

**IN THE NIGERIAN BAR ASSOCIATION ELECTION APPEALS
TRIBUNAL (NBA-NEAC)**

PETITION/APPEAL NO: NBA-NEAC/02/22

**MR. MUHAMMAD DOKO IDRIS
(PETITIONER/APPELLANT)**

AND

**THE ELECTORAL COMMITTEE
OF THE NIGERIAN BAR ASSOCIATION
(RESPONDENT)**

DECISION

**IN THE NIGERIAN BAR ASSOCIATION NATIONAL ELECTIONS
APPEAL COMMITTEE (NBA-NEAC)**

DECISION

PETITION/APPEAL NO: NBA-NEAC/02/22

1.	PARTIES:	MR. MUHAMMAD DOKO IDIRS ----- APPELLANT ELECTORAL COMMITTEE OF THE NBA (ECNBA) -- ----- RESPONDENT
2.	PROCEDURAL HISTORY:	<ul style="list-style-type: none">- Date of Receipt of Appeal by NEAC – 24/05/22- Date sent to ECNBA - 25/05/22- Date of ECNBA’s Response – 30/05/22- Date of Petitioner’s Reply – 03/06/22- Date and Manner of Hearing – 4/06/2022 (Virtual and Documentary)
3.	DOCUMENTS BY PARTIES:	<u>For the Petitioner:</u> <ul style="list-style-type: none">i. Letter of Appeal dated the 23rd of May 2022ii. Reply to the Response of the ECNBA to the Petition <u>For the ECNBA:</u> <ul style="list-style-type: none">i. Response to the Appeal of the Appellant dated the 26th of Mayii. The nomination form as filled by the Appellant, his nominator and seconder and all the documents attached to the nomination form.

4.	<p style="text-align: center;">APPEAL SUMMARY</p> <p>The Appellant filed nomination for the office of 1st Vice President in the forthcoming NBA National Elections and by a letter of the Electoral Committee of the Nigerian Bar Association (ECNBA) dated the 20th of May, 2022, he was disqualified from contesting for the office of the 1st Vice President of the NBA. He appealed against his disqualification vide a letter of Appeal dated the 23rd day of May, 2022, albeit, unsigned. The ECNBA reacted to the Appeal of the Appellant by its Response of 30th May, 2022, explaining the circumstances of the decision further. The Appellant further replied to the ECNBA in his Reply dated 3rd June, 2022, urging the Appeal Committee to reverse the decision of the ECNBA to disqualify him.</p>	
5.	<p>Reasons for Disqualification (ECNBA's Position):</p>	<ol style="list-style-type: none"> 1. That the Secunder of the Appellant did not show that he has been a member of the National Executive Committee (NEC) for not less than two years at the time of the nomination of the petitioner. 2. That the Secunder of the Appellant is a member of a political party in Nigeria.
6.	<p>Grounds of Appeal (Petitioner's Position):</p>	<ol style="list-style-type: none"> 1. That the Secunder of the Appellant was a statutory member of NEC from June 2016 – June 2018 by virtue of his Chairmanship of the Minna Branch of the Nigerian Bar Association (NBA at the relevant time). 2. That it is the Nomination Form that forbids the membership of a political party and not the Constitution of the NBA (2015) (as amended).

<p>7.</p>	<p>Findings by the NBA – NEAC</p>	<ol style="list-style-type: none"> 1. That by a reading and consideration of Section 9 (3) of the Constitution of the Nigerian Bar Association, the Petitioner shall have been a member of NEC for not less than two years in order to qualify to seek election into the office of the 1st Vice President of the NBA. 2. That by the provisions of Part IV, Paragraph 10 of the Second Schedule of the Constitution of the NBA, 2015 (as amended), a Secunder of a candidate shall be as qualified as the candidate he seconds. 3. That the Secunder of the Appellant was the Chairman of the Minna Branch of the NBA for the relevant years, but he failed to state categorically that he was a NEC member from June 2016 – June 2018 as required of him in completing the nomination form. 4. That Part VII (b) of the Second Schedule to the Constitution of the NBA states <i>“subject to the provision of this Constitution, a member shall not be eligible for election as a National Officer or Representative to the General Council of the Bar if he/she is a member of a political party in Nigeria”</i> 5. That the Secunder of the Appellant clearly stated in the nomination form that he is a member of the People’s Democratic Party (PDP), a political party in Nigeria. 6. That the fact of no positive averment in filling the form that the Secunder of the Appellant was a member of NEC from June 2016 – June 2018 and the fact of his membership of a political party in Nigeria respectively are fundamental and the ECNBA was well within its powers to take cognizance of those facts in determining whether or not the Appellant is eligible to contest for the position of the 1st Vice President of the NBA in the 2022 General Election. 7. That the fact of the Secunder’s membership of a political party in Nigeria as clearly stated in the nomination form justifies the rejection of the
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		Appellants nomination form and subsequent disqualification by the ECNBA.
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8.

DECISION

That the ECNBA acted according to the provisions of the NBA Constitution and the Guidelines for the conduct of the 2022 elections in reaching the decision that the Appellant did not meet the requirements for eligibility to stand for election into the office of the 1st Vice President of the Nigerian Bar Association (NBA) and as such, the ECNBA acted well within its powers in rejecting the Appellants nomination form and disqualifying him in consequence thereof.

That we are in full agreement with the submissions of the ECNBA, that “the nomination form requires that the Petitioner’s nominee and seconder indicate that they have been members of NEC for two years, since membership of NEC for two years is an eligibility requirement for the petitioner to contest for the office of 1st Vice President. However, Mr. Mohammed Ndayako, SAN, who seconded the Petitioner’s nomination failed to indicate this fact”

We also agree with the ECNBA that *“Mr. Mohammed Ndayako, SAN clearly indicated on the nomination form that he is a member of the People’s Democratic Party (PDP), a political party in Nigeria. He is therefore precluded by the NBA Constitution from seconding the petitioner herein. However, having so nominated the petitioner, the ECNBA is empowered by Section 10, Part 1 (6) of the Second Schedule of the NBA Constitution to reject the petitioner’s nomination papers for non-compliance with the requirements for nomination and election to offices within the NBA”*.

It is upon the foregoing, that this Committee resolves the issue raised in this Appeal against the Appellant, and accordingly, dismisses the Appeal, for lack of merit.

DIRECTIVE(S)

NONE

DATED THIS 6TH DAY OF JUNE, 2022

SIGNED:



**OLUFUNMILAYO ROBERTS, C.Arb.
(CHAIRPERSON)**



**AUGUSTINE AJINEH, ESQ
(SECRETARY)**