

<https://doi.org/10.59298/NIJCRHSS/2024/4.3.5762>

The Law, Litigation and Politics Surrounding Legislators' Pension in Cross River State, Nigeria

*¹Akpanke Richard Akwagiobe, ¹Okpoko Mercy and ²Otudor Lovina

¹School of Law, Kampala International University Uganda

²Institute of Advanced Legal Studies London

Email: kpankus@gmail.com

ABSTRACT

The 1999 Nigerian Constitution, as amended, grants State legislatures the authority to enact laws permitting former Governors and Deputy Governors to receive pensions. The Cross River State House of Assembly exercised this provision by instituting life pensions for former Governors and their deputies, extending it to cover former Acting Governors, Speakers, and Deputy Speakers of the state legislative body. Subsequently, a former Speaker initiated legal proceedings to compel the State to grant him a pension as a former Acting Governor. This led the court to invalidate the sections of the law providing pensions for former Acting Governors, Speakers, and Deputy Speakers. In response, the House of Assembly amended the law to remove the pension provisions and introduced a "special allowance" for former Speakers and Deputy Speakers. This analysis contends that the bill is unconstitutional and contradictory to the constitution because it exceeds the powers of the House of Assembly to determine their own allowances.

Keywords: Nigerian Constitution, State legislatures, Life pensions, Former Acting Governors and Litigation

INTRODUCTION

Nigeria operates a Federal system of government structure, ¹ what this means is that the constitution devolves power between a two tier structures which in this case is the Central government which is also called the federal government and the components states. The two tiers exercise autonomous powers in their sphere of jurisdiction. Life Pension for political office holders who have occupied the office of the President² and Vice President³ of the Federal Republic of Nigeria is recognised and provided for by the Constitution.⁴ The Governors⁵ are the heads of the components states of the Nigerian federation and the Constitution as regards their pension is permissive of a law from the legislative Houses of the state to implement a pension for former Governors and Deputy Governors of such states⁶. Cross River State is one of the 36 component states recognised by the 1999 constitution of Nigeria as amended. On the 18th day of April 2005, the then Governor of Cross River State, His Excellency, Mr Donald Duke assented to a Law known as the Cross River State Gubernatorial Pension Law. The Long Title of the Law was to provide a pension to any person who has held office as a Governor or Deputy Governor in Cross River State and for matters connected therewith. With the Law, the state commenced the payment of pensions to former Governors and Deputy Governors who had held that office and who were alive. Such pensions were paid from the consolidated revenue fund of Cross River State. The Law was implemented without issues or challenges from within or outside the state. Interestingly in 2015, ten years after the enactment of the Law, the Cross River State House of Assembly

*kpankus@gmail.com Lecturer, School of Law, Kampala International University

okpokomercy@gmail.com Lecturer, school of Law Kampala International University

Lovina.otudor@postgrad.sas.ac.uk Lecturer Institute of Advanced Legal Studies London

¹Section 2 (2) 1999 Nigerian Constitution as amended.

² The Highest executive office of the country created by section 130 of the 1999 Constitution of Nigeria as amended.

³ This the office that deputises for the President by virtue of section 145(1) and is created by Section 141 of the 1999 constitution as amended.

⁴ Section 84 (5) of the 1999 Constitution.

⁵ Section 176 establishes the office of the Governor and makes it the Chief Executive of a State.

⁶ Section 124(5) of the 1999 constitution as amended.

deemed it fit to amend the Law. Following the successful amendment and assent by the Governor, a new Law known as the Cross River State Gubernatorial Pensions (Amendment) Law 2005 came into effect on the 19th day of May 2015. The new Long Title to the amended law read as follows “A law to provide a Pension to any person who has held office as a Governor, Deputy Governor, Speaker or Deputy Speaker in Cross River State and for matters connected therewith”. It is therefore deduced from the above that the amendment was about including former Speakers and Deputy Speakers of the State Legislative Assembly to benefit from the pension. Speakers and Deputy Speakers represent the two leading principal officers of the Assembly. This law took effect and was again implemented from 2015 without any legal challenge.

On the 12th day of March 2020 a twist was introduced against the implementation of the law. One of the former occupants of the office of Speaker and a beneficiary of pension under the amended law approached the Industrial Court of Nigeria, sitting in Calabar to challenge some of the aspects of the law. The background that informed and necessitated his challenge of the Law even though he was a beneficiary was twofold. The first was because his pension was stopped by the state Government when she called for verification of all her pensioners and the claimant failed to show up for that verification exercise. Most pensioners who did not show up including the claimant had their pension stopped because the state considered them as “ghost pensioners”⁷. The second and most important reason why the claimant instituted the action challenging some sections of the law is because, the claimant was a Speaker of the house of Assembly who at some point of his occupation of the office of the Speaker also acted as the Governor of Cross River State. The claimant acted when The Governorship Election Tribunal had nullified the election that brought to office the then Governor and Deputy Governor of the state Senator Liyel Imoke and Barr Effiok Cobham. In order to avoid a vacuum in the leadership of the state, the Tribunal ordered according to the 1999 Constitution of the Federal Republic of Nigeria that the Speaker who is third in the hierarchy assume the office of the Governor and act in that capacity until a re-run for the office of the Governor was conducted. The claimant who challenged this action in court was the Speaker and pursuant to the order of the Election Appeal Tribunal acted as the Governor of Cross River State. The claimant therefore wanted the state to start pension to him as a former Governor and not as a speaker; the reason for this as we would soon see was also because the pension amount for former governors was higher than that of a former speaker. It is important to state clearly at this stage that the scope of this paper is not to delve into the morality or appropriateness of pensions for political office holders but to give an exposition of the law and the politics that attended the outcome of this litigation.

THE PROVISIONS OF THE CROSS RIVER STATE GUBERNATORIAL PENSION LAW, 2005 (AS AMENDED IN 2015),

The amendment undertaken on the Gubernatorial pension law of 2005 was essentially to include speakers and deputy speakers as beneficiaries under the law. The amendment to the law is reproduced here for ease of understanding:-

1. *The Cross River State Gubernatorial Pension Law 2005 (hereinafter referred to as the “Principal Law”) is hereby amended as follows:-*

(a) *Delete the long title and substitute therefore the following long title as follows:-*

Long Title” A law to provide a Pension to any person who has held office as a governor, Deputy Governor, Speaker or Deputy Speaker in Cross River state and for matters connected therewith.

(b) *Add immediately after Section 3 of the Principal Law a new Section 4 as follows:-*

“Pension for speaker and Deputy Speaker. A Speaker or Deputy Speaker of the Cross River State House of Assembly shall be entitled to the pension granted by Section ... of the Principal Law where he has served as Speaker for a period of not less than 2/3 of his tenure of office except the person ceases to hold office at any time on the grounds specified in section 92 of the Constitution or he is removed from office pursuant to section 107 of the Constitution”.

(c) *Delete Section 4 of the Principal Law and substitute therein the following new Section 5 as follows:-*

Interpretation 5. “In this Law unless the context otherwise requires:-

‘Governor or Deputy Governor” means Governor, Deputy Governor or Acting Governor of Cross River state”

The law therefore included Speaker and deputy speaker as beneficiaries, if the speaker or deputy served out at least 2/3rd of his tenure and was not removed from office on account of impeachment or he ceased to be a member of the state house of Assembly in accordance with section 92 of the 1999 constitution of Nigeria as amended. The law

⁷ A term that has become known in Nigeria to refer to pensioners who do not exist in reality.

proceeded to define a Governor or a Deputy to include any person who was Acting Governor of the state. It is the aftermath of this amendment and the fact that the pension paid to the Governor, Deputy Governor, Speaker and Deputy Speaker was graded with differentials as we will soon see, that resulted in the litigation.

FACTS, CLAIMS AND ISSUES SUBMITTED BY THE CLAIMANT

This case was begun by the claimant under the originating motion procedure and had RT. Hon. Larry Okori-Odey⁸ as Claimant and the Government of Cross River State and three others as defendants.⁹ The case was instituted on the 12th day of March 2020, wherein the claimant complained about the non-payment of his pension as a former Acting Governor, but rather as a former Speaker of the Cross River State House of Assembly and that beyond that from February 2019 the defendants have refused to pay him pension neither as a Speaker nor as Acting Governor. Distracted by this perceived anomaly the Claimant instituted this action alleging that the defendants ought to have paid him pension as an ex-Governor and not as a former Speaker. The Claimant therefore sought the determination of the court to answer the questions; **Whether**, considering the provisions of section 1(a) and (b) of the Cross River State Gubernatorial Pensions Law 2005 (as amended in 2015) and totality of the facts of the case, the Claimant who was acting Governor of Cross River State from 27th January, 2012 to February 2012 is entitled to the relief sought? The Claimant sought the following reliefs

a. **A DECLARATION** that the Claimant, having been an acting Governor of Cross River State, is within the provisions of Section 1(a) and (b) of the Gubernatorial Pension Law of Cross River State entitled to be paid the pension benefits as a former Governor of Cross River State.

b. **A DECLARATION** that the action of the Defendants, particularly the 2nd & 4th Defendants in stopping the payments of pension benefits to the Claimant, is an infringement of the Claimant's rights as provided for in Gubernatorial Pension Law of Cross River State and thus, illegal, unlawful and ultra vires their powers.

The claimant then claimed a total of N51, 150,437.43 (Fifty One Million, One Hundred and Fifty Thousand, Four Hundred and Thirty Seven Naira Forty Three Kobo), as the sum owed him by the Cross River State Government. By the claimant's calculation, he was being paid the sum of N1, 206,254.85 (One Million, two hundred and six thousand, two hundred and fifty four thousand, eighty five kobo) monthly as pension as an ex speaker. But claimed the sum of N1, 817,790.85 (One million, eight hundred and seventeen thousand seven hundred and ninety naira, eighty five kobo) monthly which was being paid to ex governors. He therefore calculated the monthly differentials of N611, 536.8 (six hundred and eleven thousand, five hundred and thirty six naira, eight kobo) monthly beginning from the months of June 2015- February 2019 when he began collecting pension as former speaker. This sum amounted to the sum of N27, 519,156.45 (twenty seven million, five hundred and nineteen thousand, one hundred and fifty six naira, forty five kobo). He then made a claim of the sum of N23, 631,280.98 which represented his pension from the months of March 2019-March 2020 at the rate of N1, 817,790.85 (One million, eight hundred and seventeen thousand, seven hundred and ninety naira, eighty five kobo) when the government stopped paying him his monthly pension.

DEFENDANTS' CASE

The case of the defendants in their counter affidavit was built around the following defense. That the claimant was not an ex-governor and that explained the very reason he commenced this action as a "Rt. Hon" and not as 'His Excellency'. That the claimant at no time ever contested elections and was voted in as a governor and that he did not exit the stage as a governor but as speaker. That there could not have been two governors in the reign of four years with just one deputy governor. The defendants insisted that the question that begs for answer, is, whether the Claimant is qualified to be called and addressed as a former Governor, thereby entitling him to the Pension that inures to Ex-Governor of Cross River State? The above question becomes even more compelling given the fact that the Claimant had unambiguously stated in paragraph 7 of his affidavit in support of Originating Summons that he ' held the office of the Acting Governor of Cross River State for a period of thirty- two (32) days, during the period, a fresh election was conducted into the office of the Governor of Cross River State and Sen. Liyel Imoke emerged as the winner of the election. At the end of the affidavits the following issues were formulated for consideration by the court. Whether the Cross River State Gubernatorial Pensions Law 2005 (as amended in 2015) to include Speaker and Deputy Speaker was constitutional. Some other issues were also contended by the defendants counsel Mrs Ama Ekpo a state Counsel who acted for the defendants but the sole issue that is relevant to the discussion of this paper is the one highlighted and included herein.

⁸ Rt Hon Larry Odey was a speaker of the Cross River State House of Assembly between 2011 to 2015

⁹ Suit No **NICN/CA/11/2020** in the National Industrial Court Of Nigeria in the Calabar Judicial Division, Holden at Calabar

“Whether, considering the provisions of section 1(a) and (b) Cross River State Gubernatorial Pensions Law 2005 (as amended in 2015) and the totality of the facts of the case, the claimant who was Acting Governor of Cross River State from 27th January, 2012 to February 2012 is entitled to the reliefs sought and whether Speakers and Deputy Speakers can rightly benefit from pension as contemplated by the constitution”.

THE COURT’S DECISION

The court after listening and analysing the arguments of counsels in the matter formulated a broad main issue for consideration. The court was confident that the sole big issue could resolve comprehensively the matter. The issue was; “whether the provisions of section 1(a) and (b) of the Cross River State Pension Law, 2005, as amended in 2015, is capable of conferring on the claimant entitlement to pension as Governor of Cross River State for having served as acting Governor from 27/1/2012 to February 2012”. The court in resolving the issue based her judgment on the proper interpretation of the Pension Law and the 1999 constitution of Nigeria as amended that donates powers to the State House of Assembly to enact laws especially on pension of political office holders.

To begin with, the court examined the provisions of section 124 (5) of the 1999 constitution which is the ‘grundnorm’ that donates powers to the States Houses of Assemblies to make laws on pension of Governors and Deputy Governors. For purposes of clarity, the provisions of section 124(5) is reproduced here:

“Provisions may be made by a Law of a House of Assembly for the grant of a pension or gratuity to or in respect of a person who has held office as Governor or Deputy Governor and was not removed from office as a result of impeachment or breach of any provision of the Constitution; and any pension or gratuity granted by virtue of any provision made in pursuance of this subsection shall be a charge upon the Consolidated Revenue Fund of the State.”

The Court examined the above provision and held that it is the constitutional provision that donates powers to the House of Assembly to make laws in respect of pension for Governors and Deputy Governors and in so doing the House of Assembly must be strictly guided and restricted to the powers so donated. The court was emphatic when it stated:

As pointed out earlier the Cross River State House of Assembly was donated power of making or enacting Pension Law by section 124(5) (supra). This means that in exercising the power donated to it the House of Assembly must act within the purview of the provisions of section 124(5) of the Constitution that donated power of making the law. This means any deviation from the tenor and intendment of the provisions of section 124(5) (supra) will be an exercise in futility. See Bamgboye V University of Ilorin (2009) LPELR-(SC). OBIUWEUBI V. CBN (2011) 7 NWLR (Pt.1247) 465 at 495 – 496

The court therefore held that, where the House of Assembly makes a law that is ultravires the powers so donated by the constitution, such parts or provisions that are ultravires the powers so donated will give way to the constitution and as such will be void. The House of Assembly must be consistent with the powers so donated. In the event of any conflict, the law will give way to the Constitution. In this vein that court held that any law that made provision for the pension of a speaker or deputy speaker which was not expressly mentioned by section 124(5) of the constitution, such law is null and void. These were the words of the court clearly deciding the issue:

I have scrutinized the provisions of section 124(5) of the Constitution of the Federal Republic of Nigeria 1999, as amended and I am satisfied that the said provisions of the constitution did confer on the Cross River State House of Assembly power to enact a law to make provisions for grant of pension to the Governor and Deputy Governor of the State. However, there is no equivalent power in section 124(5) of the constitution for making provision for pension for the Acting Governor of the State or the Speaker of the House of Assembly of the State. This means that the Gubernatorial Pension Law amendment of 2015, which came into force on 19/5/2015 that was made with the sole aim of making provisions for payment of pension to Acting Governor and Speaker and Deputy Speaker was made without vires. The said amendment having been made without the requisite power is null and void and of no effect whatsoever.

In the case at hand, the Pension Law applicable in Cross River State as at February 2012 is the Gubernatorial Pension Law 2005 and not the amended law as at 2015

On the issue whether an Acting Governor can also benefit from pension under the Law, the court also had words of wisdom on the issue and thereby resolving it with this holding.

‘The Constitution of the Federal Republic of Nigeria, 1999, as amended has also left no one in doubt as to who is a Governor or Deputy Governor of a state. This can be found in the provisions of sections 176, 178, 179 and 180 of the Constitution of the Federal Republic of Nigeria, 1999, as amended. The combined effect of these constitutional provisions will reveal that an acting Governor is not a Governor for the purpose of provisions of section 124(5) and 318 of the Constitution of the Federal Republic of Nigeria, 1999, as amended, likewise the Speaker or his Deputy are equally not Governor or Deputy Governor in the real sense, so they are never contemplated by the Constitution to be meant to benefit from pension provided by Section 124(5) of the Constitution of the Federal Republic of Nigeria, 1999, as amended’

‘The above position taken by me is further supported by the facts that the tenure of a Governor is four years commencing from the date of taking of oath of office. However, where there is a re-run like in the case at hand that necessitated the claimant to serve as Acting Governor for 32 days, in determining the four year terms of a Governor, where a re-run election has taken place like in the case at hand, the candidate that won the re-run had taken oath of office but his election was annulled the terms of four

years will start to count on the date he first took oath of office and not from the date he took oath of office after re-run. The time spent in office before the date the election was annulled shall be taken into account. See sub-section (2A) of section 180 of the Constitution of the Federal Republic of Nigeria 1999, as amended. This provision has clearly established that the period of acting is computed as part and parcel of the period for the tenure of the Governor that won the re-run election and was sworn after the re-run. It also means the period which the claimant served is not accounted to the credit of the claimant but to the credit of the person that served as the Governor. With this exposition I am tended to quite agree with the defendants that if pension is granted to the claimant as a Governor it means two Governors existed at the same time'

'The latin maxim is 'Expressio unius est exclusio alterius' - i.e. the expression of one thing is the exclusion of another. The framers of the constitution having expressly excluded Acting Governor in section 124(%) of the Constitution, the House of Assembly does not have the power to include Acting Governor in the pension Law of the Governors and Deputy Governors.'

Such was the beautiful wisdom exhibited by the court in resolving the issue whether a speaker, deputy speaker or an acting governor could benefit from pension under the amended Cross River State Gubernatorial Pension Law.

THE POLITICS OF AMMENDING THE LAW

Soon after the judgment of the court, the state government implemented the judgment and stopped the payment of pension to all category of former speakers who were hitherto benefiting from the law. Probably worried by this development the house of assembly started and hurriedly completing the process of amending the Gubernatorial Pension Law 2005 which was the surviving law by virtue of the judgment of the court. This time the amendment sought to again make speakers and deputy speakers to earn pension through the back door by changing the nomenclature. A new bill was passed by the House of Assembly called the Cross River State Special Allowance Law 2021. The intention of the bill as reflected in its long title was to repeal the Cross River State Gubernatorial Pension Law No 2 of 2005 and its subsequent amendments of Law No 4 2015 and to provide for "special allowances" for previous office holders like Governors, Deputy Governors, Speakers and Deputy Speakers in Cross River State. The bill was then forwarded to the Governor for Assent but the Governor has withheld his assent on the bill since then.

LEGAL ISSUES FROM THE CROSS RIVER STATE SPECIAL ALLOWANCE BILL 2021

It must be noted that the bill which was in all material content same with the Cross River State Gubernatorial Pension law 2005 as amended merely tried to react to the judgment of the Industrial Court of Nigeria by deleting the word pension wherever it existed in the pension Law and replacing it with the word "Special allowance" in the new Bill. It therefore retained the payment of special allowance to all former Governors, Deputy Governors, Speakers and Deputy Speakers. It is my considered opinion that the Governor should not assent to that bill on account of illegality. If the Governor assents to the bill which by so doing has the implication of repealing the Cross River State Gubernatorial Pension law 2005. Even the Governors and Deputy Governors will not be able to collect pension under the new law. The implication will be that there will not be any valid legal framework in existence upon which their pension can be paid. As emphasized earlier, it is section 124(5)¹⁰ that gives the power to State Houses of Assembly to make law for the pension of Governors and Deputy Governors. It is the law so made by the State House of Assembly that confers that right not the permissive section 124(5) of the constitution. The said provision does not include the powers to make provisions for special allowance but is only restrictive to pension. For it is only pension that is expressly mentioned in the section and pension remains the only sum which is paid to a former staff or employee. Pension has been defined thus; " as: (i) A regular series of payment made to a person (or the person's representatives or beneficiaries) for past services or some type of meritorious work done; esp: or such a series of payment made the Government.¹¹ (ii) A fixed sum paid regularly to a person (or to the person's beneficiaries), esp. by an employer as a retirement benefit."

The Black's Law dictionary similarly defines an allowance as a share or portion, especially of money that is assigned or granted¹². The Webster's dictionary¹³ defines it to include; "a periodic sum of money paid to a dependant...money paid to people with certain responsibilities...money granted for the performance of certain tasks..."

Under the Nigerian Constitution allowances of political office holders is determined by the Revenue Mobilisation Allocation and Fiscal Commission¹⁴ RMAFC. It is the exclusive powers of the RMAFC under the constitution and no other Agency has any such powers. Any other organ of government that attempts to fix remuneration or allowances other than that by the RMAFC is engaging in illegality. A careful reading of Paragraph 32(d) of Part I of the Third Schedule to the 1999 Constitution provides that clear understanding. The RMAFC¹⁵ shall have power to:

¹⁰ 1999 Constitution as amended

¹¹ Black's Law Dictionary, 10th Ed. P.1315

¹² Garner Bryan, Black H.C (1990) *Black's Law Dictionary* 6th Edition St. Paul, MN Thomson Reuters.

¹³ The New Lexicon Webster's Dictionary of the English Language: Delux Encyclopaedic Edition.

¹⁴ Established by the 1999 constitution in Paragraph 32(d) of Part I of the Third Schedule

¹⁵ Revenue Mobilisation Allocation and Fiscal Commission

(d) Determine the remuneration appropriate for political office holders, including the President, Vice-President, Governors, Deputy Governors, Ministers, Commissioners, Special Advisers, legislators and the holders of the offices mentioned in sections 84 and 124 of this Constitution

It therefore has the clear and unambiguous provision that it is only the RMAFC that can determine salaries and allowances of political office holders. Even when the House of Assembly is permitted to make laws with respect to such salaries and allowances, it must first be restricted to the allowances and salaries determined by the RMAFC and must not be more than the amount so determined. Similarly, such allowances are restricted to current office holders. Section 124(1) and (2) of the 1999 Constitution, which empowers the RMAFC to fix remuneration of constitutional office holders, actually talks of “salaries and allowances”. The section provides thus: *“There shall be paid to the holders of the offices mentioned in this section such remuneration and salaries as may be prescribed by a House of Assembly but not exceeding the amount as shall have been determined by the Revenue Mobilisation Allocation and Fiscal Commission.*

It is to cater for past office holders that the Constitution in section 124(5) permits the House of Assembly to make law for the pension of former governors and deputy Governors. It therefore follows that there cannot be ‘allowances’ after office but only pension.

To further buttress the illegitimacy of the Cross River State Special Allowance Bill 2021(still a bill) it is pertinent to point out that specifically, the House of Assembly cannot make a law for her own allowances as the constitution clearly puts that responsibility under the RMAFC. Under section 111 of the 1999 constitution, a member of the house of assembly *shall receive such salary and other allowances as the Revenue Mobilisation Allocation and Fiscal Commission may determine.* A speaker and deputy speaker are members of the state house of assembly and therefore cannot legislate to determine their own salary and ‘other allowances’. Any attempt to do so as is done in the current bill is null and void. In **National Union of Electricity Employees & Anr. V. Bureau of Public Enterprises**¹⁶ it was held thus: *“It is trite law that under the consistency test that the validity of any law is determined by its consistency with the provisions of the Supreme Law, that is, the Constitution. So that where any law is inconsistent with any provisions of the Constitution, such other law shall to the extent of the inconsistency be void.”*

CONCLUSION

In conclusion this paper affirms the power of the state houses of Assembly to make law for the pension of former governors and deputy governors as was also held in **Incorporated Trustees of Human Development Initiatives & 39 Others v. Governor of Abia State & 73 Others**¹⁷. The paper in all fronts strongly agrees with the considered judgement of Justice Kado in the case of RT. Hon Larry Odey v Government of Cross River State that any law that attempts to make pension for Speakers and Deputy Speakers of a House of Assembly is illegal, null and void. The paper also concludes that the purported Cross River Special Allowance Bill before the Governor for assent is illegal as the House of Assembly cannot make a law to confer special allowances on the Governor, Deputy Governor or Speaker as the exclusive power to determine such allowances are only vested in the RMAFC. The paper therefore calls on the Governor of Cross River State to withhold assent to such a bill considered unconstitutional.

CITE: Akpanke Richard Akwagiobe, Okpoko Mercy and Otudor Lovina (2024). The Law, Litigation and Politics Surrounding Legislators’ Pension in Cross River State, Nigeria. NEWPORT INTERNATIONAL JOURNAL OF CURRENT RESEARCH IN HUMANITIES AND SOCIAL SCIENCES, 4(3):57-62. <https://doi.org/10.59298/NIJCRHSS/2024/4.3.5762>

¹⁶ (2010) LPELR 966 (SC),

¹⁷ Unreported Suit No. NICN/ABJ/47/2019, the judgment of which was delivered 23 January 2020 by Justice B. B. Kanyip