

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

**PETITION/APPEAL NO: NBA-NEAC/08/22**

**JUDE OKEY UGWANYI  
(PETITIONER/APPELLANT)**

**AND**

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

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**DECISION**

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

**PETITION/APPEAL NO: NBA-NEAC 08/22**

**DECISION**

<b>1.</b>	<b>PARTIES:</b>	<b>JUDE O. UGWANYI----- PETITIONER/APPELLANT</b>  <b>AND</b>  <b>ELECTORAL COMMITTEE OF THE NBA (ECNBA) ---- RESPONDENT</b>
<b>2.</b>	<b>PROCEDURAL HISTORY:</b>	Date Appeal sent to ECNBA: 26 <sup>th</sup> May, 2022 Date of Receipt of Appeal by the NBA NEAC: 29 <sup>th</sup> May, 2022 Date of ECNBA Response: 31 <sup>st</sup> May, 2022 Date of Petitioner's Reply: 2 <sup>nd</sup> June, 2022 Dates and Manner of Hearing: 5 <sup>th</sup> and 10 <sup>th</sup> June, 2022 (Virtual, documentary and oral hearing)
<b>3.</b>	<b>DOCUMENTS FILED BY PARTIES</b>	<b><u>For Petitioner</u></b> <b>i.</b> Notification of Disqualification dated, 20th May,2022 <b>ii.</b> A First Bank teller with a hand written inscriptions "Branch Dues" "Welfare Dues" and also branded as "Annexure B" <b>iii.</b> Letter of Appeal dated 26 <sup>th</sup> May, 2022. <b>iv.</b> Reply to the Response of the ECNBA to the petition dated 2nd June, 2022.  <b><u>For ECNBA.</u></b> <b>i.</b> Notice of disqualification dated 20th May, 2022. <b>ii.</b> Response to the Appeal of the Petitioner dated 31st May, 2022. <b>iii.</b> The nomination form as filled by the Petitioner, his nominator and his seconder including all the documents attached thereto.

<b>4.</b>	<b>APPEAL SUMMARY</b>  <p>The Petitioner/Appellant is an aspirant to the office of the Representative of the NBA to the General Council of the Bar in the forthcoming National Elections of the Nigerian Bar Association. He was disqualified by the Electoral Committee of the Nigerian Bar Association (ECNBA) <i>vide</i> a Notice of Disqualification dated 20<sup>th</sup> May, 2022 on the ground that the Appellant's Nominator, Alhaji Ahmed Abdullahi did not attach evidence of payment of his Branch Dues for the year 2021.</p> <p>Dissatisfied with the decision of the ECNBA, the Appellant approached this Committee with his Appeal <i>vide</i> a letter dated 26<sup>th</sup> day of May, 2022.</p>
<b>5.</b>	<b>ISSUE FOR DETERMINATION</b>  <p><b><i>Whether from the facts and circumstances of this appeal, the Petitioner is qualified to contest for the position of the General Council of the Bar.</i></b></p>

<p><b>6.</b></p>	<p><b>Reasons for Disqualification (ECNBA's Position)</b></p>	<ol style="list-style-type: none"> <li>1. That the Petitioner's Nominator, Alhaji Ahmed Abdullahi did not attach his Branch Dues payment receipt for the year 2021.</li> <li>2. That what was attached to the Petitioner's nomination form was a blank sheet of paper with a hand written inscription, "2020 Branch dues". In addition, the first bank tellers or receipts attached to the form have no nexus with any branch of the Association. The said attachments did not meet the requirements for purposes of determination of eligibility to contest election under Section 9(3)(a).</li> <li>3. By section 4(c) of the NBA Constitution, 2015 (as amended) ("the NBA Constitution"), the failure or neglect to pay the Annual Practicing Fees and Branch Dues as and when due disentitles a member from enjoying the benefits and privileges (including right to participate in the electoral process) accruing to members of the Association.</li> <li>4. That the Petitioner's Nominator being a member of the Northern geographical zone, is not qualified to nominate the Petitioner who belongs to the Eastern zone. See Part V, Paragraph 5 of the 2nd Schedule to the NBA Constitution 2015(as amended).</li> </ol>
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<p><b>7.</b></p>	<p><b>Grounds of Appeal (Petitioner's Position)</b></p>	<ol style="list-style-type: none"> <li>1. The Petitioner's Nominator, Alhaji Ahmed Abdullahi did attach his Branch Dues receipt for 2021, but the ECNBA did not acknowledge its receipt by ticking it on the checklist.</li> <li>2. Though the Nominator, Alhaji Ahmed Abdullahi is of Northern zone, he is qualified to nominate or second the nomination of the Petitioner who is from the Eastern zone.</li> </ol>
<p><b>8.</b></p>	<p><b>Findings by the NBA - NEAC</b></p>	<ol style="list-style-type: none"> <li>1. We find as a fact from the documents submitted, and the oral evidence given before us, that the Petitioner did not submit valid receipts of payment of branch dues for 2020 &amp; 2021 by his nominator, Alhaji Ahmed Abdullahi.</li> <li>2. That the blank sheet of paper with a handwritten inscription "2020 Branch dues" was attached to the Petitioner's Nomination Form as evidence of payment of his Nominator's branch dues. This blank sheet of paper did not reveal relevant information such as the name of the payee, what the payment was for etc. such that one could see a nexus between the payment made and the Nominator.</li> <li>3. That from the documentary evidence before us, the admission by the Petitioner in his petition, as well as his oral evidence before us, we found that his Nominator (Alhaji Ahmed Abdullahi) is a member of the Northern</li> </ol>

Geographical Zone, while the Petitioner is of the Eastern Geographical Zone. The Nominator is therefore not qualified to nominate the Appellant under the extant NBA Constitution and the applicable Elections Guidelines, 2022.

### **DECISIONS**

- 1.** We hold that the Petitioner having not provided evidence of payment of his Nominator's branch dues for years 2020 & 2021, did not meet the requirements of a valid nomination to enable him contest the election.
- 2.** We also hold that by the provisions of Part V, S. 2 of the Second Schedule to the Constitution, the Petitioner's Nominator, Alhaji Ahmed Abdullahi being of the Northern Geographical Zone is not qualified to nominate the Petitioner who is from the Eastern Geographical Zone.
- 3.** We further hold that based on 1 & 2 above, the ECNBA was right to have disqualified the Petitioner from participation in the said election.

	<p><b>4.</b> We equally hold that the Appeal lacks merit and ought to be dismissed.</p> <p>Accordingly, the Appeal is hereby dismissed and the decision of the ECNBA to disqualify the Petitioner is upheld.</p>
	<p style="text-align: center;"><b>DIRECTIVE(S)</b></p> <p style="text-align: center;"><b>NONE.</b></p>

**DATED THIS 11<sup>TH</sup> DAY OF JUNE, 2022**

**SIGNED:**



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



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**AUGUSTINE AJINEH, ESQ**  
**(SECRETARY)**