (2010) 45(13) Economic and Political Weekly.

[90] Supreme Court Advocates-on-Record Association v Union of India AIR 1994 SC 268.

process that prioritises merit, integrity, and transparency will better position the judiciary to fulfil its constitutional mandate as an impartial arbiter and guardian of justice.

5. Conclusion

The office of the Head of Court occupies a pivotal position within the judicial architecture of the Nigerian state. Beyond administrative leadership, the Chief Judge exercises significant influence over judicial appointments, case assignment, and the constitution of panels in politically sensitive matters, including impeachment proceedings. These functions render the office central not only to the administration of justice but also to the broader constitutional order.

Although it would be overstated to suggest that the judiciary has entirely lost its independence or institutional integrity, there is credible evidence that the appointment process is susceptible to politicisation. Such susceptibility undermines public confidence and raises concerns regarding the capacity of the judiciary to function as an impartial arbiter, particularly in matters with significant political implications. This article argued that the problem lies not merely in the formal distribution of powers, but in the manner in which those powers are exercised. Accordingly, reform efforts should focus on strengthening institutional safeguards rather than eliminating the involvement of any particular branch of government. These reforms may include clearer procedural timelines, enhanced transparency in the recommendation and confirmation processes, and stricter adherence to merit-based and seniority-informed criteria.

The preservation of judicial independence is indispensable to the protection of fundamental rights and the maintenance of the rule of law. In aligning domestic practices with international human rights standards, including those reflected in the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, Nigeria must ensure that its judicial appointment processes inspire both institutional integrity and public confidence. Without such reforms, the effectiveness of the judiciary as a guardian of constitutionalism and human rights may be progressively diminished.