

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE UMUAHIA JUDICIAL DIVISION
HOLDEN AT UMUAHIA

SUIT NO: FHC/UM/CS/26/2022

BETWEEN:

CHIEF NDUKA EDEDE

=====

PLAINTIFF

AND

ATTORNEY-GENERAL OF THE FEDERATION

=====

DEFENDANT

ORDER

UPON THIS SUIT coming up for Judgment before this Honourable Court on the 18th day of March, 2022.

AND AFTER HEARING Emeka Ozoani SAN with M. E. Dibia Esq, S. O. Mberekpe Esq and Peace Nwoke Esq, Counsel for the Plaintiff and Chris Nevo Esq with Caleb Aluya Esq., Counsel for the Defendant.

AND AFTER Due Consideration.

HONOURABLE COURT HEREBY ORDERED AS FOLLOWS:-

1. I Declare that Section 84(12) of the Electoral Act, 2022 cannot validly and constitutionally limit, remove, abrogate, disenfranchise, disqualify, and oust the constitutional right or eligibility of any political appointee, political or public office holder to vote or be voted for at any Convention or Congress of any political party for the



E. N. ANYADIKE
PRESIDING JUDGE



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DATE 18/03/2022
(*Snr. Admin*)

purposes of nomination of such person or candidate for any election, where such person has "resigned, withdrawn or retired" from the said political or public office, at least 30 days before the date of the election.

2. I Declare that the provisions of Section 84(12) of the Electoral Act, 2022 which limits, removes, abrogates, disenfranchises, disqualifies, and oust the constitutional right and eligibility of any political appointee, political or public office holder to vote or be voted for at any Convention or Congress of any political party for the purposes of nomination of such person or candidate for any election, where such person has "resigned, withdrawn or retired" from the said political or public office, at least 30 days before the date of the election, is grossly ultra vires and inconsistent with Sections 6(6) (a) & (b), 66(1)(f), 107(1)(f), 137(1)(g), and 182(1)(g) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and therefore unconstitutional, invalid, illegal, null, void and of no effect whatsoever.

3. I hereby nullify and set aside Section 84(12) of the Electoral Act, 2022 for being unconstitutional, invalid, null and void to the extent of its inconsistency with Sections 66(1)(f), 107(1)(f), 137(1)(g), and 182(1)(g) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).

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15/05/2022

(Sm. Admin)

[Handwritten signature]

4. I hereby Order the Defendant (The Attorney General of the Federation) to delete the provisions of Section 84(12) from the Electoral Act, 2022 with immediate effect.



ISSUED AT UMUAHIA under the seal of the Court and the Hand of the Presiding Judge this 18th day of March, 2022.


AJUKA-NWACHUKWU FAVOUR
(COURT REGISTRAR).



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DATE 18/03/2022
(Snr Admin)