

Address at the Special Court Sitting to Mark the 2024/2025 Legal Year

By

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AND

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8 October 2024

1. Courtesies

2. As I welcome you all to this special court sitting, which is physical and virtual, to mark the 2024/2025 legal year celebration, I must thank God Almighty for making us witness the said celebration. And so on behalf of all the Judges, Management and staff of the Court, kindly accept our gratitude for honouring our invitation.

3. This year's legal year celebration, the third in the annals of the Court, is themed, "Labour Justice and the Public Interest". The public lecture under the same title is to be delivered tomorrow by no less a personality than Mr Olusegun Adeniyi, an accomplished journalist and author, current Chairman of the Editorial Board of *ThisDay* newspapers and a former presidential spokesman to the late President Umaru Musa Yar'Adua, GCFR. Following on the public lecture tomorrow would be our second Bar-Bench Forum. Both the Public Lecture and the Bar-Bench Forum, expectedly, are a sort of referendum and feedback on our performance as a labour court over the years, especially from those who use our services.

4. We had thought that we would be commissioning the main building, and hence celebrating this year's legal year in our new ceremonial court therein. Unfortunately this is not the case. Efforts are not being spared to see to the completion and handover of the said building.

5. Our primary mandate as a labour court is the dispensation of labour justice. I complained in my 2022/2023 legal year speech about receiving letters asking me to intervene in labour disputes that are not before the court. This

practice has not stopped. I must accordingly reiterate that ours is not an administrative agency as to allow us intervene extra-judicially in disputes that have not been filed before the court.

6. We are not unmindful of the fact that in adjudicating labour disputes, time is of the essence. As I often retort, it is better to have a bad judgment quickly than a good one too late. This is a guiding principle sanctioned by the International Labour Organization (ILO). We accordingly strive to ensure that judgments are delivered and parties access them as constitutionally enjoined. And once delivered, we ensure that the judgments are uploaded onto our judgment portal at <https://www.nicnadr.gov.ng/>.

7. As a Court, we strive every day to improve on our justice delivery system and general administration of the court in order to earn the trust and confidence of the users of our services and the general public. Accordingly, our digital solutions, deployed to ease the judicial process, have been improved on. For instance, our website, judgment portal and cause-list portals have been upgraded, with new portals just launched i.e. the CTC (certified true copies) and final written addresses portals. It is now possible to get certified true copies of judgments and to submit written addresses online. This means that the requirement of submitting written addresses in discs or flash drives may now be dispensed with. Hopefully on Thursday 10 October 2024, the judges of the Court would be put through on how these new portals work.

8. Since our last legal year celebration in 2022, we have had 8,608 pending cases, of which we delivered 1,616 judgments, with 6,992 cases currently pending.

9. From the available statistics from the National Judicial Council (NJC), given the pending cases for the 1st quarter of year 2024, the workload ratio per judge of this Court is 186.80. This figure was arrived at by dividing the total number of pending cases for the quarter by the number of serving judges. The reality, however, is that some judges depending on their Divisions, shoulder more workload than others. In this sense, Owerri and Makurdi Divisions, with over 500 cases in their respective dockets and only one resident judge in each of the Divisions, are Divisions where the resident judge shoulders more workload than any other judge of the Court. Since we

do not have a second house for the judge in Owerri, and neither a second courtroom nor a house for the judge in Makurdi, it has not been possible to send a second judge to any of these Divisions. We are hoping that with improved funding, we will be able to solve these problems and accordingly have second judges in these Divisions in no distant time.

10. Not much improvement has been posted in our case disposal rate given the frequency of new cases filed. The NJC statistics for the 1st quarter of year 2024 shows the case disposal rate to be 8.0%. This an area that we will have to work on and improve upon. And here, I urge litigants and counsel to utilise provisions in our Rules that aid the quick disposal of cases such as trials on record under Order 38 Rule 33 of the National Industrial Court (Civil Procedure) Rules 2017 (NICN Rules 2017).

11. Upon the transfer of judges, I was inundated with applications by counsel to allow transferred judges to continue to hear part-heard matters. Except for cases where taking of evidence had been concluded and parties were simply to file and adopt their final written address and cases slated for judgments, I generally refused such applications. Order 62 Rule 10(5) of the NICN Rules 2017 permit parties in cases where the judge hearing a matter has been transferred to “in agreement...apply to the Judge taking over the matter for adoption of the proceedings and continue with the matter where the transferred Judge stopped”. I expected litigants and their counsel to utilise this provision instead of inundating me with applications to have the transferred judge continue with the case. Justice, informality, flexibility and speed remain guiding principles in this Court as enjoined by section 12 of the NIC Act 2006 and Order 1 Rules 4, 5 and 9 of the NICN Rules 2017.

12. Given security and other challenges, I do not encourage travelling by judges from one Division to another just to hear cases. It is for this reason that I instructed judges covering Divisions that do not have resident judges because of very low cases in the dockets to take such cases virtually. That directive still remains.

13. Further acknowledging that time is of the essence in labour disputes resolution, we established, pursuant to section 254C(3) of the 1999 Constitution, the Alternative Dispute Resolution (ADR) Centre, the mandate of which is restricted to only mediation of especially individual employment/

labour disputes. The major problem we are facing here is the poor utilisation of the ADR Centre by especially litigants and their counsel.

14. The following data from the ADR Centre is self-evident:

- Between 1 January 2023 and 31 December 2023, litigants and their counsel agreed to only 41 cases being referred to the Centre. Out of this figure, only 9 were settled. And so 31 had to be returned to the courts that referred them in the first place for adjudication, while one (1) case was pending resolution.
- In the same vein, from 1 January 2024 to date, the figures show the ADR Centre of the Court received 34 matters for settlement, 6 of which were resolved, 18 cases were not settled and so were returned to the courts that referred them to the Centre. The remaining 10 are still undergoing mediation/settlement.

15. Like it is the case globally, we have had to cope with a challenging work environment. As a labour court, ours is not just to mete our labour justice to those who come to us, but to set the pace in terms of labour standards general in the workplace and specifically in the judicial workplace. This we do not just within the Court but in the advices we give in virtue of the membership of the President of the Court in statutory bodies such as the NJC, the Federal Judicial Service Commission (FJSC) and the Body of Benchers (BoB).

16. To enhance the performance of judicial officers in the country, the Judicial Office Holders (Salaries and Allowances, etc) Act 2024 was passed “to reflect the changing realities...” Aside from the increase in judicial salaries and allowances, the beauty of this Act is that it severed judicial remuneration from other constitutional office holders and gave it a separate Act. This is no doubt commendable. Ours now is to live up to the positive and lawful expectations of the general public, who of recent has been very critical of the judiciary. The choice of the theme of this year’s legal year celebration and tomorrow’s public lecture/Bar-Bench Forum reflects this fact. And it is my hope that the issue will be appropriately interrogated.

17. Also commendable is the substitution of section 291 of the 1999 Constitution with a new one by the Constitution of the Federal Republic of Nigeria, 1999 (Fifth Alteration) (No. 37) Act 2023. This constitutional alteration did three commendable things:

- it reduced to 10 (the former being 15) years required of a judicial officer to be in service for him to get pension for life;
- it increased the service years of other than Justices of the Supreme Court and the Court of Appeal to 70 years; and
- it brought within the purview of the NJC the payment of pensions and other retirements benefits of State judicial officers.

18. However, it left intact the provision which ties to a retired judicial officer his pension to his last salary in office. What this intuited is that even when there are changes in judicial officers' salaries and allowances, this will not automatically apply to retired judicial officers. It is our call, therefore, that section 291 of the 1999 Constitution be further amended to allow for retired judicial officers to take as pension same salary and allowances of their equivalents who are still in service at any point in time.

19. Between the last legal year celebration (year 2022) and today, six new judges joined us. They are:

- (1) Hon. Justice Emmanuel Danjuma Subilim
- (2) Hon. Justice Hamza Adamu Muhammed
- (3) Hon. Justice Agede Joyce Bamachi-Onugba
- (4) Hon. Justice Hassan Muhammed Yakubu
- (5) Hon. Justice Buhari Sani
- (6) Hon. Justice Sanda Audu Yelwa

20. We welcome all of them into our fold, and hope that they contribute positively in the dispensation of labour justice.

21. I am happy to announce that within the same period, two of us were elevated to the Court of Appeal — Hon. Justice P. A. Bassi and Hon. Justice O. O. Oyewumi in that order. With Hon. Justice Kenneth Amadi already in the Court of Appeal, we are happy to note that the Court of Appeal now has a complement of labour law judges that can sit on appeal over NICN matters. We, however, still pray for more of Judges of the Court to be so elevated.

22. It has not been rosy all through. We have had misfortunes since our last legal year celebration. Hon. Justice E. N. N. Agbakoba and 16 of our staff passed on to Greater Glory within the same period — October 2022 to date. We pray for the repose of their souls. May God in His infinite mercies

continue to comfort their respective families and give them the fortitude to bear the loss.

23. The elevation of three of us to the Court of Appeal, and the death of Hon. Justice E. N. N. Agbakoba, means that four States of the Federation are not represented on the Bench of this Court. The process for filling these vacancies had commenced and we hope to see it through in the coming year.

24. With the support we have had from previous Chief Justices of Nigeria, and the current Chief Justice of Nigeria, Hon. Justice Kudirat Motonmori Olatokunbo Kekere-Ekun, GCON, who I seize this opportunity to heartily congratulate on His confirmation by the Senate and swearing in by Mr President as the substantive Chief Justice of Nigeria, the future of the Court looks very bright. We shall accordingly continue to strive to attain excellence by improving on justice delivery within the limits of law, taking into account global standards.

25. May I take this opportunity to sincerely thank all who have made our tasks easier especially institutions such as NJC, the FJSC, the Committees of both Houses of the National Assembly responsible for the Judiciary and the Federal Government in general. We remain ever grateful. However, like Oliver Twist, we shall continue to ask for more to enable us improve much further.

26. Talking of the National Assembly, we note that the process to alter the 1999 Constitution in ways that will affect the Judiciary has been activated. We at the NICN, however, urge that provisions relating to the NICN (sections 254A to 254F) and other provisions such as item 34 of the Exclusive Legislative List be left as they are. Current public review of the NICN has generally been positive and encouraging. As it is often said, it makes little sense changing a winning team or formula.

27. To our stakeholders, the litigants and their counsel, our pledge is to continue to be at your lawful service. It is the confidence you repose in us that has kept us going. But you must continue to make our service delivery easier by observing due process and the rule of law. That is the only way that we can deliver seamless service to you.

28. My brother Judges, the Management and Staff of the Court deserve a special commendation for the wonderful cooperation and support they have given to me so far as the Head of the Court. Their support and indeed love, have been massive and infectious. I often tell them, and I wish to reiterate it further, that the governance structure of the Court is, and will continue to be, a collective one, where we each have respective roles to play.

29. I renew my call for all hands to be on deck in order to move this Court forward. We cannot afford to lose sight of our goal, which remains quick and efficient delivery of labour justice accordingly to law. I pray for Almighty God's continued guidance in the coming year and beyond while we continue to dispense justice to all manner of persons without fear or favour, affection or ill-will.

30. As I draw the curtains, I invite you all to be our guests at tomorrow's Public Lecture and Bar-Bench Forum.

31. I thank you all for listening.