

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

PETITION/APPEAL NO: NBA-NEAC/05/22

**MR. CHUKWUEMEKA A. MBAMALA
(PETITIONER/APPELLANT)**

AND

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

DECISION

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

**PETITION/APPEAL NO: NBA-
NEAC/05/22**

DECISION

1.	PARTIES:	MR. CHUKWUEMEKA A. MBAMALA -- APPELLANT AND ECNBA ----- RESPONDENT
2.	PROCEDURAL HISTORY:	<ul style="list-style-type: none">- Date of Receipt of Appeal -- 26/5/2022- Date sent to ECNBA -- 26/5/2022- Date of ECNBA's Response -- 30/5/2022- Date of Petitioner's Reply -- 2/6/2022- Date and Manner of Hearing -- 3/6/2022 (Virtual/Documentary)
3.	<u>APPEAL SUMMARY:</u>	<p>The Appellant, by his unsigned and undated Notice of Appeal stated that he received on 21st May, 2022, the letter of Electoral Committee of Nigeria Bar Association (ECNBA) dated 20th May, 2022 disqualifying him from participating in the 2022 Nigerian Bar Association National Elections. Being dissatisfied with his disqualification by the ECNBA, the Appellant exercised his right under PART IV of the Constitution of the Nigeria Bar Association (NBA), 2015 (as amended) and appealed to this Committee on three (3) grounds contained at page 2 of his Appeal.</p> <p>ECNBA filed its Response, dated 30th May, 2022. The Appellant, upon receipt of the ECNBA's Response, sent his Reply dated 2nd June, 2022, to this Committee.</p> <p>This Committee considered the three (3) grounds of appeal in the</p>

	Petition or Appeal, the ECNBA's Response and the Appellant's Reply to the ECNBA's Response.	
4.	Reasons for Disqualification (ECNBA's Position)	1. That upon scrutiny of the Petitioner's/Appellant's Nomination Form, it was observed that his Secunder, Mr. Kennedy Ikechukwu Onwusi, did not fill pages 16, 17 and 18 of the nomination form.
5.	Grounds of Appeal (Petitioner's Position)	<p>1. That the Appellant's Secunder, Mr. Kennedy Ikechukwu Onwusi, misunderstood the instruction contained in the box on page 16 (FOR SECONDER OF CANDIDATE FOR THE POSITION OF PRESIDENT, 1ST, VICE PRESIDENT AND GENERAL SECRETARY ONLY), preceding the pages omitted to be filled. In other words, he did not honestly understand the instructions. He sincerely believed.</p> <p>2. That the information omitted is not too late in the day to be supplied to this Committee, especially where the omission was not intentional.</p> <p>3. That the information omitted was not deliberate; the mistake can be mitigated to allow the candidate who is qualified on all fours especially where he has supplied the information orally during scrutiny by ECNBA on the said Page 16, 17 and 18. That this will serve the cause of Justice</p>
6.	Issue for Determination	<i>Whether in the light of the omissions in the Appellant's Nomination Form constituting the basis for the rejection thereof and his disqualification thereby, this Appeal has merit.</i>
7.	Findings by the NBA -NEAC	1. That the Appellant/Petitioner was not cautious in seeing that his nomination form was properly filled by his Secunder, Mr. Kennedy Ikechukwu Onwusi for the position of the office of Treasurer of the Nigerian Bar Association (NBA) in the 2022 National Elections.

		<p>2. That pages 16, 17 and 18 of the nomination form omitted to be filled by his Seconder, are fundamental in enabling the ECNBA to determine whether or not the Appellant/Petitioner's Seconder is as eligible as the Petitioner/Appellant, to contest for the position of the Treasurer of the NBA in the 2022 National Elections.</p> <p>3. That the non-filling of pages 16,17 and 18 of the Petitioner's nomination form by the Petitioner's Seconder, was not mere irregularity but fundamental omissions/defects that justified the rejection of the Petitioner's nomination form and his subsequent disqualification, by the ECNBA.</p> <p>4. That Part IX, 2ndSchedule to the NBA's constitution does not confer ECNBA with power to extend time to an Aspirant to regularize omissions in the filling of their nomination forms, stipulated to have been duly filled and submitted NOT LATER THAN 16:00hrs on Friday, 15thApril, 2022.</p>
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<p>8.</p>	<p style="text-align: center;">DECISION:</p> <p>In the light of the findings above, the Committee holds as follows:</p> <ol style="list-style-type: none"> 1. That the Appellant/Petitioner did not take advantage of the Nomination Forms and Electoral Guidelines that the ECNBA availed all aspirants for various offices in the 2022 National Election of the NBA and did not exercise due caution in reviewing the filling of his Seconder's portion of his nomination form. 2. That the non-filling of pages 16,17 and 18 of the Petitioner's nomination form by the Petitioner's Seconder, was not mere irregularity but fundamental omissions/defects, that went to the root of determining his qualification or otherwise for the office of Treasurer. 3. The ECNBA acted within its power in rejecting the Petitioner's nomination form and disqualifying him in consequence thereof.
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	<p>4. That the appeal lacks merit, and ought to be dismissed and it is accordingly dismissed by this Committee.</p> <p>That the rejection of the Appellant's Nomination Form and his disqualification thereof, by the ECNBA, are hereby affirmed by this Committee.</p>
9.	<p style="text-align: center;">DIRECTIVE(S)</p> <p style="text-align: center;">None</p>

DATED THIS 8TH DAY OF JUNE, 2022

SIGNED:



OLUFUNMILAYO ROBERTS, C.Arb. AUGUSTINE AJINEH, ESQ
(CHAIRPERSON) (SECRETARY)