A LEGAL APPRAISAL OF ADMINISTRATIVE PANELS AND TRIBUNALS IN JUSTICE ADMINISTRATION IN NIGERIA

Busari Morufu Salawu*

Foluke Dorcas Moronkeji**

Ewube John Mbeng***

Abstract

Administrative panels and tribunals curb many administrative infractions such as corruption, lack of due process and administrative inefficiency. This paper discusses the evolution of administrative panels and tribunals in Nigeria in Nigeria and appraises their challenges in the administration of justice. Primary and secondary sources of information gathering were used for data collection, while contextual analysis was employed for data analysis. Statutes and regulations such as the 1999 Constitution of Federal Republic of Nigeria, Legal Practitioners' Disciplinary Act 1962 and Medical and Dental Disciplinary Act 1973 and the case law are primary sources while textbooks, journal articles, conference proceedings and the internet were the secondary sources. This paper argues that the evolution of the administrative tribunals and panels of inquiries was sequel to the inherited English legal system and that the development in Nigeria's public service. Having identified their challenges, recommendations were made for a more efficient use of administrative adjudication in justice administration in Nigeria.

Keywords: *Administrative Adjudication, Bureaucracy, Democratic Culture, Natural justice, Public Service Discipline*

1.0 Introduction

The Constitution of the Federal Republic of Nigeria recognises administrative tribunals and panels for the resolution of administrative issues and conflicts in the public service of the federation, states and local government.[1] Ministries, Department and Agencies (MDAs) make use of these bodies for oversight functions which are increasingly complex, need urgent attention and require expert opinions that the mainstream public service and legislative bodies may not be able to

*LLB, LLM, PhD, Law, OAU Ile- Ife; Lecturer, Department of Public and International Law, Osun State University, Osogbo. Phone No: +2348060976784, Email Address: busari.salawu@uniosun.edu.ng; ORCID ID:https://orcid.org/0009-0003-9379-1939.

**LLB, LLM, PhD; Lecturer, Faculty of Law Adeleke University, Ede, Osun State; Phone No: 0903693 8555: Email: barristerfoluke71@gmail.com.

*** PhD, Lecturer, Department of Business and Private Law, Osun State University, Osogbo; Phone No: 08081537998; Email: okpumbrngj@gmail.com

[1] 1999 CFRN, Cap C23, Law of the Federation of Nigeria (LFN) 2004. S. 36(2).

provide.[2] Rather than relying on the court ruling and decisions which may take a long period to obtain, administrative panels and tribunals come handy. Administrative adjudicatory methods improve efficient and effective service delivery.[3] Although tribunals and panels of enquiries exercise judicial/ quasi-judicial powers for quick dispensation of justice, superior courts of records control them through judicial reviews.[4]

An administrative tribunal or a panel of enquiry is usually established under specific legislation which cloths them with powers of investigation and decisions of disputes arising from public administration. Though performing quasi-judicial, or sometimes judicial function, it is not part of the Nigeria's court system.[5] The constitution states categorically that:

> (1) The judicial powers of the Federation shall ted in the courts to which this section relates, being courts established for the Federation.
>
> (2) The judicial powers of a State shall be vested in the courts to which this section relates, being courts established, subject as provided by this Constitution, for a State.[6]

Although matters which are considered unsuitable for courts are handled by these bodies for the smooth running of the bureaucracy,[7] they are confronted with several challenges which threaten their relevance as an alternative, cheap and flexible way of achieving justice.[8] For instance, the decisions of many of these bodies have been upturned by courts for failing the fair hearing test.[9] Many of the existing studies focused on aspects of fair hearing in administrative adjudication while less attention is focused on the evolution, classification and functions of administrative tribunals and panels in the dispensation of justice in Nigeria. Focusing on this area will provide guides on the use of domestic panels and various types of tribunals to all stakeholders, apart from contributing to literature in administrative adjudication.

[2] S Islam, MM Billah, 'The Role of Administrative Tribunals for Settling Administrative Disputes in Bangladesh: A Major Revision' (2023) (9) (4) *International Journal of Law*, 146-150.
[3] Ese Malemi, *Administrative Law* 4th edition (Princeton Publishing 2012)213.
[4] PA Oluyede, *Nigeria Administrative Law* (University Press) 212.
[5] 1999 Constitution of the Federal Republic of Nigeria (1999 CFRN), Cap C3, Law of the Federation of Nigeria (LFN) 2004. s. 6(1) & (2).
[6] ibid.
[7] Ese Malemi, *Administrative Law*, Lagos: (Princeton Publishing 2012) 213.
[8] Ibid.
[9] *Garba v University of Maiduguri* (1986) 1 NWLR (Pt 18) 550, *Gbenoba v LPDC* (2021) NWLR 6, SC.

This article seeks to discuss the evolution of administrative tribunals and panels, examine the rationale for using the tribunals and panels in Nigeria's bureaucracy; identify and appraise the challenges of tribunals and panels in justice administration.

The doctrinal research method, relying on the primary and secondary sources of data collection was adopted. The primary sources included statutes and regulations such as the 1999 Constitution of Federal Republic of Nigeria(1999 CFRN),[10] Legal Practitioners' Disciplinary Act (LPDA) 1962[11] and Medical and Dental Disciplinary Act (MDPA)1988,[12] Teachers Registration Council of Nigeria Act (TRCN)1993,[13]etc., and case law, while textbooks, journal articles, conference proceedings, reports and the internet were the secondary sources consulted. The paper was structured in five parts. These are the introduction, the evolution of administrative tribunals and panels, rationale for the classification, challenges confronting their operation under the Nigeran legal system and conclusion.

2.0 Evolution of Administrative Tribunals in Nigeria

According to the *Black's Law Dictionary,*[14] a tribunal is defined as a court or other adjudicatory body. It also has political or quasi-judicial jurisdiction recognised by law and existed outside the usual court hierarchy.[15] It is a special court of temporal nature set up by law to try identifiable person(s) for special offence(s).[16] They are established to try various offences relating to administration, the nature of which may range from political, technical, administrative and judicial matters, which are better treated outside the regular court system.[17] An example of this is the Election Petition Tribunal established by the constitution to determine disputes arising from elections in Nigeria.[18]

The 1979, 1989 and the current 1999 Constitutions in Nigeria provided for the American Model of the Presidential System which emphasized the doctrine of separation of powers among the three arms of government, namely the executive, the legislative and the judiciary, these were not strictly

[10] Cap C23, LFN 2004.
[11] Cap L11, LFN 2004.
[12] Cap M8, LFN 2004.
[13] Cap T3, LFN 2004.
[14] Bryan A. Garner: *Black Law Dictionary* (9th Edition, West Publishing, 2004)1544.
[15] Akintunde Emiola, *Remedies in Administrative Law*, Second edition (Ogbomoso, Emiola Publishers 2011)76.
[16] Ibid.
[17] Malemi, *Administrative Law*,213.
[18] s. 285.

implemented, either by the constitutions[19] or in practice.[20] Powers of the various arms are set out in line with the doctrine of the separation of powers,[21] but the doctrine is not strictly followed as there are overlaps. For instance, judicial powers which are outlined in the constitution as the exclusive reserve of the courts are equally exercised by the executive arm vide various methods of administrative adjudication with the approval of the constitution.[22] In allowing this, the constitution states that:

> (2) Without prejudice to the foregoing provisions of this section, a law shall not be invalidated by reason only that it confers on any government or authority power to determine questions arising in the administration of a law that affects or may affect the civil rights and obligations of any person…[23]

2.1 Commonwealth Heritage

In the United Kingdom, as in many countries, tribunals had their origin in the 17th Century Industrial Revolution and the subsequent developments of the modern Interventionist State.[24] The legal disputes which arose from the rapid industrialisation and the expanding scope of state activities promoted greater use of administrative tribunals. Administrative tribunals in their modern forms were first used with the Old Age Pensions Act of 1908 and the National Insurance Act of 1911.[25] The Old Age Pensions Act set up a committee to resolve disputes, with a right of appeal.[26] Also, the National Insurance Act had similar provisions. These Acts which were the precursors of the use of administrative tribunals provided for the exercise of the rule of law.

Criticisms of these special bodies emanated from their adjudicatory roles which were thought to be usurping powers of the regular courts and their perceived lack of independence from the administration.[27] Based on these criticisms, [28] a committee was set up to consider how

[19] 1999 CFRN, S. 2(2).
[20] Public Service Rules of the Federation, 2023.
[21] ibid, SS 4, 5 & 6.
[22] Ibid, S. 36(2).
[23] ibid.
[24] HWR Wade, *Administrative Law* (Oxford University Press, 2014).
[25] ibid, 778.
[26] ibid.
[27] G. Dewry, 'The Judicialisation of Administrative Tribunals in the UK,' (2009)(28)*Transylvanian Review of Administrative Science*, 45. <https://www.researchgate.net/publication/ 292518662_The_ Judicialisation _of_ 'Administrative'_Tribunals_in_the_Uk_From_Hewart_to_Leggatt>.
[28] Lord Hewart, *The New Despotism* (London, Ernest Benn Ltd, 1929). https://ia903207.us.archive.org/3/items/LordHewart-TheNewDespotism1929/HEWARTLordOfBury-The_New_Despotism_1929.pdf>.

administrative tribunals and delegated legislation usurped the powers and integrity of the judiciary. The major concerns were the increasing delegation of legislative powers to civil servants and the assignment of judicial powers to specialist tribunals, thereby by-passing the regular courts.[29] The committee, under the chairmanship of the Earl of Donoughmore steered the middle course between supporting the *status quo* and total rejection of the complaints. The Committee endorsed the use of tribunals in principle in the following words:

> Our conclusion on the whole matter is that there is nothing radically wrong about the existing practice of parliament in permitting the exercise of judicial and quasi-judicial powers by Ministers (a reference to public enquiries) and of judicial powers by ministerial tribunals.[30]

Donoughmore's Report doused the tension created by the complaints, but its substantive proposals appear to have little impact as subsequent criticisms of the use of administrative tribunals were centred on two areas; namely: the idea of having a special body hearing case instead of ordinary courts and the controls carried out by administrators in some tribunals.[31] But the complaints could not see the light of the day until 1955, when the British Government set up the Franks' Committee which submitted its report in 1957.[32] The Report finally allayed criticisms by its recommendations to improve the actual working of tribunals and hereby instilled greater public confidence in their use.[33] The Report stated, among other things, advantages of administrative tribunals which included: "cheapness, accessibility, freedom from technicality, expedition and expert knowledge of their particular subject".[34] It also identified three principles that should govern the operation of tribunals and of panel of enquiries, namely: openness; fairness and impartiality.[35] Despite the criticisms, both Donoughmore's Report and Franks' Report clearly affirmed the relevance of tribunals in the adjudicating process.

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[29] Ibid, 29.
[30] Donoughmore, *Report of the Committee on Ministers Powers* 1932, Cmd.4060, 115< https://archive.org/stream/1936ReportOfTheCommitteeOnBritishParliamentMinistersPowersCmdPaperNo4060/1936%20Report%20of%20the%20Committee%20on%20British%20Parliament%20Ministers'%20Powers%20-%20Cmd%20paper%20no%204060_djvu.txt>.
[31] Lord Hewart, *The New Despotism*, 32.
[32] API, Parliament UK, *Report of the Committee on Administrative Tribunals and Enquiries*, 1957, (CMD, 218) <https://api.parliament.uk/historic-hansard/commons/1957/oct/31/administrative-tribunals-and- enquiries> accessed 6 August 2025.
[33] Ibid.
[34] Ibid.
[35] Ibid.

2.2 Developments in Nigeria

In Nigeria, the development of the statutory tribunals could not be divorced from that of England and the subsequent importation of English Law to Nigeria.[36] The English statutes of general application in force in England as at 1 January, 1900, principles of common law and doctrines of equity were applicable in Nigeria with necessary modifications to make it comply with local circumstances.[37] During the Colonial Era, the administration adopted administrative methods and practices from England, including administrative adjudication. The Independence in 1960 led to the developments in infrastructures and administrative departments requiring the use of administrative tribunals and enquiries.[38]

The first administrative adjudication body was set up in 1929 by the colonial government as a fallout of Aba Riot of that year.[39] This was followed by the tribunal to investigate allegations on the official conduct of the Premier and others headed by Sir Stafford Foster- Sutton on December 20, 1956.[40] After independence, the Commissions and Tribunals of Enquiry Act 1961 became the most important legislation in administrative adjudication in Nigeria and gave powers to the Prime Minister to set up an inquiry into:

> (a)any matter or thing within or affecting the general welfare of the federal territory; or
> (b)any matter or thing within the federal competence anywhere within the federal competence anywhere within the federation, in respect of which in his opinion, an inquiry would be for the public welfare; or
> (c)the conduct of any chief; or
> (d) the management of any department of public service.[41]

The 1961 Act was in operation until the military takeover of 1966 when it was replicated by the Tribunals of Inquiry Act 1966,[42] through which Commissions of Enquiry and Tribunals were set

[36] T. Elias. *Nigeria: The Development of its Laws and Constitution* (1967), 310.
[37] Western Region enacted in own which made applicable English law as it stood from time to time unless expressly disallowed by the Laws of the Region.
[38] Oluyede, *Nigerian Administrative Law*, 215.
[39] Dokument Pub, PCmnd 3784 (1930-1931). Government Publications Relating to Nigeria. 1862-1960, microform, https://dokument.pub/dl/government-publications-relating-to-flipbook-pdf accessed 8 August 2025.
[40] Yumpu, Cmnd 51 and Cmnd 505, Government Publications Relating to Nigeria. 1862-1960, microform, https://www.yumpu.com/en/document/view/19096032/government-publications-related-to-nigeria-center-for-research- accessed 8 August 2025.
[41] Commission of Enquiry Act 1961 s. 3(1).
[42] Deree No 41.

up.[43] The Act was made part of the "existing law' under CFRN 1979,[44] indicating that the application, despite the democratic governance, was applicable nationwide during the Second Republic.[45] However, the Act ceased to be an existing law to States by virtue of the CFRN 1999 which excluded it in the list of such enactments.[46] In *Fawehinmi v Babangida*, the Supreme Court affirmed that "the power to make a general law for the establishment and regulation of tribunals of inquiry in the form of the Tribunals of Inquiry Act 1966 is now a residual power under 1999 Constitution belonging to States."[47] Hence, the apex court held that "the power resides in the National Assembly" to make laws for tribunals in the Federal Capital Territory.[48] The implication of the pronouncement is that the States have powers to make laws on this subject matter through their Houses of Assembly.

3.0 Nature and Types of Administrative Adjudication

In the performance of its functions of executing and implementing laws, the administration exercises judicial and quasi- judicial powers relating to finding facts, applying laws to facts and determining rights and obligations between parties.[49] These sometimes include administration of discipline, interpreting of rules and regulations as in tax tribunals, or outright performance of judicial functions in tribunals such as Election Petition Tribunals,[50] Code of Conduct Tribunals,[51] Investment, and Securities Tribunals[52] and Legal Practitioners Disciplinary Committees[53] set up by various statutes in Nigeria. Other inferior tribunals, special tribunals and autonomic bodies may, from time to time, and as the occasion arises, be set up by the administration for efficiency and effectiveness.[54]

3.1 Administrative Tribunals

[43] Oyelowo Oyewo, *Modern Administrative Law & Practice in Nigeria* (Lagos, University of Lagos Press, 2016) 216.
[44] S.274.
[45] The Second Republic was from October 1, 1979-December 31, 1983.
[46] S. 315 (5).
[47] (2003) 3 NWLR (Pt 808) 604.
[48] Ibid.
[49] Oyewo, *Modern Administrative Law & Practice in Nigeria.*
[50] 1999 CFRN, s. 285.
[51] 1999 CFRN, Para 15(1) Fifth Schedule.
[52] Investment and Securities Act 2007, s. 274.
[53] LPA, s.11.
[54] This is implied in S, 36(2) of 1999 CFRN.

"Tribunal" in its legal term means a body or body of persons which has been saddled with, or set up, with power(s) to perform a function which is judicial in nature.[55] It is a body, or persons set up or constituted to investigate a matter.[56] A tribunal exercises adjudicatory functions and acts as a court which performs judicial functions. In that way, it investigates allegations against people who apply legal rules to arrive at binding decisions. Although similar in some respects, tribunals are different from panels of inquiries in the functions they perform. Although both are used while establishing facts of the matter, while a panel has preliminary function, the tribunal can make final and binding decisions provided it acts *intra vires* the instrument which sets it up and its decision is subject to appeal in the competent court of record.[57]

Administrative tribunals and inquiries are products of statutes which establish them.[58] Therefore, powers and functions of a tribunal are prescribed by these statutes.[59] An administrative tribunal has the power to investigate and make final decisions on any case assigned to it in line with the legal rules and principles laid down in the statute setting it up. Its decision is binding, if made within its terms of reference.[60] The panel, on the other hand, gives evidence, finds facts and makes recommendations to a higher authority which will eventually make final decision in line with the constitution and enabling statutes.[61]

Disciplinary Tribunals under Statutes of Professional Bodies

Statutes of professional bodies in Nigeria, such as Medical and Dental Practitioners Act (MDPA) 1988[62] and Legal Practitioners Act (LPA) 1962, amply provide for both tribunals and inquiries. MDPA established the tribunal, and the panel imbued with the powers of investigation. These tribunals have powers to determine the legal rights of the persons.[63] Examples of these are Legal Practitioners Disciplinary Tribunal (LPDC) was established for the discipline of legal

[55] M. O. Adediran. 'Characterization and Classification of Tribunals and Inquiries in Nigeria'. (1995)28(4 *Versassung und Recht in Ubersee* 522-549 < https://www.vrue.de/VRUe_1995_522_ Adediran_ Tribunals _Nigeria.pdf> accessed 8 August 2025.
[56] ibid.
[57] *Garba v University of Maiduguri*; *Rotimi Williams Akintokun v Legal Practitioners Disciplinary Committee (LPDC)* (2014-05) Legalpedia (SC) 89610; *Gbenoba v LPDC* (2021) 6 NWLR
[58] 1999 CFRN, s. 36(1); Medical and Dental Practitioners Act 1988, Cap M8 LFN 2004, s.15(1) & (3); Legal Practitioners Act 1962, Cap 207 (LFN) 2004, s.10.
[59] LPA, S. 11; TRCN Act, S.9, etc.
[60] Oyelowo Oyewo, *Modern Administrative Law& Practice* (Lagos, University of Lagos Press, 2016) 217.
[61] 1999 CFRN, s. 36; LPA, s.10, MDPA, s.15; Obafemi Awolowo University (Transitional) Provisions Act 1970 (Amended) ss. 31 and 33.
[62] Cap M8, LFN 2004.
[63] s. 10 Legal Practitioners' Act.

practitioners; [64] Pharmacists Investigating Panel and Pharmacists Disciplinary Tribunal were set up under Pharmacy Act and the Pharmacist Act, 1964 which had been replaced by Pharmacist Council of Nigeria Act 1999 for the same purpose.[65] Although the constitution aptly provides that decision of tribunals are enforceable, if allows fair hearing in its processes and its decisions, they are still subject to the judicial control of the courts.[66]

Section 15(1) of the MDPA states

> There shall be established a tribunal to be known as Medical and Dental Practitioners Disciplinary Tribunal (in this Act referred to as "the Disciplinary Tribunal") which shall be charged with the duty of considering and determining any case referred to it by the Panel established under subsection (3) of this section and any other case of which the Disciplinary Tribunal has cognizance under the following provisions of this Act.

A tribunal makes decisions on the case through the application of legal rules contained in the statute, while a panel of inquiry hears evidence and finds facts, but proposes recommendation to a minister, or heads of Ministries, Departments and Agencies (MDAs) (in case of the Public Service) as to how the head should act on some question of policy. If the head is not satisfied with the recommendation(s), the matter may be further presented before the in-house tribunal.[67]

Panel and Tribunal Compared

A panel investigates facts and submits a report to the authority which established it. It may be named a panel, a commission of enquiry or given some other appellation and may consist of a person or a group of people who are appointed to probe or examine the reason why a problem exists.[68] Most of the statutes provide for both the investigating panel and the tribunal,[69] but the purpose of the investigating panel is limited to investigation, fact finding and recommendations on the preliminary matters.[70] However, both tribunals and enquiries are different in some respects.

[64] Now Cap 11, LFN 2004.
[65] Cap 17, LFN 2004.
[66] ss. 15 and 10 of the MDPA and LPA respectively.
[67] HWR, Wade, 782.
[68] Ese Malemi, *Administrative Law*, 225.
[69] LPA, S. 11, TRCN Act, S. 9; MDPA, S. 15.
[70] ibid, Federal Universities of Technology Act 1993, Cap LFN 2004, S. 15.

While tribunals may be permanent, inquiries are temporary, and for a purpose. Tribunals are a creation of some statutes and hence operate under a defined law,[71] inquiries, as has been observed earlier, essentially have terms of reference to guide them in their enquiries, or probe, though a law may be enacted to give it legal backing.[72] Decisions of tribunals may be final, though parties could appeal to the court while decisions of enquiries are recommendatory. However, both tribunals and enquiries are judicial bodies which hear and decide questions which affect the rights and obligations of people.

In their procedure, both bodies are expected to observe rules of natural justice and fairness. cases. But procedures of statutory tribunals are formal and legalistic while procedures of enquiries are less formal.[73] Administrative tribunals and inquiries have become a part of public service governance in Nigeria, especially under the current democratic dispensation when emerging issues must be resolved with speed and flexibility for sustainable peace and national development. Indeed, as observed by Professor Ben Nwabueze:[74]

> It is often necessary under modern practice of government to enable administrative authorities to decide matters of a judicial or quasi-judicial nature.

3.3 Types of Administrative Adjudication

Under the Nigerian legal regime, varus types of administrative adjudication exist, to complement the work of the courts and determine the legal rights of the citizens. These are discussed below.

3.3.1 Disciplinary Tribunal

This tribunal exercises judicial/quasi-judicial powers that enable it to determine parties' rights and obligations before it.[75]It is often established based on the provision of the enabling statute that creates it.[76] Compared to an investigating panel with exploratory or recommendatory powers, a disciplinary tribunal exercises judicial powers which impact on the rights of people appearing before them. This tribunal can dismiss, expel or rusticate a member of staff, or de-list or expunge

[71] ibid.
[72] ibid.
[73] Ese Malami, 226.
[74] *Constitutional Laws of the Nigerian Republic* (London, Butterworth, 1964) 390-391.
[75] *Garba v University of Maiduguri* (1986) 1 NWLR (Pt 18) 550.
[76] *Iderima v Rivers State Civil Service Commission* (2005) 7 SC (Pt III) 135.

a practitioner from the rolls.[77] As a body with judicial powers, it must observe rules of natural justice and fair hearing.[78] Unlike the Investigating Panel, which has powers to explore and recommend to a higher body, the Disciplinary Tribunal has judicial powers to determine the rights and obligations of others, in the form of dismissal, expulsion, rustication, delisting from professional roles, etc.[79] Furthermore, some of these tribunals have powers to fine/jail the offenders.[80]

3.3.2 Statutory Tribunal

These are established by the enabling statutes which impose on them their jurisdictions, compositions and powers.[81] Examples of these include the Election Petitions Tribunal, [82] Land Allocation Committee,[83] Investments and Securities Tribunal,[84] and Census Tribunal,[85] among others. The statutory tribunal is distinguishable from disciplinary tribunals based on their jurisdiction over matters which are beyond disciplinary matters to such matters as election, investments and securities, land allocation, population matters and a host of others.

Statutory tribunals are like courts of record because their jurisdictions are usually exclusive to that of the High Court and are therefore not subject to its supervisory control. These include Election Tribunals,[86] Code of Conduct Tribunal,[87] Investment and Securities Tribunal.[88] These tribunals are given special jurisdiction on specified matters under their enabling laws.[89] They also delver decisions, which are final, subject to the appellate jurisdiction of the Court of Appeal in Nigeria. The composition of the tribunals often reflects their special status as courts of record because they are composed of legal practitioners of not less than those qualified to be a judge of the High Court standard.[90] The constitution clearly provides, in respect of the Code of Conduct Tribunal that:

> (2) The Chairman and members of the Code of Conduct Tribunal shall be a person who has held or is qualified to hold office as a Judge

[77] Oyelowo Oyewo, *Modern Administrative Law & Practice*, 231.
[78] *Olotuntoba-Oju v Abdul-Raheem* (2009)13 NWLR (Pt 1157)83.
[79] *Gbenoba v LPDC* (2021) NWLR 6; *Akintokun v LPDC* (2014) CLR 5 (K)(SC).
[80] Code of Conduct Tribunal is an example of this.
[81] Electoral Act 2022, S. 131.
[82] ibid.
[83] Land Use Act 1978, Cap L5, LFN 2004, s. 2.
[84] Investments and Securities Act 2025, No.29, s.314.
[85] National Population Commission Act 1988 Cap N57, s.28.
[86] 1999 CFRN, s. 285.
[87] ibid, Fifth Schedule, Part 1, S. 18.
[88] Investment and Securities Act (ISA) 2025, s. 315.
[89] CFRN, Fifth Schedule, s.18; ISA, s.314.
[90] ibid, S. 314; 1999 CFRN, Fifth Schedule, Part 1, s. 18 S. 15.

> of a Court of Record in Nigeria and shall receive such remuneration as may be prescribed by law.[91]

In a similar vein, the ISA provides that its tribunal shall be composed of 12 members, headed by "a full time Chairman who shall be a legal practitioner of not less than fifteen years with cognate experience in the capital market matters".[92] Statutory Tribunals have exclusive jurisdiction to adjudicate on specific functions assigned to them. For example, the Code of Conduct Tribunal has special jurisdiction to hear any allegation relating to Code of Conduct for public officers, while ISA Tribunal's jurisdiction is to "adjudicate on disputes arising from investments and securities in Nigeria."[93] These special adjudicatory bodies are parts of the administration and therefore regarded as public agencies and not part of the judiciary. This limits its ability to curb public service corruption as there are accusations of their compromise by the administration.[94] They have not therefore been able to impact on justice administration in Nigeria. Furthermore, the Code of Conduct's handling of allegations against former Chief Justice of Nigeria, Justice Walter Onnoghen and former Senate President, Bukola Saraki have been criticised as having political undertones and executive interference.[95] Onnoghen was accused of failing to declare his assets and operating foreign bank accounts, which were against the Code of Conduct of public officials.[96] However, many believed that the allegations were made to give the executive opportunity to remove, and replace him, with a favoured candidate.[97]

3.3.3 Military Tribunal

These were established by decrees for the purpose of execution of policies formulated by the military regimes. This type of tribunals became a feature of Nigeria's administrative adjudication by virtue of over 29 years of military rule commencing with the overthrow of civilian government by the military on January 15, 1966. Distinguishing features of military tribunals include the

[91] ibid.
[92] ISA, S. 315 (a).
[93] ibid, S. 326.
[94] Yemi- Akinseye George & Victor O. Ayeni, 'Independence of Anti-Corruption Bodies in Nigeria: Myth or Realty' in Yusuf O. Ali. *Anatomy of Corruption in Nigeria: Issues, Challenges & Solutions* (Yusuf O.Ali, 2016) 234-274.
[95] Ikechukwu Nnochiri. 'Onnoghen: The Allegations, The Politics and the Unfolding Drama' *Vanguard* (February 2, 2019) < https://www.vanguardngr.com/2019/02/onnoghen-the-allegations-the-politics-and-the-unfolding-drama/> accessed 8 August 2025.
[96] Mike AA Ozekhome, 'Onnoghen, Free at Last (Part 1)' *Legal News*(November 13, 2024) < https://mikeozekhomeschambers.com/onnoghen-free-at-last-part-1/> accessed 81August 2025.
[97] Ibid, Onnoghen: The Allegations, The Politics and the Unfolding Drama

nomination of members of military personnel as members and, or chairman, whereas such tribunals exercise power in civil matters. Examples of these tribunals were the Recovery of Public Property (Special Military) Tribunal[98] and Robbery and Firearms (Special) Tribunal.[99] While these tribunals, due to their composition, and jurisdiction over civilian subjects had been criticised for noncompliance to natural justice and fair hearing doctrines. These tribunals were accused of not having have provision for appeals. While it lasted, military tribunals were used to perpetuate human rights abuse of the military regime.[100] Military tribunals are no longer part of Nigeran law of administrative adjudication. The discussion in this section is only of historical value.

3.3.4 Court Martial

This is a special court with jurisdiction over military personnel on military matters. Due to its specialised nature, its rules of operation are exempted from the operation of the Evidence Act.[101] However, a court martial must observe the provisions of the constitution, including the rules of law and observance of fundamental human rights as any breach of these would render the proceedings of the court martial unconstitutional, null and void.[102]

Unlike military tribunals whose decisions are not subject to judicial review due to ouster clauses, decisions of court martial are subject to judicial review and appeals from it lie to the Court of Appeal by virtue of Section 240 of the1999 Constitution. Therefore, a party who is dissatisfied by the decision of a court martial has liberty to enforce its rights by appealing to the lower court.[103]

4.0 Rationale for Tribunals and Panels in Nigeria's Bureaucracy

Without doubt, the complexity of modern administration necessitates administrative tribunals, panels and inquiries be used to ensure smooth implementation of government policies and programmes.The rationale for these are discussed below:

[98] Recovery of Public Property (Special Military Tribunals) Decree No 3 of 1984, as altered by Decree No 21 of 1986.
[99] Robbery and Firearms (Special Provisions) Decree No 5 of 1984, as altered by Decree No 28 of 1986.
[100] *Civil Liberties Organisation (CLO) v Nigeria*, African Commission on Human and People Rights Communication No 15 < https://africanlii.org/akn/aa-au/judgment/achpr/1999/5/eng@1999-11-15 > accessed November 1, 2024.
[101] *Ibrahim v Nigerian Army* (2025) LPELR-80706 (sc).
[102] Oyelowo Oyewo, *Modern Administrative Law & Practice in Nigeria*,241.
[103] *Oladele v Nigerian Army* (2004) 36 WRN 68, 79-81.

4.1 Quick Dispensation of Justice

According to Franks' Report, administrative adjudication offers speedier, cheaper, and more accessible justice essential for the administration of welfare schemes.[104] The process of a trial court is elaborate, slow, and costly. It is adversarial in nature and brings about frictions which may be permanent and affect future relationships.[105] Speedy settlements of disputes benefit both the government and the claimants.

4.2 Benefit from the Use of Expertise and Knowledge

Furthermore, access to the use of professionals with knowledge and experience capable of making a difference for national development, conflict resolution or disciplinary matters in the public service make it mandatory to introduce these non-adversarial administrative methods. They are appointed members of tribunals/panels of inquiries especially for their knowledge, experiences and abilities which may be critical in resolving issues at hand where legal training alone may not be sufficient. Many Acts provide for the use of medical boards,[106] which are set up to determine the health status and the capacity of government employees to be able to perform tasks assigned satisfactorily. A medical board consists of two or more qualified doctors, with a right to appeal to a medical appeal tribunal. Qualified surveyors sit on the land tribunals. Section 2(3) of the Land Use Act 1978[107] provides for the establishment of the Land Use Allocation Committee with a responsibility to advise the Governor on any matter connected with the management of land and the resettlement of people affected by the revocation of rights of occupancy on the ground of over-riding public interest. Its membership includes

> (a) not less than two persons possessing qualifications approved for appointments to the public service as estate surveyors or land officers and who have had such qualification for not less than five years; and
> (b) a legal practitioner.

[104] Administrative tribunals and Panels of Enquiries are a way of resolving conflicts easily and in such a way that the right of the citizens would not be infringed.
[105] Oyewo, *Modern Administrative Law & Practice in Nigeria* ,217.
[106] Osun State Public Service Rules 2011, Rule 070320, Pension Reform Act, 2014, S. 16(2)(a).
[107] Land Use Act 1978, Cap L5, LFN 2004.

The implication of this section[108] is that professional qualification and expertise in land management, rather than judicial experience, is needed in the composition of this vital committee. However, in Code of Conduct Tribunal and Investment and Securities Tribunal, the Chairmen are required to be legal practitioners who are qualified to be a judge of court of record.[109] Specialised tribunals can deal both more expertly and more rapidly with special classes of cases, such as they are identified above, than a court of law.

4.3 Achievement of Social Ends

Unlike the Courts, the administrative adjudicatory process is often put in place to achieve certain social ends in furtherance of the social goods which administration strives to pursue. Therefore, it is not affected by judicial precedents and legal technicalities. Tribunals and inquiries, therefore, maintain social cohesion and do justice in a way that is less adversarial and acrimonious[110] that will further social ends. Hence, the administrative adjudicatory process is very informal. This is captured by learned writers Iluyomade and Eka when they observe:

> That the administrative adjudicatory process is informal, without the paraphenalia of court procedures such as examination, cross- examination and re-examination of witnesses, and it is also not bound by the strict rules of evidence. This special advantage makes layman "feels at home" and enables him to understand the proceedings.[111]

4.4 Resolution of Disputes not Suitable for Regular Courts

Some disputes between government agencies, individuals and the government and between one community and the other are quite unsuitable for the regular courts to adjudicate.[112] These disputes, when taken to courts, may fester because of the underlying, perhaps self-serving, and primordial, communal interests sustaining them.[113] Administrative tribunals or inquiry may be able to come up with antidotes to solve these issues which courts may not have the capacity to settle, provided

[108] ibid.
[109] CFRN, Fifth Schedule, s. 15; ISA, s.315.
[110] Oyewo, *Modern Administrative Law & Practice in Nigeria*, 210.
[111] BO Iluyomade and BU Eka, *Cases and Materials on Administrative Law in Nigeria* (Second Edition, Obafemi Awolowo University Press,2007)189.
[112] Ese Malemi. *Administrative Law* (Lagos: Princeton Books, 2013) 213.
[113] Mujidat Olabisi Salawudeen, *Herdsmen Attacks and Social Integration among the People of Southwest Nigeria* (Thesis Submitted to Department of Social Science Education, Ekiti State University for the Award of Doctor of Philosophy in Social Studies, 2019).

the composition is modest, its term of reference is not partisan. People whose interest will be served are aware of the committee and are given fair hearing, and the decision of the committee is fast and just. An example is the Human Rights Investigating Panel (popularly known as Oputa Panel with a chairman, six members and a secretary.[114] set up by the Government of President Obasanjo to address the injustice and gross inhuman treatment meted to some Nigerians under the military regimes.[115]

4.5 Convincing the Public that Justice is being done

While justifying the need for tribunals of inquiry in modern administrative system, before the United Kingdom Royal Commission on Working of Tribunals and Inquiries 1966, Lord Heywood explained that one of the rationales for setting up these bodies was to convince the public that "a proper investigation has been made into a matter about which there is a great public disquiet…"[116] This position was further affirmed by Alexander Home and Gavin Berman when they argued that the purpose of administrative adjudication goes beyond justice: its primary duty is to ensure 'legal controls on administrative actions.'[117] Commenting on the same issue, learned commentators, Iluyomade and Eka, observed "that unlike the courts, the administration is committed to achieving social ends and so is bound to give effect to the policies of the government without bring fettered by the doctrine of precedent."[118] This statement affirms the social utility of tribunals of inquiries in providing credible alternatives to courts in issues which may lead to acrimonies.

5.0 Challenges of Administrative Tribunals and Panels of Inquiries

Notwithstanding the rationale which has been discussed above, it has also been argued that the process has its own limitations, some of which are discussed *infra***.**

5.1 Membership of Special Tribunals

[114] Federal Government of Nigeria, The Inauguration of the Human Rights Investigating Panel' (National Repository of Nigeria,14th June 1999 < https://nigeriareposit.nln.gov.ng/items/66d6468b-0894-48a9-a86d-f79ea5c71593 accessed 2 August 2025.
[115] MH. Kukah, (2011) *Witness to Justice An Insider's Account of Nigeria's Truth Commission* (Ibadan: Bookrcaft, 2011) 16.
[116] Alexander Homes & Gavin Berman, *Judicial Review: A Short Guide to Claims in Administrative Court* (House of Commons Library, Research Paper 06/44,28 September 2006) < https://commonslibrary.parliament .uk/research-briefings/rp06-44/> accessed 2 August 2025.
[117] ibid.
[118] BO Iluyomade and BU Eka, Cases and Materials on Administrative Law in Nigeria Second Edition (Obafemi Awolowo University Press, 1992)189.

Membership of the tribunals of inquiries varies in accordance with the charter of their business.[119] However, the crucial requirement is that members(s) must be chosen in such a way as to ensure the independence and integrity of the tribunal.[120] In most cases, this important criterion is often overlooked. The composition is to ensure that every party before it has, at least, a member who understands its interest.[121] The tribunal secretary is a civil servant from the administrative cadre who assists the panel by explaining administrative rules to the tribunal. However, he is not expected to take part in its decision-making, failing in which the decision is vitiated and is open to challenge in a court of law.[122]

In most cases, members should possess requisite qualifications. The law which the tribunal requires careful and expert interpretation.[123] Tribunals which require expertise include the Industrial Arbitration Panel, Assessment Committees established by Section 5 of the Assessment Act,[124] and the Land Use Allocation Committee and Land Allocation Advisory Committee for the State and Local Government respectively.[125] However, membership of many ad hoc adjudicatory bodies is unusually large, and this can undermine the achievements of their terms of reference. For instance, in the Ifon-Ilobu Land Disputes, Osun State Government in Southwest, Nigeria, set up a 100 Member Boundary Crisis Resolution Committee, with two chairmen (a substantive chairman and a co- chairman).[126] The committee's large membership undermines its benefit as a cheaper and faster alternative to a court. Committees of this nature may be unwieldy in their decision making on a sensitive communal issue, which may be unacceptable to parties.

5.2 Decision-Making Process

A major criticism of the tribunals and inquiries is partiality. Members of the public see tribunals and inquiries as partial because their constitution and procedure could not be separated from the

[119] ibid.
[120] Oyelowo Oyewo, *Modern Administrative Law & Practice in Nigeria*, 213.
[121] P. A.Oluyede, *Nigeria Administrative Law*; 221.
[122] For example, in constituting a Chieftaincy Tribunal, at least a member must be a chief. Also, in Industrial Arbitration Panel, at least a member must be a seasoned labour expert.
[123] *Alakija v Medical Disciplinary Committee*, (1959) 4 F.S.C. 38.
[124] Cap 15 LFN 2004.
[125] Land Use Act 1978 Ss. 3(2) (5).
[126] Kolapo Alimi, ' Ifon-Ilobu-Erin Osun: Osun Govt. Constitutes a 100 Member Boundary Crisis Resolution Committee' Osun State Government (January 24, 2025) < https://www.osunstate.gov.ng/2025/01/ifon-ilobu-erin-osun-land-disputes-osun-govt-constitutes-a-100-member-boundary-crisis-resolution-committee/> accessed 6 August 2025.

administration.[127] This, perhaps, has, been responsible for the accusation of unfairness which are often cast on the administrative tribunals. These necessitated major reforms in the United Kingdom through Franks Report.[128] Although members of an administrative tribunal may have expertise in their own fields, they may lack the requisite judicial or legal training for the adjudicatory functions they perform. Sometimes, the chairman may be a person learned in law, other members are usually laymen with little or no training in the fact-finding technique. Hence, the basic rules of fair hearing which are necessary for all bodies making decisions affecting the rights of others are violated with impurity. It is apt to state that despite that the Federal Judicial Service Commission[129] and Legal Practitioners Disciplinary Committee[130] are peopled by learned gentlemen of the bench and bar, many of their decisions could not pass the litmus test of fair hearing. The Supreme Court commented in *Gbenoba's case* as follows:

> My Lords, I understand the need to enforce discipline at the Bar and everyone would be on board to ensure that we have a credible Bar that has the confidence of litigants. However, throwing away all basic rules of evidence to achieve this end cannot augur well for the Legal profession. It is tantamount to throwing the baby away with the bath water[131]

The consequences of these violations are often fatal to the outcome of the whole process. In *Adedeji v Police Service Commission,*[132] the failure to give adequate notice made the Federal Supreme Court set aside the decision of the Inquiry which was earlier affirmed by the Lower Court.

5.3 Appointment of Members by the Executive

The appointment of members of administrative tribunals and inquiries is made by the executive. Some appointees lack knowledge and competence, while the body often lacks the traditional independence of the judiciary. As an agent of the administration, functioning under the extant public service rules and periodic circulars, members are often incapacitated to act outside the directive of the administration.[133] More importantly, members who are either employees of the administration or are political cronies (or stooges) act in accordance with the will of their

[127] Wade: *Administrative Law* (1982), 786.
[128] *Report of the Committee on Administrative Tribunals and Enquiries*
[129] *Thomas v Federal Judicial Service Commission* (2020) All FWLR (Pt 1055) SC 512.
[130] *Gbenoba v LPDC* (2021) 6 NWLR.
[131] Ibid, Per Ogunwumiju, JSC, 536.
[132] (1967) All NLR 67.
[133] B. O. Iluyomade & B. U. Eka, *Cases and Materials on Administrative Law in Nigeria*,189.

employers, the executive arm of government. They justify, most times, the policies and directives of the executive. Hence, decisions emanating from these tribunals or inquiries may not, after all, be too much different from the political direction of the executive arm of government. This is the case in *Bendel State Civil Service Commission & Anor v Alex Buzugbe*[134] where the Head of Service used the powers of his office to inflict injustice on a civil servant who had a day to retire from public service. He used the machinery of the government to pursue a case of vendetta against the appellant whom he saw as having published a letter affecting his personal interest. In the same vein, this issue became prominent In *Thomas' case*, where the Investigating Panel, under the direction of the President of the Court of Appeal recommended to the FJSC that "appropriate disciplinary action be taken against him (Chief Registrar of the Court of Appeal), the Supreme Court found that "the appellant of getting any verdict from the commission other than the one recommended by the investigating committee. In other words, the committee was just to rubber stamp what the committee had recommended."[135]

5.4 Problem Associated with Flexible Adjudicatory Process

Although an advantage, flexibility in the adjudicatory process creates doubt as to the body's decisions, since the administrative decision-makers are not bound by the doctrine of precedent.[136] The doctrine of precedent guides and regulates the decision of courts. However, since administrative tribunals and inquiries are not bound by this, it affects the quality of their decisions. Some decisions from the administrative tribunals and inquiries are taken without hearing whatsoever. In *Bendel State Civil Service Commission v Alex Buzughe*[137], apart from the fact that the inquiry's decision did not follow due process, there was no formal hearing. The situation is similar in *Adedeji v Police Service Commission*[138] where the Supreme Court had to set aside a purported dismissal of a police officer on the ground that the facts of the evidence relied upon for dismissal were not communicated to the affected officer. Furthermore, many administrative decisions are made without reasons being given for such conclusions. It has been argued that this constitutes a clog in the dispensation of justice. Although the reasons for the conclusion arrived at in an administrative hearing may not be communicated in a letter to the affected party, it appears

[134] (1984) 7SC 19.
[135] *Thomas v FJSC*. Per Akaahs JSC, 530.
[136] Iluyomade & Eka, *Cases and Materials on Administrative Law in Nigeria* 189.
[137] Supra
[138] (1967) I All NLR 67

that enough information must be contained in the letter to him/her to inform him of the allegation(s) against him/her and the rule or regulation under which he/she has been found guilty of misconduct. This position is captured by Rule 030307(i) which provides, among other things, that:

> The officers shall be notified in writing of the grounds on which it is proposed to discipline him/her. The query should be precise and to the point. It must relate the circumstances of the offence, the rules and regulation which the officer has broken and the likely penalty. In serious cases which are likely to result in dismissal, the officer should be given access to any of such document(s) or report(s) used against him/her and he/she should be asked to state his/her defence that he/she has been given access to such documents. The officer shall be called upon to state in writing, within the period specified in the query any grounds upon which he/she relies to exculpate himself/herself. [139]

The above provisions are in line with the provision of Section 36(2) of the 1999 Constitution of the Federal Republic of Nigeria.

5.0 Conclusion and Recommendations

5.1 Conclusion

The administrative tribunals and panels of inquiry evolved in Nigeria due to its Commonwealth heritage of the English legal system. These bodies have been in use, right from the pre-independent era, through the military regimes to the current democratic dispensation. It has assisted in (re)solving the increasing challenges of public administration in Nigeria. It was noted that rules of natural justice, fair hearing, equity, and fair play were not given due consideration in some of the bodies. The need for speed and ease of conflict resolution should not overshadow the need for proper composition of tribunals and panels in line with the constitutional provision.

5.2 Recommendations

[139] FRN, *Public Service Rules 2009.*

A tribunal should be constituted in accordance with the statute/law setting it up and observance of rules of fair hearing. A panel on the other hand should also consider rules of fair hearing in its composition. Outcomes of a tribunal and a panel of inquiry should not be *ultra vires* the statutes setting them up or exceeding their terms of reference. In view of the expanding needs for administrative adjudication in Nigeria, public servants who mostly serve as chairmen, members and secretaries of investigating panels should be exposed to basic training in fundamental human right issues, especially on the requirement of fair hearing in the proceedings of these panels.

Although most administrative tribunals set up under the Acts/Laws of parliaments have their statutory members, it is recommended that those who do not have legal training in these tribunals be periodically exposed to training especially in issues relating to right of fair hearing, while the legal practitioners and judges serving in the tribunals require periodical update of their knowledge to bring them up to the current development in the area. Decisions of tribunal and panels are prone to abuse due to high-level public-sector corruption in Nigeria. Therefore, adequate care should be taken in ensuring that the requirements of the enabling statutes should be followed, and proposed members of tribunals should be screened, and background check reports should be submitted before composition. This is to ascertain the personal integrity, professional competence and independence of those members.

Although courts are saddled with the exercise of the judicial powers, the constitution through its Section 36(2) recognizes administrative adjudication, subject to their control. In exercising these powers, courts are enjoined to remain the last hope of the common man by upholding the tenets of justice and fairness, even when judcial bodies and officers are interested in the matter. The decisions of the Supreme Court in *Gbenoba and Thomas* are salutary.