



**NIGERIA GOVERNORS' FORUM SECRETARIAT
ABUJA**

INTERNAL MEMO

To: Nigeria Governors' Forum
From: Director General
Date: 3rd February 2020
Subject: **Re: Funding of Capital Expenditure for State Courts by the State Governments.**

The above subject refers.

The Forum received a proposal from the Law firm of Alegeh & Co. in respect of recovery of funds meant for the States' Judiciary from the Federal Government.

Reference is made to the following provisions of the 1999 Constitution (as amended):

- i. Section 81 (3) which states that the amount standing to the credit of the Judiciary in the Consolidated Revenue Fund, shall be paid to the National Judicial Council, for disbursement to the heads of courts established for the Federation and States under section 6 of the Constitution.
- ii. Item 21 (e) of the Third Schedule of the Constitution which states that... The National Judicial Council is entrusted with the power to collect, control and disburse all moneys, capital and recurrent, for the Judiciary.

Following the above provision, the Edo State government engaged the law Firm of Alegeh & Co. to conduct findings to ascertain whether there has been compliance with these laws. Having concluded its findings, the Governor of Edo State directed that the Forum be briefed of the outcome in order to take collective steps to address the issue.

The Firm in its findings discovered that the Federal Government only pays the salaries of Judges of the States' Judiciary but does not fund the capital expenditure of these States' Judiciary as demanded by the law. In view of the above, the Law Firm has proposed that the NGF engage them as solicitors to file a court action on behalf of the 36 States against the Federal Government seeking the following reliefs:

- i. compel the Federal Government to henceforth fund all capital and recurrent expenditure of the States' Judiciary;
- ii. refund to the States, all sums expended by States Government to fund the capital expenditure of States' Courts between January 1st 2010 to January 31st 2020 and until judgment is delivered in the suit; amongst other declaratory relieves.

They have proposed a Legal Fee in the sum of 20% of the amounts claimed from the Federal Government by all 36 States and 10% of the future savings of each State. They are also open to further discussions with the Forum on the issue.

Director General.