

**Topic: Proper Investigation and effective handling of  
complaints, petition and reports.**

**Preamble:**

It is my singular honors to be part of this laudable and very important workshop and indeed very tasking considering its position in the dispensation of justice in Nigeria. The role played by the caliber of individuals in this capacious arena of intellectuals in the administration of justice of FCT is of great value and it will equally address the excesses of our blundering Courts Judges while issues raised during the course of litigation, will be handle in accordance with the established laws.

Before advancing in setting out on how to effect proper investigation as well as handling of complains, petition and report it is right to define each segments thus.

Complaints is an expression of dissatisfaction of a litigant on a certain issue which he felt cheated before the appropriate authority that are set to handle it Judiciously e.g inspectorate department in the judiciary.

It is also define as usual informal complaints of a litigant directly addressed to the authority which are meant for that.

**PETITION**

A petition is a request to do something most commonly addressed to a government official or public entity. In a

colloquial sense, a petition is a document addressed to some official and signed by numerous individuals.

Legally petition can also be titled of a legal pleading that initiate a legal case.

## **REPORT**

A report is an account given on a particular matter, especially in the form of an official document after thorough investigation or consideration by an appointed person or body. It is also a piece of information that is also unsupported by firm evidence.

It is also a specific form of writing that is organized around concisely identifying an examining issues, event, or findings that have happen in a physical sense, such as event that have occurred within an organization or findings from a research investigation

In legal terms an inspector is vested by the law to report any case which injustice manifested in it even if after the judgment by appealing to the jurisdictional court and lay down his grounds for so day and if the grounds are effective he may succeed.

Litigants file complaints, many of such petitions have been found to be frivolous, unmeritorious and malicious and actuated by less than legitimate considerations. It would be unfair to jump to conclusions and punish a judge based solely on a one-sided story, without giving him or her the opportunity

to furnish explanations and exculpate himself<sup>1</sup>. While others are Bunch of charade, concocted for a sole aim of stagnating the dispensation of justice or vilifying the character of the presiding Area and Customary Court Judges. This topic will make an elaborate effort on how, and to what extent these complaints are handle by Directors and Inspectors<sup>2</sup>.

**POWER TO HANDLE COMPLAINTS:**

Let me set the ball rolling by analyzing the statutory powers of Inspectors to perform the actions under review. For clarity in our discussion I will be guided by Area Court law for a while to avoid ambiguity and repeat of sections. According to **Federal Capital Territory Abuja Area Courts (Repeal and Enactment) Act, 2010**

32. – (1) The Judicial Service Committee shall appoint a Chief inspector of Area Court.
- (2) The functions of the Chief Inspector of Area Court shall include-
- a) The advising of the Chief Registrar in respect of the Constituent jurisdiction and membership of Area Courts;

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<sup>1</sup> EVERYMAN E. ELEANYA, (2019) The relationship between the inspectors and judges in the lower courts.

<sup>2</sup> Aliyu, W. (2017) Inspection in Courts

- (b) Subject to the general or special directions of the Chief Registrar of the organization, guidance and supervision of Area Courts;
- (c) The powers of an inspector under this Act; and
- (d) Any other function as may, from time to time, be conferred upon by the Chief Registrar<sup>3</sup>

On this premise, it is crystal clear that this office is statutorily provided and functions are well spelt out in accordance with the law. However same law make a proviso for thus:

- 36. (1) An inspector shall have power, at any stage of the proceeding before final judgment, either of his own motion or on the application of party to a cause or matter before an Area Court, by order, to stay the hearing of the cause or matter on terms as the inspector may consider just.<sup>4</sup>

From the above assertion, it is of great importance, the role and duties ascribed to an Inspector in the administration of Justice. Therefore, for the affectivity this huge task of a reviewer, arbiter, administrator, and a just- guide must be extraordinary handle with a sense of professionalism and very judgmental reasoning in line with established facts and laws,

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<sup>3</sup>Section 32 Federal Capital Territory Abuja Area Courts (Repeal and Enactment) Act, 2010

<sup>4</sup>Section 36 Federal Capital Territory Abuja Area Courts (Repeal and Enactment) Act, 2010

also to be judiciously used without bias or dogma. Let x-ray the concepts as they are:

**a. INVESTIGATION OF PETITION:**

According to Maxwell (2019), investigation of petition filed or identified by an Inspector of Area, Customary or Sharia Courts as the case may be is the first fundamental principle of equality in the dispensation of justice. The author equally opined that, for an investigation to be perfect it shall be in conformity with principles of fair hearing. The petitioner and the presiding judge must be treated with sincerity<sup>5</sup>.

In another development, Shuraihu (2018)<sup>6</sup> provided the following as basics for excellent investigation in judicial process, laying emphases on Court inspectors:

- i. Identifying the origin of the complaints, does it truncate any provision of the law or procedural process of the Court;
- ii. Apprising the procedural guide lines that establish the Court, if the said complaints are in accordance to it;
- iii. Collection of records officially from the court, in earliest time as soon as it is practicably possible;
- iv. Enquiry on the status of the petitioner in the said cause or matter, this is to avoid dealing with non-interested party in the matter or cause of action, and

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<sup>5</sup>Maxwel, O. (2019) the principle of Court Inspection in Adamawa State.

<sup>6</sup> Shuraihu, A. (2018) Effective Supervision and Inspection of Area Courts

- v. In-depth analyses of records submitted and the complaints substance, this shall be carried out in tender with the law and facts in issue.

From the above dirge as they came seriatim, it shows that, the bedrock of successful handling of petition or complaints is proper investigation, to be conducted by statutorily appointed Inspector of Customary or Area Courts as the case may be. Interestingly, on the process of investigation all hidden facts will be exhumed and treated.

#### **POWER TO HANDLE THE REPORT**

No man, equipment or institution can afford to be left alone without being watched or monitored. It is thus to be expected and not unlikely, that as it has been the case with other human institutions, the courts either per adventure, lack of adequate knowledge or misunderstanding of the facts or law, may do things or arrive at decisions which are wrong. That is why both the inspectorate divisions and appellate courts are in existence. They are meant to correct such errors and in a way - ensure justice.

Inspectorate division can be regarded as the conscience of the judiciary, which provides self activate checks and balances. Inspectors serve as intermediaries, eyes and ears of the judiciary amongst the litigants, the courts and appointing authority. They investigate complaints lodged by litigants against the conduct of proceedings in the courts and thereby mount surveillance thereon.

Activities of the inspectorate division facilitate the realization of the requirement that justice must be made available to all regardless of class or status. Its benefit include dispensation of justice to litigants who would otherwise have been deprived of it, thereby leading to injustice. The power to investigate, monitor and scrutinize the conduct of judicial proceedings is potent and overwhelming. Hence inspection, subsequent report and review are essential aspects of justice delivery in the social order.

Major functions of inspectors consist of administrative duties inspection of Area Courts, transfer of cases and report of cases. Mostly, the chief inspector of Area Courts. In line with the relevant statutory provisions, inspectors are expected to conduct unannounced routine physical visitation to Area Courts. Such unscheduled visits will enable them to assess the performance, probity, efficiency and punctuality of Judges and other supporting staff members at their duty posts. Also inspectors are duty bound to examine the position of revenue collected by the courts, receipt booklets, bank tellers and other documents in the custody of Court Registrar. The condition of court buildings and complaints of staff, from part of the areas to be covered by inspectors. Reports on these activities are generally submitted to the chief Judge through the Chief Registrar.

Inspectors do exercise their supervisory powers over Area Courts as vested by law, in the following manner,

1. Requiring as Area Court to submit a report on any case tried by such Area Court.
2. Having access to all Area Courts within the State and the record of proceedings, coupled with ordering stay of proceedings in a case and on such terms as may be considered just.
3. Transferring a case to an appropriate court before final judgment and upon application by either of the parties or at own instance.

In addition to the right of appeal enjoyed by an aggrieved party against the decision of an Area Court, the law provides that, if an inspector is of the opinion that “there has been a miscarriage of justice”, he may in his discretion or on the application of either of the parties, report the case to the court to which appeal in such as case would lie. (9). Order, together with the court’s record of proceedings. The court to which the matter is reported shall review the case after which it may do any of the following

- i. reverse, vary or confirm the decision
- ii. Make any order or pass such sentence as the lower court could have passed.
- iii. Where the person is in detention, it can order the release of the person on bail as the case may require.

- iv. Set aside the conviction, sentence or order of the lower court
- v. Where it is desirable, order the case to be retried by the same court, another Area Court of competent Jurisdiction, Magistrate/District Court, or where the High Court appears to be the proper court for the case, further report the case to the High court.

It is to be noted that in a criminal matter, the court to which a case is reported, can also increase the sentence previously given by the lower court. This is so, because the determining factor upon which the report is predicated is "Mission the scale of justice. "this determinant can tilt either way on the scale of justice. Howbeit, it has been emphatically provided, that no such prejudicial increase in sentence shall be made, without an opportunity to be heard, being given to the affected person. (10). I subscribe to the school of thought which supports the power of a reviewing court to enhance sentence in glaring and deserving cases. Either by way of report or appeal, the chances of further appeal, remain more or less the same. In the case of an appeal per se, an aggrieved person can appeal in the normal process, with or without leave of court. In the case of a matter reported by an inspector for review, an aggrieved party can only appeal as an interested person/party, with or without leave and upon a prior application.

As previously stated, report is an application for review by an inspector is placed before the appropriate appellate court. Report is made by an inspector if he is of the opinion that there has been a miscarriage of justice in a case. The question be asked; what amounts to miscarriage of justice. Virtually, in most cases, it is obvious whether or not, there has been miscarriage of justice. For instance in a criminal case, when the punishment given by the court amounts to a slap on the wrist compared with the gravity of the offence committed. And in a civil matter, when the laws, facts and evidence led thereon vis-à-vis the judgment are poles apart.

**EXAMPLES OF REPORTED CASES ARE AS FOLLOWS:-**

An exposition of some decided cases will give vivid insight to the manner which the role of inspector has aided the cause of justice

1. Inspector of Area Courts in RE: Alhaji Malam Vs Tsoho Dan Amali SS/19/78

The inspector of Area Courts Sokoto acting pursuant to section 50(i) Area Courts Edict 1967 has reported the case to High Court. The reasons for reporting the case on 9<sup>th</sup> October, 1978 are as follows.

- (i) Earlier monetary transaction between the judge and the defendant, in personal matters made the judge to reach a hasty conclusion in this case.
- (ii) Execution was done on the spot and defendant was not allowed time which shows judge's interest in the case.

Relaying on section 50 (3) Area court Edict, 1967 the appellate judges though the inspector of Area Courts conceded that he was wrong to have reported the case by virtue of reason (i) aforementioned as it could not be spell out from the record of proceedings of the trial judge and was equally struck out.

Having heard the parties in the suit the trial judge ordered the defendant to pay ₦6000.00 immediately to the plaintiff on the account of the defendant being well to do and wealthy person. The able judges submitted that it is true that a court may if it shall think fit in any case to make a special order for immediate execution but they were unable to extract any special circumstances from the record of proceedings to warrant the trial judge in making such an order.

The able judges concluded that this was a serious mistake on the part of the trial judge but for the purpose of review on the reason formulated by the inspector of Area Court has no practical effect as the judgment debtor has been paid.

They commended the inspector for reporting the case as his ground was amply made out by virtue of the Area Court Civil Procedure Rules. 1971

Finally, they concluded that they do not find from the record of proceedings that the trial judge has shown interest in ordering the immediate execution and payment of judgment debtor.

2. Inspector of Sharia Court Zamfara State in Re:

**Musa Magaji and Ummaru Bazai**

**Vs**

**Heirs of Alhaji Audu D/Bardoki suit No. CV/111/1995  
and CVA/35/1995**

The Chief inspector Barr. Isah Hamza Ismail reported the case that it was decided by the Sharia Court Gummi and passed judgment on 01/6/1995 in favor of dependant on a matter related to a plot of land measuring 147 X 100 valued at ₦2000.00

Having not satisfied with the decision of High Sharia Court Gummi the plaintiff now appellant appealed to Upper Sharia Court Gummi in suit No. CVA/35/1995 and the said judgment was affirmed by the Upper Sharia Court Gummi as well

The appellant appeal to High Court of Justice Sokoto even though the time of appeal lapsed but was reopen upon application of the appellant and subsequently the case was transferred to Zamfara State upon the creation of the State. Before filling of the case Alhaji Audu D/Bardoki died and the case was abandoned by the heirs. But Later those whose the judgment favored came to Sharia Court of Appeal Zamfara State for execution of their judgment but it was discovered that there was no record of proceedings and the names of the neighbors of the land did not tally with those on the ground, and intensive effort was made by the inspectorate department and found that the weight and the length of the land in dispute was not covered and the parties each claiming the ownership of the land.

The chief inspector appealed before Sharia Court of Appeal Zamfara State and submitted that both judgments should be set aside for peace to rain and the land to be in the custody of whom it was before the institution of the action.

The Sharia Court of Appeal Zamfara State relaying on section 38 (111) (A) (a) of Sharia Establishment Law No. 5 of 1999 set aside the two judgments of both Courts for not having the record of proceedings of the said judgment and ordered that the land in question to be in position of Alh. Musa Magaji and Umaru Bazai and the heirs of Alh. Audu D/Bardoki if they are interested they should file their case before upper Sharia Court Gummi and the report of the inspector succeeded.

### **3. Chief inspector Sharia Court of Appeal Zamfara State RE:**

**Vs**

**Ibrahim Muhammad & 3 others**

The chief inspector reported the case to Upper Sharia Court Bungudu in Zamfara State for review.

In the suit before the trial Sharia Court Judge the plaintiff Ibrahim Muhammad sued Ibrahim Babangida for marrying his wife Hadiza though he divorced her three counts of divorce but when he contacted the scholars and told him there is no three counts of divorce from there he convinced her and she returns back to his house but later she parked to her parents house there after she marries the second husband.

The trial judge revoked the three counts of divorce earlier given by the plaintiff and affirmed the return back of the wife to the house of plaintiff on 6/05/2015 in suit No. CV/15/2015.

The chief inspector reported the case to Upper Sharia Court Bungudu and submitted the following grounds that the said judgment cannot stand.

- i. The trial judge did not invite the second husband
- ii. All the witnesses tendered are not physical ones
- iii. That no proof that he was under duress when he gave the three count of divorce.
- iv. The trial Judge set aside the three count of divorce given without analyzing the fate of the second marriage.

Having gone through the submission of the chief inspector the Upper Sharia Court Bungudu Judges after careful analysis set aside the judgment of the trial court and affirmed the three count of divorce given by the first husband and also dissolved the second marriage and ordered Hadiza to observe her three periodical blood thereafter before she marries another person before she can return to the first husband house while the second husband can sue her or forgive her for wasting his time to marry her while she is under Iddah. The judgment was delivered on 9/1/2017.

#### **4. AFUSAT AYANDA V. OLATUNDE AKANJI (2002) N.N.L.R 2009**

The case involved the distribution of the estate of a deceased Muslim. This was done by the trial Upper Area

Court, Omu Aran. The inspector of Area Court reported the case for review before the Sharia Court of Appeal, Ilorin. He maintained in his grounds, that the distribution was inequitable, valuation was not done by experts and the valuation done by the court itself, undervalued properties of the estate.

The Sharia Court of Appeal reviewed the decision and found that the distribution by the trial Upper Area Court was “not based on the law which is relevant to the parties and the issue at stake.” It concluded thus,

“...the decision of Omu-Aran Upper Area Court... is liable for review in the interest of justice because (i) the valuation of the items is arbitrary and (ii) the sharing of the estate did not follow the Quranic proportion. The decision, therefore cannot stand the test of time and law.” (2002) N.N.L.R 2009 P.212

#### **5. MUSTAPHA KAWURAMBE V. ALHAJI BUKAR (1971) N.N.L.R 2009**

S.50 (1) of the Area Courts Edict provides that an inspector, either in his absolute discretion or upon application of any person concerned, may report a case to the court to which an appeal in such a case would lie. The question as to whether the said provision can be extended to just “any case before an area Court” came up for consideration in Kawurambe (supra)

The facts are as follows. 12 strayed cattle were brought to the Judge of Damaturu Area Court. He directed that the cattle be kept in the care of an attendant. The cattle remained unclaimed for one month. They were sold and the proceeds paid into government’s treasury. Thereafter the cattle owner surfaced and claimed that the cattle had been stolen. The Judge took evidence and was satisfied with the claim of ownership. He then ordered that the sale proceeds, less expenses should be handed over to the cattle owner.

The assistant inspector of Area Court, on the ground that the sale price was below the current market value and refusal of the cattle owner to accept the same. The case was then tried between the buyers and the cattle owner who

prayed for the return of his cattle. The Upper Area Court confirmed the decision of the trial Area Court. The cattle owner appealed to the then North Eastern State High Court appellate division. It was held that when the trial Area Court Judge dealt with the matter, he was not exercising or purporting to exercise any judicial function. Hence, he was not functioning as an Area Court and was thereby not trying “any case” in which appeal against his decision will lie to the Upper Area Court. Thus, there was no decision of the Inspector to report to the Upper Area Court and that the proceedings in that Court were null and void.

It is respectfully opined, that with application of Islamic law, the decision in Kawurambe (supra) would have been different. Sharia has detailed principles governing nafaqa—maintenance and luqta - lost and found articles.<sup>7</sup> The applicable principles cover cases of strayed animals. Thus, there would have been a decision for the Assistant inspector to report to the appellate court in question.

#### **6. MUMUNI IBRAHIM V. SADIATU IBRAHIM<sup>8</sup>**

The Deputy Director of Area Courts, Ilorin Kwara State reported the case for review before the Sharia Court of Appeal, Ilorin. The grounds for review include Competency/jurisdiction of the trial Area Court as constituted to hear the matter was decided. The parties involved are Muslims. The wife brought a case for dissolution of marriage against her husband. The latter sought for reconciliation and amicable settlement out of court. The trial Area Court refused to grant the application and went ahead with the hearing. The trial was commenced and conclude on the same day. It is to be noted that Islamic law prefers and encourages settlement and reconciliation rather than outright divorce.

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<sup>7</sup> Sirajus – Salik (supra) Pp. 111 & 192 – 193

<sup>8</sup> Unreported Appeal No. KWS/SCA/CV/CR/IL/03/2003 delivered on

The Sharia Court of Appeal, duly examined the grounds for review as raised by the Deputy Director of Area Courts and upheld them. It further held that the trial court's decision having been reached without jurisdiction is null and void. Howbeit, no order for retrial was made, since the Deputy Director informed the Court that the parties have reconciled and living together as married couple. The Sharia Court of Appeal then made the point that the "essence of review is to prevent other courts from falling into the same blunder".

**B. HOW TO EFFECTIVELY HANDLE COMPLAINTS, PETITIONS AND REPORTS:**

There is no iota of doubt that, petition, complaints and report are very tasking and complicated. Handling of such diversified issues requires a lot of maneuvers in accordance with laws and principles. In a study conducted by Akinpelu, he brings out process and procedures of which complaints and petitions are handled in such a manner the result will be of good standing in administration Customary Courts of Ondo State. As provided below:

- a. All petition and complaints shall be formal, properly written and all facts stated there from. If complaints is oral it do create room of slur side-talk and ridiculing of our judicial system. If an Inspector resort to taking complaints from litigants orally, he or she will be a victim of personal service in time to come.

- b. All received petition or complaints shall be registered in a special register. The register should take unique number and segmented base on Courts under the supervision of the said Inspector.
- c. On no account, the Inspector should be a judge in chambers, assembling the Court Judge and litigants asking series of questions and passing judgment there and then.
- d. Inspector should provide a formidable action plan and grading system for swift dispensation of petition and complaints. This will check the case of intentional stagnation of cause or matter in court by either of the party, using the medium of filing complain to the Inspector.
- e. All sanctities of judicial officer which includes Independence, Impartiality, Integrity, Propriety, Equality, Competence and Diligence, must be observed by Inspector during the handling of petition and complaints. This will go a long way in building confidence and fairness in the administration of justice. Beside, an Inspector must have all such qualities and qualifications a judge ought to have possess before appointing same on that bench.<sup>9</sup>

Report:

This is the difficult aspect in Court inspectorship nowadays. A very good handled complaints will end up in

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<sup>9</sup> Akimpelu, E.J (2016) Proper and Effective Courts Supervision in Ondo State.

verbal instruction, phone calls between the Inspector the presiding judge. This has affected the quality of courts inspection in Nigeria. This rose as a result of either lack of language proficiency by the Inspectors, laxity in duty, corruption, and lack proper supervision of Courts Inspectors.

Shuraihu, opined that, reporting is the umbilical cord of effective supervision and petition handling of Area Courts in Nigeria. If all matters are properly reported and documented it will create an enabling environment for realistic supervision of what Courts Inspectors conducted.

The following are marked as good quality of good reporting in courts inspection:

- i. The report must be direct specific and detailed, this include all facts and laws relied upon in the taking decision.
- ii. All report must be properly filed and documented.
- iii. Report should be written in simplistic language and avoid ambiguity.
- iv. All recommended actions in the report should be adequately monitored and evaluated to ensure full compliance.<sup>10</sup>

### **RECOMMENDATIONS/CONCLUSION.**

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<sup>10</sup> Shuraihu Supra

It is beyond argument that periodic supervision of the Area/Sharia/Customary Courts by Directors/ Inspectors is a remedy for checking the excesses of some of the officers of these Courts. Such inspection has enhanced and will continue to enhance the quality of justice delivery by these Courts. In this wise, the following recommendations, which are by no means exhaustive, and part of which have already been made in the paper, are hereby proffered.

1. The Directors/Inspectors should be subjected regular in-house training and other specific designed workshops for increase in their productivity.
2. Adequate number of Inspectors should be employed by Judicial Service Committee to avoid over assignment of Courts to one single Inspector.
3. All Registers open in the name of courts supervision should undergo periodic appraisal by the Chief Registrar and annual return of all report should be compiled by Chief Inspector for future use of the Court and published same.
4. To avoid irregular handling, no Inspector shall be appointed if he or she has no prerequisite knowledge of Court administration or Law.
5. Since the Directors/Inspectors may also be susceptible to corruption and manipulation, the offices of the Chief Judges, Grand Kadis, the Presidents of the Customary Courts of Appeal and the Chief Registrars must closely

monitor the activities of the Directors/Inspectors to ensure that justice is not murdered in the name of inspection and supervision.

6. Conducive working environment, working tools and enhanced conditions of service will boost the morale of the Directors/inspectors, and enhance their relationship with judges. Provision of Vehicles, Motorcycles, Office equipment, stationery and working impress for the maintenance of the Inspectorate offices will enhance the performance of the Directors/Inspectors for optimal service delivery.
7. Any fabricated petition or complaint, the petitioner should be dealt with in accordance with the law, in order to safeguard the integrity of the judicial personnel.

**CONCLUSION:**

One of the major reasons why judges of the Area/Sharia/Customary Courts sometimes persist in their arbitrariness is the lethargy and tardiness of the supervisory machinery of the courts in dealing swiftly and appropriately with erring judges and the lack of synergy between them and the Inspectorate. The Inspectorates, under the ultimate control of the respective heads of courts have a very critical role to play in instilling public confidence in the courts and the judicial machinery, of which Area/Sharia/Customary Courts are part of. They also need a

collaborative relationship with the Judges for the smooth running of the lower courts vi-a-vis their offices. When this is not firmly in place the public justifiably lose faith in the grievance mechanism that exists. The only way of averting the adverse consequences of this is for the judges and the Inspectorates to take their jobs very seriously. Any slip on their part sullies the image of the judicial system.

*Thanks and remain bless.*