

# **Civil Judge In Nigeria: Remuneration System And Promotion Possibilities, How To Reward Efficient And Independent Decision**

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## **ABSTRACT:**

Generally speaking, we have not yet come to terms with the phrase “A Civil Judge” as it is quite uncommon to hear a Judge being referred to that way different from “A Judge”. This is because the practice in Nigeria is generalised and not based on any area of specific specialization. This write up seeks to reconcile the discrepancy in the understanding of the nomenclature “Civil Judge” as it portrays that though not provided for in the constitution, in practice, it is very much realistic as it can be decipher. Therefore, the need for it to be adopted and utilised properly. Thus, this write up is practically in the light of a proposal as the word “Civil” and “Judge” is known and operates in Nigeria. The Nigerian legal system is dynamic and all encompassing.

## **INTRODUCTION:**

The Nigerian judicial system is not free from ills but that notwithstanding, it can be said with certainty there is improvement. As with every field of human endeavour with its pattern of performance, the judiciary is not left out. Given the nature of the responsibility of the judiciary whereby patterns are set for the advancement of a Civil Judge, some Judges have lived up to their responsibilities and by that erased the embarrassing situation for which the judiciary is often reputed. The key assumption to realising this, is independence which, in most cases, is unrealistic.

The exercise of discretion is highly recommended in order to bridge the gap between expectations in other countries of the world. The civil Judge has been identified as one who, when designated, sits over civil matters and his performance could earn him global recognition, promotion or other forms of reward especially in cases that has to do with independent decisions. In achieving these, a conducive environment ought to be provided for Judges to propel them for an outstanding and effective service delivery thereby making the Civil Judges independent.

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## AN OVERVIEW OF THE JUDICIAL SYSTEM IN NIGERIA

The Judiciary is a creation of the constitution,<sup>1</sup> by the provision of section 6;<sup>2</sup> Judicial Powers are vested in the Courts. The Courts are created by statute with their Jurisdiction prescribed therein by law to exercise jurisdiction at first instance and on appeals on all actions and proceedings relating to matters between persons, or between government or authority and any person in Nigeria to determine on question as pertains to the Civil rights and obligations of that person.

### A. HIERARCHY OF COURTS IN NIGERIA.

#### I. SUPREME COURT

The Supreme Court is the Apex Court in Nigeria; it is provided for in S. 230.<sup>3</sup> It consists of the Chief Justice of Nigeria and not more than 21 Judges at all times. Its decision on any matter is final and binding on all other Courts in Nigeria without any form of appeal to anybody or person. This of course is without prejudice to the powers of the president or the governor of the state with respect to prerogative of mercy for any person convicted of an offence under any law in Nigeria. Likewise, the decision of the Supreme Court may be nullified by legislation. See the case of *Bucknor Maclean vs Inlaks Nig. Ltd.*<sup>4</sup> Where the Court departed from its decision in two previous cases: *Shell BP VS Jammal Engineering Ltd.*<sup>5</sup> And *Owumi VS Paterson Zochonis and Co. Ltd*<sup>6</sup> due to the fact that adherence to these precedent could lead to substantial injustice. More importantly, the Supreme Court can overrule itself, if the previous decision is given per incuriam.

#### II. THE COURT OF APPEAL

The Nigerian Court of Appeal is established by section 237<sup>7</sup> headed by the president of the Court of Appeal and consists of not less than 49 Judges at all times. It has original Jurisdiction to hear and determine whether.

1. Any person has been validly elected to the office of the president or vice president, Governor or Deputy Governor in Nigeria

1 1999 Constitution Of The Federal Republic Of Nigeria (As Amended.).

2 Ibid.

3 Ibid.

4 (1980)8-11 SC p1.

5 (1974)4 SC 33.

6 (1974)1ALL N. L. R part 2 at 107.

7 1999 constitution (Supra.).

2. Entertain appeals from the Federal High Court, the High Court of the Federal Capital Territory (FCT) Abuja, High Court of a State, Sharia Court of Appeal of a State, Court Martial and any other tribunal.

The Court of Appeal has finality of decisions on appeal which lies to it from the decisions of the National and State Houses of Assembly election petitions, and also appeals arising from any Civil Jurisdiction of the National Industrial Court.

There is only one Court of Appeal in Nigeria situated only in Abuja (FCT), it has different division over the country and sits in certain states in Nigeria, thus, decisions by the Court of Appeal in Jos is treated as its own decision in the Court of Appeal in Lagos State.

It is trite that the Court of Appeal is bound by decisions of the Supreme Court. However, in dealing with decisions of a Court of Appeal in another division, the Court of Appeal is bound to an extent. In Civil cases, it is bound by the decision of another Court of Appeal except in the Situations provided for in the case of *Young VS Bristol Aeroplane Co*,<sup>8</sup> that is:-

1. If the decision is given per incuriam.
2. If there are two or more conflicting decisions of different Courts of Appeals, it can follow either of them or choose to follow none of them.
3. When a decision of a Court of Appeal is in contrast with a decision of the Supreme Court

However, in criminal matters, a Court of Appeal is not bound to follow the decisions of other Courts of Appeals. This is because of the very nature of criminal law in which each case should be treated on its merit. Strictly following a previous decision could lead to irreparable damage. This may be due to the fact that it is better to free 10 guilty persons than convict a single innocent person.

### *III. THE FEDERAL HIGH COURT, HIGH COURT OF THE FEDERAL CAPITAL TERRITORY (FCT), STATE HIGH COURT/SHARIA/CUSTOMARY COURT OF APPEAL ABUJA AND STATE*

These Courts are established in Sections, 249,<sup>9</sup>255,<sup>10</sup>270,<sup>11</sup> 260.<sup>12</sup> (265,<sup>13</sup> 280-State).<sup>14</sup>The Federal High Court like the Court of Appeal is divided into different Judicial division for administrative convenience and sits in more than 15(fifteen) States in Nigeria. It should be noted that the Customary and Sharia Court of Appeal are not bound by judicial precedent.

<sup>8</sup> <sup>10</sup> (1944) KB 718 CA.

<sup>9</sup> 1999 Constitution.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

This is because they are not of common law origin; also they hear appeals from the Area Courts while the High Court hears from the Magistrate Court. In some states, the High Court also hears appeals from the Area Courts.

These Courts are referred to as Courts of co-ordinate Jurisdiction therefore; they are not bound by previous decisions of another High Court. At best, the decision of another High Court is persuasive on another High Court. However, it is not expected for a High Court to depart from another High Court's decision except in good cause. It is important to note that the Federal High Court also has appellate Jurisdiction and all the powers of the High Court of the State. The Court shares concurrent Jurisdiction with the State High Court in Matters relating to;

1. Banker-Customer relationship.
2. Interpretation or application of the constitution.
3. Fundamental Human rights enforcement cases.

A State High Court unlike the Federal High Court has wider Jurisdiction in the provision of S251<sup>15</sup>, as there is a limitation on the Jurisdiction placed on the Federal High Court. Thus, if a State High Court makes a decision on a matter of Federal application, it binds on all Magistrate Courts in the country. If it makes a decision on matter of state application it only binds on Courts of inferior Jurisdiction in the State.

#### *IV. NATIONAL INDUSTRIAL COURT*

The National Industrial Court is set out in section 254A<sup>16</sup> headed by the President of the National Industrial Court and consists of such number of Judges as may be prescribed by an Act of the National Assembly. Like the Federal High Court, the National Industrial Court is also divided into judicial divisions for administrative convenience which sits in some states in Nigeria. It has exclusive Jurisdiction in Civil cases and matters set out in section 254C of the constitution. It has all the powers of the High Court of a state and has appellate Jurisdiction.

The official gazette of the National Industrial Court of Nigeria alternative dispute resolution centre rules empowers the president of the National Industrial Court by Section 254 (c) (3). Section 254(1) of the 1999 constitution by the third Alteration Act, 2010 and section 36 of the National Industrial Act, 2006 also, Article 2 paragraph (5) of the Alternative dispute resolution (ADR) centre instrument, 2015 and other powers enabling him, make rules to govern the practice and procedure at the National Industrial Court of Nigeria Alternative Dispute Resolution centre of the National industrial Court of Nigeria.

Referrals could be made from the normal Court adjudicating process to the mediation, conciliation process of the Alternative Dispute Resolution process of the ADR centre.

15 Ibid.

16 Ibid.

## V. MAGISTRATE COURTS

Although not provided for in the Constitution, it is established by the law of the House of Assembly of a state. It is a Court of summary Judgement as matters are determined in this Court without pleadings or briefs filed by parties. The Magistrate Court and its Jurisdiction is provided for under the various Magistrate Courts rules of each State establishing them. These are courts that are referred to as Courts of inferior Jurisdiction for the reason that it is not listed among the Courts in Section 6(5) (a) – (i)<sup>17</sup> of the constitution, and section 6(3)<sup>18</sup> provides that the Courts that are mentioned in the previous sections are Courts of Superior record. By implication, Courts not mentioned are Courts of inferior record. Secondly, it cannot punish contempt *ex facie Curria*. The decisions of the Magistrate Courts are bound by decisions of the Higher Courts but their own decisions do not bind any Court. Also, they are not bound by any of their previous decisions.

## VI. AREA COURTS

The Area Court is a peculiar Court. It is established by a warrant by the Chief Judge of a State. It has striking and distinguishing characteristics.

1. It does not require a formal charge. A statement of the offence complained of with the date and place, value of the property is sufficient for the Court to take cognisance of the complaint. S 6<sup>19</sup> provides that in a trial before a native Court (Area Court) the trial should only accord with or in tandem with substantial justice, devoid of undue technicalities. See the case of *Alabi V Cop*<sup>20</sup> where a charge on Appeal was dismissed with the Appeal Court holding that it was sufficient if the charge disclosed the statement of the offence.

In *Abuja V Tiv* Na<sup>21</sup>, evidence of previous conviction was admitted in contravention of S 236 of the CPC<sup>22</sup> (Criminal Procedure Code).

2. The Area Courts are not bound by the strict rules of evidence. Once proceedings are in substantial compliance with equity, fairness and no miscarriage of justice is occasioned, the procedure and proceedings are proper.

<sup>17</sup> Ibid .

<sup>18</sup> Ibid.

<sup>19</sup> Area court Edict 1967.

<sup>20</sup> (!971) NNLR 104, Alubo, A.O & along : Criminal procedure law and practice(Ibadan ababa press, 2010).

<sup>21</sup> (1962) 2 All NLR 146. .

<sup>22</sup> 2<sup>nd</sup> Edition 2003 Lawlords publication.

3. The Court is composed of a Judge sitting alone or assisted by one or two members and may sit with assessors, usually approved by the chief Judge of the State<sup>23</sup>. It is the Court which is closest to the people at the grassroots.

## **B. CIVIL JUDGE**

Who is a Judge?

The Eight edition of the Blacks Law Dictionary<sup>24</sup>, define a judge as ;

*“A public official appointed or elected to hear and decide legal matters in Courts”*

A Judge is a judicial officer, whose sole duty is to hear and determine legal matters before him in Court. It can be aptly stated that, it is the Judge that delivers Judgement/ruling or orders in Court.

### *I. CIVIL COURT*

A Civil Court<sup>25</sup> is a Court that handles legal disputes that are not crimes. No Court assumes jurisdiction except it is statutorily prescribed as jurisdiction cannot be implied nor can it be conferred by agreement of parties.

The jurisdiction of a Court may be in terms of its constitution or the geographical area or subject matter of its operation and it is usually conferred by statute. The Courts power (Jurisdiction) to decide a case or issue is laid down in the case of Dingyadi v INEC<sup>26</sup>

Where it stated that:

The law is trite that a Court is only competent to exercise jurisdiction in respect of any matter where;

1. It is properly constituted as regards numbers and qualification of its members and no member is disqualified for one reason or the other.
2. The subject matter of the case is within jurisdiction.
3. The case is instituted by due process of the law.

Once a Court is satisfied that it has no jurisdiction in a suit, it need not proceed further to consider any other issue. The matter ends there and the only procedural duty of the Court is to strike it out. The absence of Jurisdiction is irreparable in law.

Civil jurisdiction of Courts in Nigeria, refers to the adjudicatory powers exercisable by a Judge over Civil matters, for example

23 Plateau, Kano states are some of the states who have the courts. See also S. 3 Area Court Edict.

24 (Garner B.A (ed.), Minnesota, USA: West Thomson Business, 2004) 2460.

25 Ibid at 1069.

26 (2010) 18 NWLR pt 1224, pg. 137 – 138 paras. H – B.

1. Matters for declaration of title.
2. Divorce cases for maintenance and custody.
3. Recovery of premises e.t.c.

According to Erin Krcatovich<sup>27</sup> “Civil Court is a government institution that settles disputes between two or more entities, typically in the same Courthouse that also tries criminal cases. Sometimes the same action (such as assault) will be tried both in Civil and Criminal Court. Function of a Civil Court is to determine liability of one party for the injuries which do not necessarily need to be of a physical nature that is suffered by another party”.

## II. CIVIL MATTERS

Civil Matter<sup>28</sup> Means a dispute between individuals or between individuals and government or between governments the result of which may be the award of damages, compensation, declaration of rights or prerogative or equitable remedies.

A working definition of a Civil Judge therefore, is a public officer (Judge) who decides legal matters in Court between individuals, government, or individuals and government thereby leading to a declaration of damages, compensation or declaration of rights, prerogative or equitable remedies. In Nigeria, rather than the phrase “Civil Court or Civil Judge”, what is commonly referred to as “Civil cases” which are and could be decided by Judges who preside over criminal as well as Civil matters in the same Court room.

There is no such creation of a Civil Court separate from criminal Courts or a designated criminal law or Civil law Judge but in practice, it is known that some judges are more skilled in a specific field of interest. However, the constitution did not provide for such practice of specialization instead, a Judge who sits over a civil matter is said to adjudicate over civil case and will as well sit over a criminal matter.

Worthy of note is that the Courts in Nigeria are not designated according to fields of specialization; for example, Commercial Court, Civil Court. Judges are not trained in school in relation to a particular field of interest. The course undertaken is all-encompassing and this probably explains why a Judge in Nigeria has mastering over virtually all areas of the law practice and at any time when the need arises could be drafted into a particular field to decide the legal matter concerned.

THE CUSTOMARY COURT OF APPEAL, NATIONAL INDUSTRIAL COURT: A case study.

The Customary Court of Appeal is a superior Court of record and statutorily created by the constitution. It hears Appeals from the lower Court which is purely Civil in nature and ex-

27 Study.com/academy/lesson/what is a civil court definition-lesson. Html#related\_collapse accessed on 6/1/2018.

28 Ibid .

ercises original jurisdiction in civil cases. The customary Court of appeal deals purely with only civil matters and exercises both original and Appellate Jurisdiction over Civil matters. Therefore, while borrowing a leaf from the definitions above, judges in these categories could be termed as Civil Judges.

Thus, the Customary Court of Appeal, the Sharia Court of Appeal and the National Industrial Court has original and supervisory jurisdiction over civil matters.

Apart from the customary Court of Appeal and the National Industrial Court, all the other Courts entertain both civil and criminal cases in the same Court room by the same Judge.

For the superior Courts of record, the Judges sit in their designated capacities as justices or judges whether entertaining a Civil or a criminal matter. While for the Magistrate Court, it transforms to a district Court while sitting over a Civil matter and the Magistrate is often referred to as a district Judge. When he presides over criminal matters, he is referred to as a Magistrate. Judges who preside over civil cases derive their jurisdiction from the civil procedure law of the state, and for the Magistrate, the district Court rules.

With these expositions, I shall adopt the term Civil Judge to mean when A Judge decides over civil matters. As this is the practice in Nigeria.

### *III. CIVIL JUSTICE IN ENGLAND AND WALES*

Civil Justice in England and Wales<sup>29</sup> is mainly dealt within the County Courts. Civil cases involve hearing in open Court which the public may attend, hearing in the Judges private room from which the public are excluded, and matters decided by the Judge in private but on the basis of the papers alone.

Most civil dispute do not end up in Court it goes through mediation (a process taking place outside the Court to resolve a dispute) or by using established complaints procedures.

Judges also play an active role in managing civil cases once they have started, helping to ensure they proceed as quickly and efficiently as possible. This includes

1. Encouraging the parties to cooperate with each other in the conduct of the case.
2. Helping the parties to settle the case.
3. Encouraging parties to use an A. D. R procedure if appropriate
4. Controlling the progress of the case.

They are obliged by the law to give reasons for their decisions.

In the Nigeria justice system, only Lagos state has a systematic A D R mechanism, where there are Courts to handle A D R and in those Courts there are Judges specially assigned to handle civil matters and others to handle criminal matters in the multi-door-Courts, where litigants are first exposed to A D R before first going into litigation proper.

In Nigeria, we don't have Civil Judges strict to *sensus* unlike other countries, because even in Lagos, we cannot outrightly say that there is a Civil Judge because the multi-door-

29 <http://en.m.wikipedia.org>remuneration>.accessed 6/1/2018.



Court house, appoints not only Judges but Negotiators, Mediators, Arbitrators etc. These categories of people can either be lawyers or trained professionals in other disciplines.

Interestingly, in Lagos lawyers have specialties and since the Judges are also lawyers, they may also have specialty. This in fact, helps the Chief Judge in assigning cases.

Going by Erin's definition of the term Civil Court, I don't really see any difference with what is in practice in Nigeria at the moment, whereby a Judge sits over a civil as while as criminal matter, in the same Court house or probably in the same Court room. The point of contention here is that as earlier said, the word "Civil Judge" is uncommonly known and used with regard, to Judges in Nigeria. It is however proposed that, in the future, there may be need to create special divisions of Courts headed by experts either in civil or criminal matters, as exist in other jurisdictions outside Nigeria.

In accepting this proposal:

- a) More Courts should be established
- b) Employment would be created
- c) Land matters practically, will be adequately determined within time rather than staying twenty (20) to thirty (30) years in normal Court, when all the parties have died.
- d) Generally, it will speed up dispensation of civil matters.

However, the major constraint to realizing this proposal is the:

- 1) Statute establishing the Courts. Until the laws are amended, we can hardly have a civil division, separate from the normal Court setting in practice. The present Courts are created by statutes. At the moment, there isn't a High Court that doesn't exercise criminal jurisdiction. The constitution confers jurisdiction on these Courts and so until our laws are amended, it might be impossible.
- 2) Another constraint is the cost implication of setting up a different division just for civil cases in the high Court. This will definitely incur expenses. At the moment, the infrastructures are not expansive.
- 3) Judges and lawyers will be limited to a particular field of interest rather than engaging in general practice.

## C. REMUNERATION

Remuneration literally connotes money paid for work or service<sup>30</sup>. It is the reward for employment in the form of pay, salary or wage; including allowances benefits such as (medical, official car) bonuses, cash incentives etc. It is considered the tips provided to an employee by an employer in exchange for the services performed.<sup>31</sup>

The remuneration of the Civil Judge varies from State to State, at the Federal level and even within the same agencies. It covers salaries and allowances, social facilities both in

30 <http://en.m.wikipedia.org/>remuneration/accessed6/2/18>.

31 Ibid .

their places of work and family matters, health, domestic staff, etc. Obviously, the number of Courts at the Federal and the State makes it difficult to gather information separately about the remuneration system of the Judges of each Court in each system. Albeit, Judges of the superior Courts; Federal and States, have been ranked and Judges of the same rank have received the same remuneration.

The remuneration of any Judge within any of the ranks determines the remuneration of all the Judges of the same rank. For example judges of the Federal and State High Courts, the Sharia Court of Appeal and the Customary Court of Appeal should all receive the same remuneration. Likewise, the Magistrate according to the grades should have a uniformed generalised system of remuneration whether in Plateau, Lagos etc. Though, this is not the practice. However, it can still be validly argued that the remuneration of the Nigeria Civil Judge even though comprehensively improved in theory over the recent years (particularly the Magistrates) is still unsatisfactory. There can still be room for improvement compared with their colleagues in other developing and transition states, particularly, having regard to the volume of work and the environment under which they operate.

#### **D. PROMOTION.**

According to the Merriam Webster Definition,<sup>32</sup> promotion is the act or fact of being raised in position or rank. It is a form of preferment, the act of furthering the growth or development of something. It is the advancement of an employee's position.

The Civil Judge is a public servant who is employed at the services of either the Federal or State Government on a grade level. The possibility of any Civil Judge to be promoted is not far-fetched as it is spelt out in the scheme of service. Promotion would normally come to a Civil Judge as he rises through the years from one grade level to another.

However, not only the rise through the years should determine the promotion of a Civil Judge because, the status and office of a Civil Judge is sacrosanct and the highest form of wholesome conduct which does not negate the public service rules is a primary factor to be taken into consideration. Invariably, other factors as well could be considered as a possibility to a Civil Judge's promotion.

- I. Good work performance ; It was said by Justice Olajide Olatawura<sup>33</sup>, in his commentary to the Judges on the evaluation of Judges Performance<sup>34</sup>, that a sound Judgement will recommend a Judge for preferment. As he recalled that he was one of those who recommended a Judge of the High Court for consideration to the Court of Appeal on a brilliant and sound ruling. The Judgement both in the Court of Appeal and happily in the Supreme Court of the Judge are shining examples of industry, research and learn-

32 <http://www.merriamwebster.com/promotion> accessed-6/1/2018.

33 Justice of the Supreme Court of Nigeria As He Then Was.

34 <sup>2005</sup> All Nigeria Judges Conference NJI.

ing. In fact, the performance of a Civil Judge by the performance evaluation committee would lead to a recommendation for a promotion.

- II. Competence; the ability of a Civil Judge to do the cases properly with knowledge and skills without wasting time.
- III. Efficiency in service delivering

Howbeit, a prevalent lacklustre attitude, indolence and corruption would jeopardise the possibility of a promotion for any Civil Judge.

## E. REWARD

Reward connotes rewarding an efficient Civil Judge in recognition of service achievement or effort<sup>35</sup>. Nigeria does not have a specific reward mechanism beside the regular monthly payment of salaries and emoluments, travel allowances, medical allowance etc. There is no monetary reward other than remuneration and allowance paid to the Judge.

A good, honest and hardworking Judge especially at the lower (Magistrate) State and Federal Court, are rewarded via elevation to Higher Courts. Indeed, the preponderance of Judges in Higher Courts, were taken from the lower Courts, with an insignificant percent from private practice. In trying to do this, the National judicial commission (NJC) has set criteria for evaluation of Judges. According to the performance evaluation report (PER), a serious Judge must deliver at least four (4) Judgements annually to retain his seat<sup>36</sup>.

NJC has a monitoring team to visit all Superior Courts. The NJC committee on performance evaluation has empirical data bank on all judges. Judges are rated based on cases disposed of on merit.

## F. INDEPENDENT DECISION MAKING

Independent decision making,<sup>37</sup> is the process of selecting a logical choice from the available options when trying to make a good decision. A person must weigh the positive and negative of each option and consider all the alternatives.

Decision making is the act of choosing between two or more courses of action in the process of problem solving. Decision making involves choosing between possible solutions to a problem. Decisions can be made through either an intuitive reasoned process or a combination of the two. An individual is to evaluate circumstances, consider alternatives, make decision and opt for a problem solving attitude as opposed to a “nonchalant” approach<sup>38</sup>.

35 <http://en.oxforddictionaries.com>reward>-Accessed-6/1/2018.

36 Bamgboye, A “Judges performance evaluation report.Matters arising”[www.dailytrust.com.ng-accessed-6/2/2018](http://www.dailytrust.com.ng-accessed-6/2/2018).

37 <http://resources.workable.com>decision making> Accessed-6/1/2018.

38 Ibid.

Independence ensures that a Judge is free to

- I. Access the evidence
- II. Apply the law
- III. Decide the outcome of cases
- IV. Without regard to who will be please or displeased with the result
- V. Uphold the rule of law
- VI. Free from outside influence
- VII. Decide cases fairly and impartially

Judicial Independence is important because it guarantees that Judges are free to decide honestly and impartially, in accordance with the law and evidence, without concern or fear of interference, control or improper influence from any one. A Judge which is legally trained and sworn to uphold the rule of law, will determine what the law means whether it has been broken and if it has, the consequences for those responsible.

In order for all members of the public to be confident that the disputes entrusted to Judges will be decided fairly and impartially<sup>39</sup>, the principle of judicial independence must be seen to and in fact shield Judges from any degree of outside influence from whatever source, especially the legislative and executive branches of government.

Judicial Independence requires that a Judge adjudicate without fear or favour even in the face of a contrary view, widely held by others ; public, government, colleagues, and media. It is the community's responsibility to vigorously resist any step deemed to be an encroachment of judicial independence that will harm rather than protect the public interest. Judicial Independence is susceptible to attack by uniformed critiques; judicial independence is a necessary element that exists for the benefit of the public.

Attribute of judicial independence;

1. Security of tenure: only for misconduct, advanced in age or infirmity or otherwise the civil Judges office should be secured.
2. Financial security: remuneration should be sufficient to attract the best candidate and to ensure that Judges are well compensated to be able to perform well.
3. Administrative and adjudicative independence: Judicial Independence means independence of individuals from outside influence as well as institutional independence. Judges should be shielded from outside influence while the government covers the running of the justice system by providing Court houses, facilities, paying support staff. They must not have control over how Judges perform their roles or who hears and determine cases. They do not tell a Judge what ruling to make, because Judges have complete independence from each other.
4. Continued Education (Training).

39 An independent and impartial judiciary'www.cscja-acjcs.co accessed on 4/1/2018.

## G. COMPENSATION PROCESS FOR A CIVIL JUDGE

Thus, determination of salaries, benefits and lifetime annuities upon retirement, serve to protect Judges from improper influence and to guarantee the principle of Judicial Independence. Government should inquire into the adequacy of salaries, benefit, and other amount payable to Judges.

Judicial impartiality is important because people must have confidence that justice will be administered in a fair and impartial manner and the Court will respect the rule of law when making decisions. If Judges do not act fairly or leave an impression that their minds are made up before the case is heard, members of the public will lose faith in the ability of the justice system to resolve disputes. This can lead people taking the law into their hands which can lead to fear and open violence.

Judicial Independence may enable the Judge to make a ruling that is unpopular regardless of the views of the majority, rulings that may force the government to amend the law.

It is not unreasonable to assume that Judges will have personal views about matters of public concern like abortion, domestic violence and child abuse, e.t.c. They do and that does not mean they cannot seat over as Judges in cases where these same issues will arise. But it is expected that the Judge will be able to set aside his personal belief and decide the case with an open and dispassionate mind and decide the case according to the evidence presented and the law. It is what we mean by “impartiality” which is an essential quality of Judge’s work. Anything less would be the violation of the oath taken when the Judge was sworn into office.

Judges should not decide in abeyance until they have thoroughly considered all sides of the issue, putting aside personal views so as to consider the position of each of the parties, and finally use reason in order to draw inference from careful considered facts instead of stereotypical assumption which is the “act” of Judging.

We cannot deny that a civil Judge cannot be rewarded for an independent decision.

## CONCLUSION

Civil Judges are rewarded for their independent decisions as already discussed in the paper.

We have also noted, in this paper that the civil Judge system, strictly speaking, does not exist in Nigeria as we have a fused system, although when designated, a Judge becomes a Civil Judge. However, in the future, it will be apt to create specialized divisions of court in order to fall in line with the practice in other Jurisdiction. Judges in Nigeria as stated are not rewarded monetarily other than the normal payment of emoluments. But when distinguished could earn a reward via a promotion. The possibilities of a Civil Judge preferment cannot be without an enabling environment created for the Judge which allows him to be independent as an individual Judge. For continued honesty and dedication to work, it is proposed that welfare concerns of Civil Judges that have been championed by several groups be addressed to avoid cases of temptation and corruption of and by Judges.

Where judges have distinguished themselves through fecund judgments in a plethora of cases should form the basis for elevation to higher courts. Also, a letter of commendation by either the community, state or even the country may be appreciated as a form of recognition for an outstanding performance, special awards in the form of plaque that encourages and specify areas of achievement and training as a show of appreciation among others will suffice.