Jurisdiction means Po

INTRODUCTION

Jurisdiction is a vital tool in Law, which importance or significance as to determining state of things cannot be undermined. Any court process conducted, no matter the degree of meticulousness imbibed by the Judge and the Lawyers would be in futility where the jurisdiction of the trial court is in question and decided to have acted outside jurisdiction.

National Industrial Court in Nigeria from its’ establishment to the present moment has gone through different reformations and stages, and the word “Unlimited Jurisdiction” used in describing the power of a State High court aside the inclusion of all matters set out in the provision Section 251 of the 1999 Constitution of the Federal Republic of Nigeria which defined the powers of the Federal High Court has beclouded the existence of National Industrial Court not until when it is well spelt out in the provision of the Third alteration of the same constitution (2011 as amended).

OBJECTIVE OF STUDY

This Paper focused on the need to sensitize all citizen of Nigeria on the powers of the National Industrial Court in relations to it establishment in 1976, the metamorphosis that has occurred within that time and the present state of affairs of the Court.

National Industrial Court as it is known by many to have a civil jurisdiction over all Labour matters, employments and trade disputes. While just very few individuals are knowledgeable on the provision of it criminal jurisdiction as well as the protection of fundamental human right even against the government as provided by the Third alteration of the 1999 Constitution of the Federal Republic of Nigeria (2011 as amended).

This paper will elucidate on the matters of jurisdiction of the National Industrial Court and how best all can harness the use of this court to the development of our National values.

HISTORY OF THE NATIONAL INDUSTRIAL COURT

The NIC was established by the Trade Dispute Decree[[1]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftn1" \o ").The statutory mechanism for the settlement of trade disputes was found in the Trade Disputes (Arbitration and Enquiry) Act. The Act gave powers to the Minister of Labour to intervene by way of conciliation, formal inquiry and arbitration where negotiation had broken down. The major feature of this act was the partied had a discretion to surrender or not to the jurisdiction of the minister. Thus the Minister could not compel the parties to accept his intervention, but could only appoint a conciliator on the application of the parties and set up an Arbitral Tribunal on consent of both parties. Again, there was no permanent institution created to settle labour disputes, an ad hoc body was set up for a par5ticular dispute and once it delivered its decision, it became functus officio[[2]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftn2" \o ").

NATIONAL INDUSTRIAL COURT BEFORE THE NATIONAL INDUSTRIAL COURT ACT, 2006

1.       The Court was not accepted by many to be a superior court of record. Again, the provision of Trade Dispute Act[[3]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftn3" \o ") confirming the court as a superior court of record is incapable of curing this defect. This was confirmed by the Court of Appeal in the decided cases of Kalango v. Dokubo[[4]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftn4" \o ")  and Attorney General, Oyo State v. National Labour Congress[[5]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftn5" \o ") where the Court held that the court is not a superior court of record.

2.       Another issue raised is that the court does not have exclusive jurisdiction over the areas it covers. Its jurisdiction is limited by the 1999 Constitution[[6]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftn6" \o ") In other words, it has a concurrent jurisdiction with both the Federal High Courts and State High Courts.

3.       Lack of public awareness: Government, legal practitioners, employers of labour, trade Unions and employees have a narrow understanding of the role and working practices of the Court.

4.       Despite the Provision of Trade Dispute Decree[[7]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftn7" \o "), lawyers have disregarded these provisions by asking the Federal High Court to judicially review decisions reached at the National Industrial Court, as was in the case of SGS Inspection Services Nigeria Limited v. Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN)[[8]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftn8" \o ")

5.       The fact that a trade dispute shall be commenced by reference from the Minister, as stated by the National Industrial Court Rules, was against the principle of separation of powers as enshrined in the Constitution of the Federal Republic of Nigeria. Incorporated Trustees of Independent Petroleum Association v. Alhaji Ali Abdulrahman Himma[[9]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftn9" \o ")

6.       The President of the National Industrial Court was required to preside over all the sittings of the Court as provided for the Trade Dispute Act,

7.       The problem of dual procedures for the appointment of the President and other judges of the Court[[10]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftn10" \o ")

NATIONAL INDUSTRIAL COURT UNDER THE NATIONAL INDUSTRIAL COURT ACT, 2006

The National Industrial Court Act became operative after it received assent by the President of Nigeria[[11]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftn11" \o ").The Act provided that the National Industrial Court shall be a superior court of record and shall have all the powers of a high court[[12]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftn12" \o ")

The Act furthermore stated that the Court shall have and exercise jurisdiction in several courses and matters relating to labour ,including trade unions and industrial relations ,environment and conditions of work, health, safety and welfare of labour, collective agreement, any circumstances relating to or seeking orders to restrain any personal body from taking part in any strike, lock out or industrial action or any conduct in contemplation or in furtherance of a strike, lock out or any industrial action, any question as to the interpretation of nay collective agreement; any award made by an arbitral tribunal in respect of a labour dispute or an organisational dispute; the terms of settlement of any labour dispute, organisational dispute as may be recorded in any memorandum of settlement and any award, or judgement of the Court and states that the Court has jurisdiction and power to hear cases arising from labour, trade dispute, employment matters and all other matters relating to trade activities. It is also charged with the responsibility of interpreting trade Union contributions[[13]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftn13" \o ") It was also provided that the President of the Court any appoint a single Judge to sit and determine interlocutory applications or preliminary matters in any other cases before the court but in substantive terms, the sitting panel of Judges to hear any of its cases must comprise no less than three including the President. The Court has Judicial Divisions in Abuja, Enugu, Kano, Jos, Ibadan, Maiduguri and Calabar.

The Act made some improvements and some of them will be discussed below;

1.       The Act re-established the Court as a superior Court of record

2.       The Act gave the National Industrial Court a separate enabling law. As a result, the appointment of the President and other Judges of the Court were normalized and put where they ought to be. The National Judicial Council was made the recommending body just as in the case of all the other Federal Superior Courts of record.

3.       The procedures regarding the discipline, tenure, allowances, pension, salaries, status and powers of the President and other Judges of the Court, as obtainable in other superior courts of record, were provided for by the Act.

4.       A single legally qualified Judge of the Court could competently sit under some situations.

5.       Some decided cases, for example Kalango’s (supra) that fettered the power of the court to grant injunctive and declaratory reliefs were made bad laws by virtue of sections 16-19 of the Act.

6.       The Act[[14]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftn14" \o ") repealed the Trade Dispute Act[[15]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftn15" \o ") which stated that only registered trade unions had the right to come before it on behalf of its workers. As a result, associations that were not registered as trade unions but had the capacity to sue and be sued were not entertained at the National Industrial Court.

CHALLENGES FACED BY THE NATIONAL INDUSTRIAL COURT ACT, 2006

1.       The issue of controversy on whether to appoint non- legally qualified persons as judges of the court. Legal Practitioners vehemently opposed the appointment of non-lawyers as judges of the court while labour practitioners were of the view that non- lawyers be appointed.

2.       The power of the Court to transfer cases over which it had no jurisdiction to the appropriate court. It has been argued that where a court lacks jurisdiction to entertain a matter, the proper order to make is one striking out the matter.

3.       The Act[[16]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftn16" \o ") provided a limited right of appeal as of right to the court of appeal only on questions of fundamental rights as contained in Chapter IV of the Constitution

4.       The establishment of the court as a superior court of record by the Act was ridiculed. The Supreme Court, in The National Union of Electricity Employees v. Bureau of Public Enterprises[[17]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftn17" \o ") finally confirmed that it had no exclusive jurisdiction over the matters assigned to it under the Act and other enabling acts on that regard. The Supreme Court held thus;

“The Least that has changed is that the State High Court under section 272 now has power to deal with trade disputes it has previously lacked. It means therefore that decree N0o 47 of 1992 arrogating to the National Industrial Court a superior court of record without due regard to the amendment of the provisions of sections 6(3) and (5) of the 1999 constitution which has listed the only superior courts of record recognized and known to the 1999 constitution and the list does not include the National Industrial Court; until the constitution is amended, it remains a subordinate court to the High Court”

The purport of this dictum is that all the State High Courts, the Federal High Courts and the High Court of the Federal Capital Territory, Abuja shared concurrent jurisdiction with the National Industrial Court on the subject matters on which it sought to have exclusive jurisdiction. It equally meant that all these courts could review the decisions of the National Industrial Court on application by either of the parties.

NATIONAL INDUSTRIAL COURT UNDER THE 1999 CONSTITUTION (THIRD ALTERATION)

The Constitution (Third Alteration) Bill, 2010 which amended the 1999 Constitution (2011 as amended) had some provisions inserted into it which changed the status of the National Industrial Court in Nigeria

1.       The Court was included in the list of superior courts of record in Nigeria[[18]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftn18" \o ").

2.       The court was included in the relevant section of the constitution[[19]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftn19" \o ").

3.       An appeal shall lie from the decisions of the National Industrial Court as of right to the court of Appeal on questions of fundamental rights as contained in Chapter IV of the Constitution[[20]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftn20" \o ") as it relates to matters upon which the court has jurisdiction

4.       An appeal shall lie from the decision of the National Industrial Court to the court of appeal, where it has been prescribed by an act or law and such appeal shall be with leave of the court of appeal[[21]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftn21" \o ").

5.       The decision of the court of appeal in respect of any appeal arising from any civil jurisdiction of the National Industrial Court shall be final[[22]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftn22" \o ")

6.       The appointment of the President and Judges of the court was made in the same form as obtainable in other courts[[23]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftn23" \o ")

JURISDICTION OF THE NATIONAL INDUSTRIAL COURT

The 1999 constitution broadened the scope of the court by stating that “Notwithstanding the provisions of sections 251, 257, 272, and anything contained in this Constitution and in addition to such other juris as may be conferred upon it by an Act of the National Assembly, the National Industrial Court shall have and exercise jurisdiction to the exclusion of any other court in civil causes and matters.[[24]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftn24" \o ")”

The court again is also empowered to hear and determine matters relating to or connected with any dispute over the interpretation and application of the provisions of chapter IV of the constitution as it relates to any employment, labour, industrial relations, trade unionism, employer’s association or any other matter which the court has jurisdiction to hear and determine[[25]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftn25" \o ")

The court was also given all the powers of a High court[[26]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftn26" \o ")

It was also stated that for the court to exercise its criminal jurisdiction, the President of the court may hear and determine or assign a single judge of the court to hear and determine such matter[[27]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftn27" \o ")

The court was also given wider jurisdiction, which deal with issues ranging from fundamental rights provisions of the constitution in relation to labour, national minimum wage, discrimination in work place and sexual harassment at place of work, child labour and human trafficking, payment of salaries, matters pertaining to application of any international convention or treaty which Nigeria has ratified and the power to establish ADR centre.

PRACTICE AND PROCEDURE

A Claimant   may bring an action for the determinant of the court by complaint which must be filed and sealed. It must be in Form 1 with such modifications or variations as circumstances may require[[28]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftn28" \o ") The Complaint shall be accompanied by a statement of facts, copies of the documents to be relied on at the trial, and a list of witnesses. The defendant must enter   appearance by filing a memorandum of appearance[[29]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftn29" \o "). Also where the party being served intends to defend, he must file a statement of defence, list of witnesses and copies of documents to be relied on at the trial.

Service of processes can be served on that person personally, or sent by registered post or left at the last known address or principal place of business of the defendant. This means that there is no need to apply to court for substituted service[[30]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftn30" \o ")

Other provisions include summary judgement,[[31]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftn31" \o ") motions and other interlocutory applications[[32]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftn32" \o "), application for judicial review.[[33]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftn33" \o ")

INSTANCES WHERE THE COURT MAY REVIEW ITS DECISION

1.       The Court may on its own motion, review, revoke or vary any order made by it.

2.       Either of the parties may also apply that the court review any order made by it, on the grounds that;

·         The order was wrongly made as a result of an error on the part of the court staff.

·         A party did not receive proper notice of the proceedings leading to the order.

·         The order was made in the absence of a party entitled to be heard.

·         New evidence has become available since the making of the order.

·         The interest of justice requires such review

RECOMMENDATIONS

(1)    There is a need for public awareness of the court. People, particularly, employees need to know about the duties, functions and powers of the court.

(2)    The court should be available in every state of the country for easy accessibility. This is because the jurisdiction of the court has been increased.

(3)

CONCLUSION

The fact that the National Industrial Court of Nigeria has made giant strides over the years, in reshaping the way in which trade, labour, employment and industrial relations  disputes are to be resolved cannot be over-emphasized. The inclusion of the court in the 1999 Constitution (Third Alteration and the subsequent enlargement of its jurisdiction has also made it possible for the Court to achieve its aim of being a superior court of record in Nigeria. I am of the view that the court is now better placed to tackle more effectively and vigorously the challenges posed by new and emerging trends in trade, labour, employment and industrial relations.

The fact that National Industrial Court of Nigeria has made giant strides in reshaping the way in which employment, labour and industrial relations matters are to be resolved throughout the Federation, particularly with the amendment of the constitution for the inclusion of the Court and the subsequent enlargement of its jurisdictions cannot be over emphasized. I am of the view that given the present state of the court, the Court will go ahead to tackle more effectively and vigorously, the challenges posed by the emerging trends in trade, labour and industrial relations

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[[2]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftnref2" \o ") The NIC of Nigeria Past, Present and Future; being a paper delivered at the refresher course organised for Judicial Officers of between 3-5 years post appointment by the National Judicial Institute, Abuja at the Otutu Obaseki Auditorium, National Judicial Institute, Abuja on the 24th day of March, 2011 by Hon. Justice Benedict Bakwaph Kanyiph, Ph.D Presiding Judge, NIC, Lagos Division.

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[[5]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftnref5" \o ") (2003) 8 NWLR, Page 1

[[6]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftnref6" \o ") Section 272 of the 1999 Constitution (2011 as amended)

[[7]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftnref7" \o ") Decree 47 of 1992, Trade Dispute Decree.

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[[19]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftnref19" \o ") Section 254A of the 1999 Constitution (2011 as amended)

[[20]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftnref20" \o ") Section 254A (1) and (2) 1999 Constitution (2011 as amended) 3rd Alteration

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[[31]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftnref31" \o ") Order 10 of the NIC Rules 2007

[[32]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftnref32" \o ") Order 11 of the NIC Rules 2007

[[33]](https://www.blogger.com/blogger.g?blogID=552846098744142918" \l "_ftnref33" \o ") Order 22 of the NIC Rules 2007

The **National Industrial Court of Nigeria** also known as NICN is a court empowered to [adjudicate](https://en.wikipedia.org/wiki/Adjudicate) trade disputes, labour practices, matters related to the Factories Act, Trade Disputes Act, Trade Unions Act, Workmen’s Compensations Act and appeals from the Industrial Arbitration Panel and all other employment matters in Nigeria. As a specialized Labor Court, all matters adjudicated by it are [exclusive](https://en.wikipedia.org/wiki/Exclusive_jurisdiction) to the court and its decisions were hitherto, subject only to [appeal](https://en.wikipedia.org/wiki/Appeal) when certain conditions were met.[[1]](https://en.wikipedia.org/wiki/National_Industrial_Court_of_Nigeria#cite_note-1) Currently, appeals can be made to the Court of Appeal by leave.

The Trade Dispute Decree No.7 of 1976 set up the National Industrial Court; initially consisting of a president and four other members and a [quorum](https://en.wikipedia.org/wiki/Quorum) of the president and two members. The initial jurisdiction of the court set forth in the Decree No.7 was dealing with trade union disputes and interpretation of collective bargaining agreements. From 1976 until 2006, the operations of the court was limited and its judgement barely respected.[[2]](https://en.wikipedia.org/wiki/National_Industrial_Court_of_Nigeria#cite_note-2) It operated on matters that emerged from [arbitration](https://en.wikipedia.org/wiki/Arbitration) or conciliatory labor disputes[[3]](https://en.wikipedia.org/wiki/National_Industrial_Court_of_Nigeria" \l "cite_note-ogunye-3) while it shared [jurisdiction](https://en.wikipedia.org/wiki/Jurisdiction) on most matters with the state and Federal High Court. The first president was Paul Atilade. Currently,Hon.Justice Benedict Kanyip is the President of the NICN. There is a total of 33 judges currently in the various divisions of the court.

In 2006, the [legislature](https://en.wikipedia.org/wiki/National_Assembly_(Nigeria)) passed the National Industrial Court Act, 2006 (NICA), strengthening the rules of the court and its ability to enforce judgement. The act also repealed parts of Decree No.7 and reduced some of the jurisdiction of the High Courts that was shared with NIC.[[4]](https://en.wikipedia.org/wiki/National_Industrial_Court_of_Nigeria#cite_note-4) The 1999 Constitution (Third Alteration) Amendment Act 2010 further enhanced the jurisdiction of the court and established it as a superior court of record.[[3]](https://en.wikipedia.org/wiki/National_Industrial_Court_of_Nigeria#cite_note-ogunye-3) The procedures, jurisdiction, practice and power of the courts were properly defined by the 2010 act.

In 2017, the court made new rules which it now uses procedurally.

Alternate Dispute Resolution[[edit](https://en.wikipedia.org/w/index.php?title=National_Industrial_Court_of_Nigeria&action=edit&section=1" \o "Edit section: Alternate Dispute Resolution)]

The 2006 Act encouraged arbitration of labour matters and in 2015, the court established the Alternate Dispute Resolution center.[[5]](https://en.wikipedia.org/wiki/National_Industrial_Court_of_Nigeria#cite_note-5) The centre's mandate include reduction in cost and delays in judicial delivery through efficient, fast and equitable settlement of disputes.[[6]](https://en.wikipedia.org/wiki/National_Industrial_Court_of_Nigeria#cite_note-Guardian-6)

Divisions[[edit](https://en.wikipedia.org/w/index.php?title=National_Industrial_Court_of_Nigeria&action=edit&section=2" \o "Edit section: Divisions)]

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* Oyo
* Port Harcourt
* Sokoto
* Uyo
* Yenagoa
* Yola

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  3. ^ [Jump up to:***a***](https://en.wikipedia.org/wiki/National_Industrial_Court_of_Nigeria#cite_ref-ogunye_3-0) [***b***](https://en.wikipedia.org/wiki/National_Industrial_Court_of_Nigeria#cite_ref-ogunye_3-1) *Ogunye, Jiti (February 14, 2014).*[*"National Industrial Court and Judicial Absolutism in Nigeria"*](http://www.premiumtimesng.com/opinion/155180-national-industrial-court-judicial-absolutism-nigeria-jiti-ogunye.html)*. Premium Times. Retrieved 22 March 2017.*
  4. [**^**](https://en.wikipedia.org/wiki/National_Industrial_Court_of_Nigeria#cite_ref-4) [*"Jurisdiction and Power :: NICN"*](https://nicn.gov.ng/jurisdiction-and-power)*. nicn.gov.ng. Retrieved 2020-07-07.*
  5. [**^**](https://en.wikipedia.org/wiki/National_Industrial_Court_of_Nigeria#cite_ref-5) [*"Alternative Dispute Resolution Centre :: NICN"*](https://nicn.gov.ng/adr-center)*. nicn.gov.ng. Retrieved 2020-07-07.*
  6. [**^**](https://en.wikipedia.org/wiki/National_Industrial_Court_of_Nigeria#cite_ref-Guardian_6-0) *Kehinde, Oluwole (September 20, 2016).*[*"Pre-Action Protocol and Right of Access to Court in Nigeria"*](http://allafrica.com/stories/201609200149.html)*. The Guardian. Retrieved 22 March 2017.*

1. The constitutional right of appeal and the well-entrenched principle of fair hearing are the foundation of modern legal systems across the globe. The principles as guaranteed under The Constitution of the Federal Republic of Nigeria (1999) as amended (“The Constitution”) ensure that in the conduct of judicial proceedings to determine the civil rights and/or obligations of the parties brought before any Court, the twin pillars of natural justice shall be adhered to and applied by the courts. The basic attributes of the twin principles of fair hearing and right of appeal includes: that a court shall hear both parties to a case fairly and without bias as is humanly possible, that a court gives or provide equal opportunity, treatment and consideration to the parties in presenting the issues relevant to their side of the case, the proceedings are held in public and all the parties shall be informed or notified of the upcoming proceedings, dates and have free access to the venue of the hearing, that a party aggrieved by the decision of a lower court is afforded the unfettered opportunity to challenge such a decision in a higher court, that the proceedings are conducted in accordance with all the legal rules formulated to ensure that justice is not only done, but manifestly seen to have been done to the parties in the case.
2. The National Industrial Court of Nigeria (NIC) was established in 1976 by the Trade Disputes Act, Cap 432, Laws of the Federation of Nigeria, 1990 and was in 2010 elevated to a superior court of record and of coordinate jurisdiction with the Federal High Court, the various State High Courts and other Courts of coordinate jurisdiction with a well-defined jurisdiction and powers as contained in The Constitution. This paper attempts a brief but critical appraisal of the seemingly unbridled jurisdiction vested in the Court vis-a-vis the litigant’s right of appeal and fair hearing. Section 254 (C) (1 – 4) of The Constitution, also known as the Third Alteration Act generally confers on the NIC the jurisdiction to the exclusion of other courts of coordinate jurisdiction to adjudicate over civil and criminal causes and matters relating to labour, industrial trade union and industrial relations and environment and conditions of work, health, safety and welfare of labor and matters related and incidental thereto amongst others. Section 243 (2) & (3) of The Constitution provides for the right and procedure for appeal decisions arising from the NIC. The said section was recently given judicial interpretation in the Case of Lagos Sheraton Hotel and Towers Vs. Hotels and Personal Services Senior Staff (2014) LPELR 23340 (CA) and affirmed by a full panel of the Court of Appeal in Coca-Cola (Nig) Ltd & 2 Ors Vs. Akisanya (2013) 1 ACELR 28. In both Cases, the Court of Appeal held that section 243 (2) & (3) only recognizes the right to criminal appeals and appeals on questions of fundamental human rights and that all other rights of appeal are subject to an Act of the National Assembly. The Court held further that since such Act does not exist, then the decision of the NIC is final on the issue. The effect of the above decisions is that an aggrieved litigant who intends to appeal on issues other than issues bordering on criminal appeals and appeals on questions of fundamental human rights have no constitutional right of appeal. The writer, with due respect, is of the view that the decision is contrary to the principle of fair hearing and amounts to an aberration of the notion of modern justice. This writer submits that it does not serve the cause of justice to allow a single Judge of the NIC to take matters to finality, thereby making the NIC a Court of first instance as well as a Supreme Court to itself at the same time. The proper approach to the interpretation of the constitution is that of liberalism. This implies not only that words of the constitution should be given their broad meanings, it also means that where alternative constructions are equally open, the court should prefer a broader construction which will bring about an effective result and is consistent with the intention of the legislature. This writer is of the opinion that Their Lordships ought to have given liberal interpretation to sections 240 and 254 (c) (5) & (6) of the same Constitution which vests in the Court of Appeal the general powers to hear and determine appeals from lower courts and resolve whatever perceived inconsistency and lacuna that may have resulted from Section 243 (2) & (3).
3. Furthermore, the Court of Appeal should have considered and applied the principle as expounded by the Supreme Court in Bamgboye vs University of Ilorin (1999) 10 NWLR, PT 622 @ 290 that “the right of a person to fair hearing is so fundamental to our concept of justice that it could not be waived nor taken away by a statute, whether expressly or by implication”. There is no court of first instance in Nigeria, save the Supreme Court of Nigeria when exercising its original jurisdiction under Section 232 of the Constitution, whose decision is final and not appealable; not even a court martial or other tribunals, or election tribunals (see Section 240 of the Constitution). This is after due consideration of the fact that the composition of the panel of the Supreme Court allows for a majority decision to prevail, whether the panel is composed of five (5) Justices or Seven (7) Justices as the case may arise under Section 234 of the Constitution. In concluding this discourse, the writer suggests that it is most imperative for the National Assembly to undertake a consideration of the provisions of Section 240 and other relevant sections of the Constitution and guarantee expressly therein, the right to appeal all decisions of the NIC at the Court of Appeal and finally at the Supreme Court. When a single Judge is allowed to possibly make a judicial error which is not subject to scrutiny or capable of reversal by a higher authority, it portends imminent danger for the actors in administration of Justice.
4. Undoubtedly, labour and industrial related disputes are serious issues in any nation. Labour disputes have had and will continue to have staggering effects on both the social and economy spheres of a country. Any form of neglect or the absence of checks and balances could result in low productivity, unemployment, wastage of human resources and many other problems, all of which can be avoided to a large extent by positive judicial activism., subject

Jurisdiction means Power or right of a legal or political agency to exercise its authority over a person, subject matter, or territory. Jurisdiction over a person relates to the authority to try him or her as a defendant. Jurisdiction over a subject matter relates to authority derived from the country's constitution or laws to consider a particular case. Jurisdiction over a territory relates to the geographic area over which a court has the authority to decide cases. Concurrent jurisdiction exists where two courts have simultaneous responsibility for the same case. The National Industrial Court of Nigeria also known as NIC is a court empowered to adjudicate trade disputes, labour practices, matters related to the Factories Act, Trade Disputes Act, Trade Unions Act, Workmen’s Compensations Act and appeals from the Industrial Arbitration Panel.

Jurisdiction is a fundamental and bedrock of any judicial proceedings. Accordingly, the Black’s Law Dictionary defines ‘jurisdiction’ as “government’s general power to exercise authority over all persons and things within its territory”. Within the context of judicial proceedings, ‘jurisdiction’ has been defined to mean ‘a court’s power to decide a case or issue a decree’. It follows that before a court of law entertains any matter brought before it for adjudication, it must ensure that it possesses the jurisdiction to sit over the matter, failing which the proceedings no matter how well conducted amount to nullity. Procedurally, jurisdiction of court does not exist in vacuum. For this reason, court’s authority or jurisdiction is a product of constitution or other specific statutes. Of course, no court of law can assumet ensure that it possesses the jurisdiction to sit over the matter, failing which the proceedings no matter how well conducted amount Jurisdiction without being statutorily empowered to do so. In Nigeria, the jurisdiction of the NIC is a product of several enactments. For instance, before the enactment of the NICA, 2006 and the Constitution of the Federal Republic of Nigeria (Third Alteration) Amendment Act, 2010, various sections of the Trade Dispute Act such as **sections 14, 15, 16, 17, 18 and 20**vested power on the Minister of labour and productivity or any aggrieved party to refer labour disputes to the NIC either for outright adjudication or for the interpretation of arbitral award. Similarly, by virtue of sections 7 and 8 of the Trade Union Act, where the Registrar of Trade cancels registration of a Trade Union, which registration is in existence on the date specified in the notice of cancellation, any official or member of the Trade Union may within thirty days thereof appeal to the appropriate court to make appropriate order on the purported cancellation. The phrase ‘appropriate court’ in the above sections is defined, in section 54 of the Trade Union Act, to mean ‘the Industrial Arbitration Panel or the National Industrial Court as the case may be’. The above was the position in Nigeria before the enactment of the NICA, 2006 and the amendment to the

Federal High Court, the State High Court and the High Court of Federal Capital Ter

However, by virtue of section 254C (1), its jurisdiction is exclusive to it and cannot be concurrently exercised or shared among the other High Courts in the same pedestal of authority or power. Reason for this assertion is found in the definition of the phrase ‘exclusive jurisdiction’ in the Black’s Law Dictionary, where it is defined to mean ‘a court’s power to adjudicate an action or class of actions to the exclusion of all other courts’. Premised on the foregoing, the decisions of the Supreme Court of Nigeria in the cases of **Attorney General, Oyo State v. National Labour Congress (supra) and National Union of Electricity Employer & Other v. Bureau of Public Enterprises (2010) 7 NWLR (Pt. 194) 538**), which limited the jurisdiction of the NIC and placed it at par with the jurisdictions of the Federal High Court, the State High Court and the High Court of Federal Capital Territory, Abuja have ceased to have validity of law. The combined effects of section 7 of **the NICA, 2006 and section 254C (1) of the Constitution (Third Alteration) Amendment Act, 2010**are that the present jurisdiction of NIC is exclusive to it and cannot be shared with other courts.

Conclusion

Undoubtedly, labour and industrial related disputes are serious issues in any nation. Labour dispute has Staggering effects on both the social and economy sectors of a country resulting in low productivity, unemployment, wastage of human resources and many other problems. To avert this, countries, the word over, have advocated for expeditious resolution of labour dispute before it goes out of hand. Rising to the occasion, the Nigeria Government, in the year 2006, after several years of confusion and problems associated with the jurisdictions of the National Industrial Court of Nigeria came out with statutory regulation on the matter