

IN THE FEDERAL HIGH COURT OF NIGERIA

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT ABUJA

ON TUESDAY THE 23<sup>RD</sup> OF JUNE, 2026.

BEFORE HIS LORDSHIP HON. JUSTICE OBIORA ATUEGWU EGWUATU.

JUDGE.

SUIT NO: FHC/ABJ/CS/2787/2025

BETWEEN:

1. TAMUNOTONYE SAMUEL SOLOMON INIORIBO

2. HON. PROMISE OKONGWU

3. HON. LAWAL SHAMSHUDEEN .....PLAINTIFFS

(Suing for themselves and on behalf of the  
members of Citizens Democratic Alliance)

AND

INDEPENDENT NATIONAL ELECTORAL COMMISSION.....DEFENDANT

## JUDGMENT

By an Originating Summons dated 23<sup>rd</sup> but filed on the 24<sup>th</sup> of December, 2025 the Plaintiffs sought the determination of the five questions and the grant of 12 reliefs should the questions be answered in favour of the Plaintiffs as follows;



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### Questions:

1. Whether the refusal of the Defendant to register the CITIZENS DEMOCRATIC ALLIANCE as a political party, premised on alleged non-compliance with sections 222, 223 and 224 of the Constitution of the Federal Republic of Nigeria 1999 (As Amended), section 79 of the Electoral Act 2022, and Part I, paragraphs 2(ii), 5(v) and 6 of the Regulations and Guidelines for Political Parties 2022, without furnishing particulars of such alleged non-compliance, the specific subsections breached or the factual deficiency complained of is ultra vires, unlawful, contrary to law, amounts to unreasonable/arbitrary exercise of statutory power and therefore null and void?
2. Whether, having complied with the provisions of sections 222, 223, 224 of the Constitution of the Federal Republic of Nigeria, 1999 (As Amended), sections 75 and 79 of the Electoral Act, 2022, the Defendant lacks the power to refuse the registration of a political association as a political party?
3. Whether, having regard to sections 222, 223, 224 of Constitution of the Federal Republic of Nigeria, 1999 (As Amended), paragraph 15 (b) of the 3<sup>rd</sup> schedule to Constitution of the Federal Republic of Nigeria, 1999 (As Amended), sections 75 and 79 of the Electoral



Act, 2022, the Defendant lacks the power to refuse to register the **CITIZENS DEMOCRATIC ALLIANCE** as a political party?

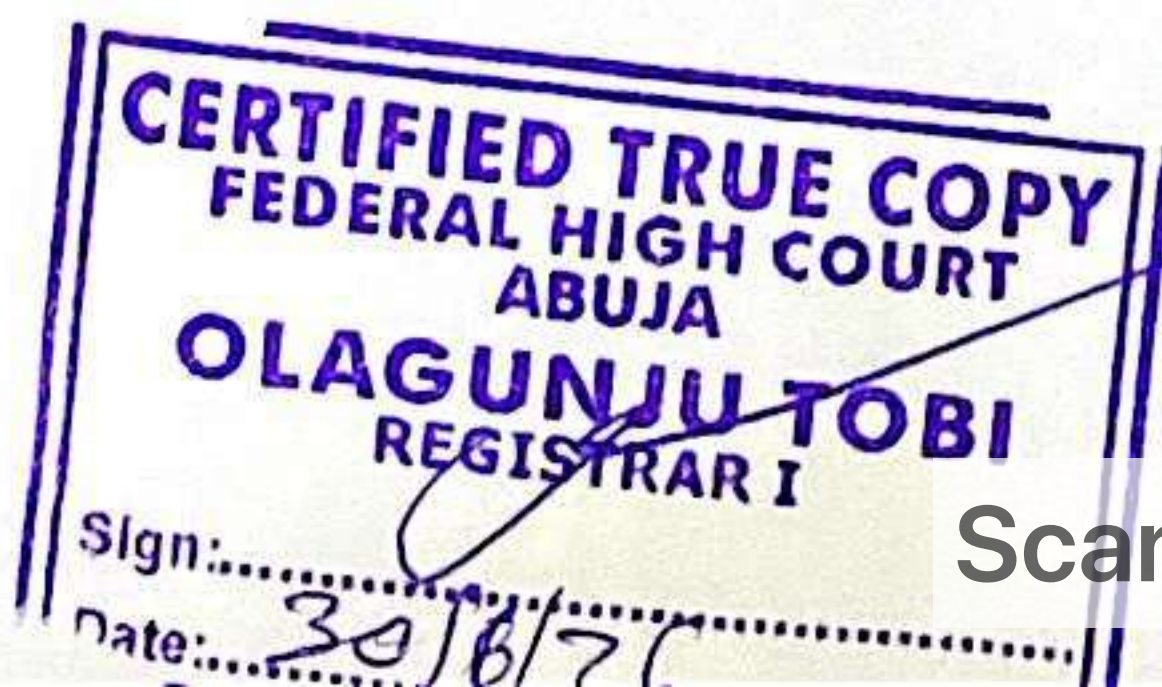
4. Whether, having regard to section 75(4) of the Electoral Act 2022, any political association that meets the constitutional and statutory requirements is deemed to be registered as a political party if the Defendant fails to register it or notify it of any non-compliance within sixty (60) days of the Defendant's receipt of the application?

5. Whether, having regard to section 75 (4) of the Electoral Act 2022, the notification contained in the letter dated 18<sup>th</sup> December 2025 by the Defendant to the **CITIZENS DEMOCRATIC ALLIANCE** regarding its non-registration, made after the expiration of sixty (60) days from the date of receipt of the application, is null, void and of no effect whatsoever?

#### Reliefs:

1. A declaration that the refusal of the Defendant to register the **CITIZENS DEMOCRATIC ALLIANCE** as a political party, premised on alleged non-compliance with sections 222, 223 and 224 of the Constitution of the Federal Republic of Nigeria 1999 (As Amended), section 79 of the Electoral Act 2022, and Part I, paragraphs 2(ii), 5(v) and 6 of the Regulations and Guidelines for Political Parties 2022, without furnishing particulars of such

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alleged non-compliance, the specific subsections breached or the factual deficiency complained of is ultra vires, unlawful, contrary to law, amounts to unreasonable/arbitrary exercise of statutory power and therefore null and void.

2. **A declaration** that having complied with the provisions of sections 222, 223, 224 of the Constitution of the Federal Republic of Nigeria, 1999 (As Amended), sections 75 and 79 of the Electoral Act, 2022, the Defendant lacks the power to refuse the registration of a political association as a political party.
3. **A declaration** that having regard to sections 222, 223, 224 of Constitution of the Federal Republic of Nigeria, 1999 (As Amended), paragraph 15(b) of the 3<sup>rd</sup> Schedule to Constitution of the Federal Republic of Nigeria, 1999 (As Amended), sections 75 and 79 of the Electoral Act, 2022, the Defendant lacks the power to refuse to register the **CITIZENS DEMOCRATIC ALLIANCE** as a political party.
4. **A declaration** that having regard to section 75 (4) of the Electoral Act 2022, any. political association that that meets the constitutional and statutory requirements is deemed to be registered as a political party if the Defendant fails to register it or notify it of any non-compliance within sixty (60) days of the Defendant's receipt of the application.



5. A declaration that having regard to section 75 (4) of the Electoral Act 2022, the notification contained in the letter dated 18<sup>th</sup> December 2025 by the Defendant to the **CITIZENS DEMOCRATIC ALLIANCE** regarding its non-registration, made after the expiration of sixty (60) days from the date of receipt of the application, is null, void and of no effect whatsoever.
6. A declaration that by virtue of section 75 (4) of the Electoral Act 2022, the **CITIZENS DEMOCRATIC ALLIANCE** became duly and validly registered as a political party upon the Defendant's failure to notify it of any non-compliance within sixty (60) days of the Defendant's receipt of the application.
7. An Order of this Honourable Court directing and mandating the Defendant to forthwith register the **CITIZENS DEMOCRATIC ALLIANCE** as a political party, within seven (7) days of the service of the Judgment of this Honourable Court.
8. An Order directing the Defendant to issue to the **CITIZENS DEMOCRATIC ALLIANCE** a Certificate of Registration as a political party within seven (7) days of the service of the Judgment of this Honourable Court.
9. An Order of Perpetual injunction restraining the Defendant, whether by itself, its officers, agents, privies or howsoever called, from refusing, neglecting, or failing to register the **CITIZENS**



**DEMOCRATIC ALLIANCE** as a political party, or from taking any further steps inconsistent with or contrary to the Judgment of this Honourable Court.

10. *An Order of Perpetual injunction* restraining the Defendant, whether by itself, its officers, agents, privies or howsoever called, from conducting, organizing, supervising or participating in the conduct of any election or electoral process in the Federal Republic of Nigeria without recognizing and treating the **CITIZENS DEMOCRATIC ALLIANCE** as a duly registered political party and placing the **CITIZENS DEMOCRATIC ALLIANCE'S** name, acronym, symbol and logo on the ballot for such election, howsoever described.
11. *An Order* of this Honourable Court awarding the Plaintiffs general damages in the sum of ₦50,000,000.00 (Fifty Million Naira) for the unlawful, arbitrary and unreasonable refusal of the Defendant to register the **CITIZENS DEMOCRATIC ALLIANCE** as a political party.
12. And such orders or further orders that this Honourable Court may deem fit to make in the circumstances.'

The Application is supported by an affidavit of 112 paragraphs deposed to by the 1<sup>st</sup> Plaintiff attached with twenty-four (24) documents marked as exhibits CDA 1, CDA1(a)-(b) - CDA21 respectively.

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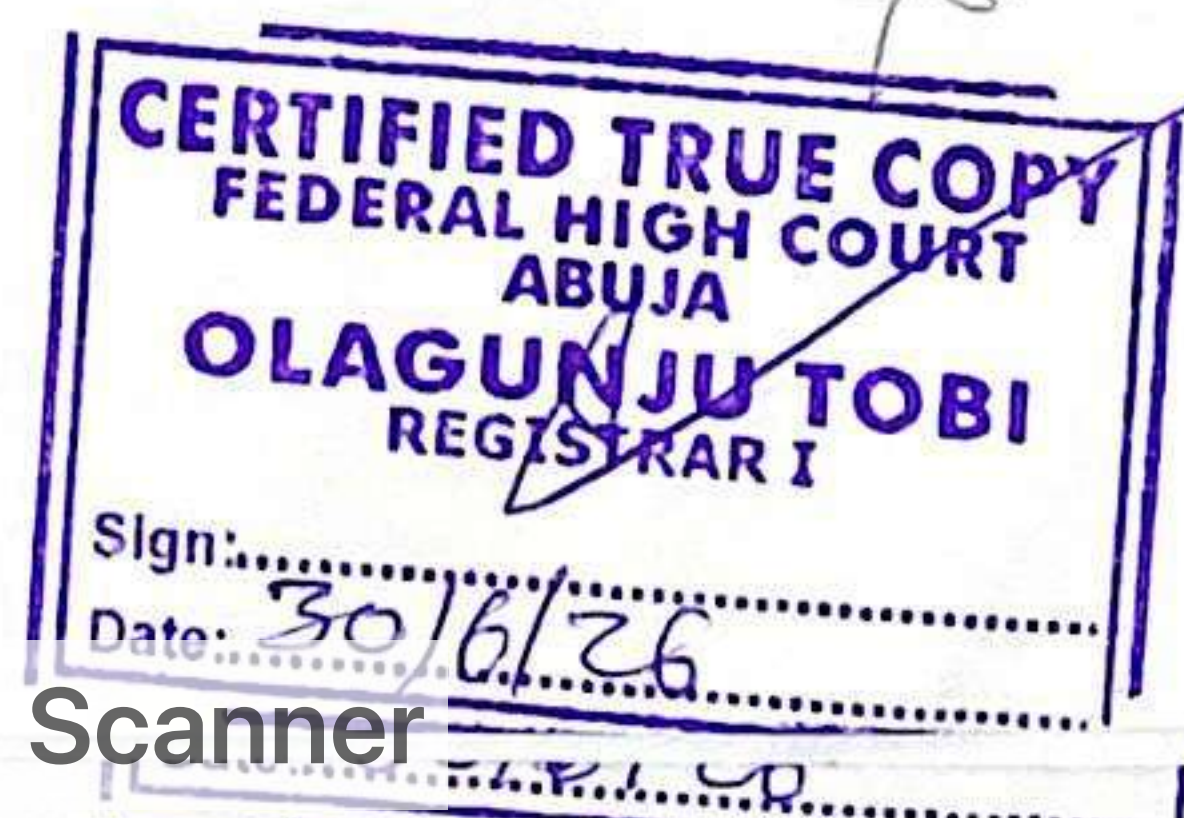
In compliance with the Rules of this Court a written address was also filed.

Upon being served with the Originating Summons the Defendant filed a counter affidavit of 7 paragraphs deposed to by one Ayuba Mohammed on the 18<sup>th</sup> of February, 2026. A written address was filed alongside the counter affidavit in compliance with the Rules of Court.

In response to the Defendant's counter affidavit, the Plaintiff filed a further affidavit of 37 paragraphs also deposed to by the 1<sup>st</sup> Plaintiff attached with a document marked as exhibit CAA 22 series and a Reply on points of law.

#### ***Plaintiffs' case:***

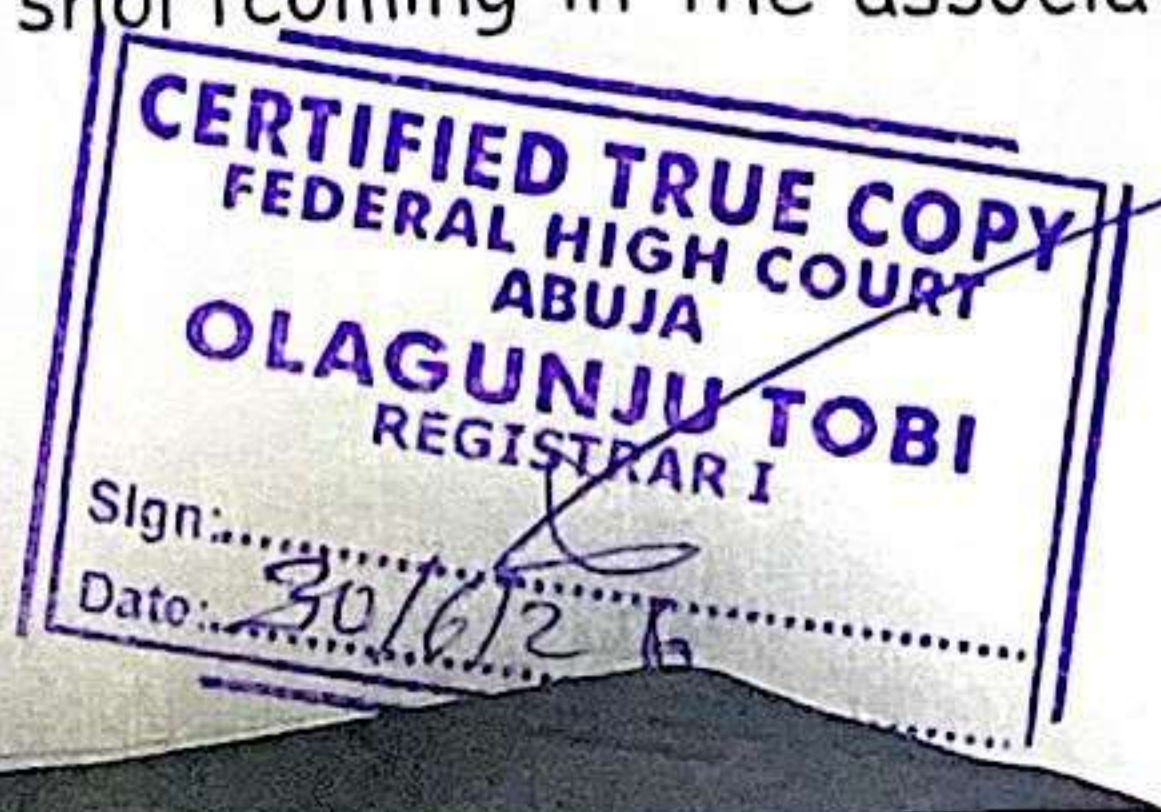
The case of the Plaintiffs is that the Citizens Democratic Alliance (the association) by its letter of intent dated 15<sup>th</sup> of October, 2024 (exhibit CDA2), applied to the Defendant for registration as a political party to which the Defendant acknowledged vide her letter dated 29<sup>th</sup> October, 2024 (exhibit CDA3) informing the Plaintiffs that they would be notified when registration portal was open for the submission of application and documentation. The Defendant through her letter dated 12<sup>th</sup> September, 2025 (exhibit CDA 4) informed the association that provisional approval had been granted for it to proceed to apply for registration as a political party and pay the administrative fees. The



Plaintiffs did pay the administrative fees and was given the access code by the Defendant to enable the association upload its application and accompanying documents which the association did on the 8<sup>th</sup> of October, 2025 by submitting its application (INEC Form EC 15A) and requisite documentation as directed by the Defendant.

It is the Plaintiffs' case that the association fulfilled all the requirements of sections 222, 223 and 224 of the Constitution, section 79 of the *Electoral Act 2022* and Part I paragraphs 2(ii), 5(v) and 6 of the *Regulations and Guidelines for Political Parties, 2022* including physical verification of the association's headquarters, membership and documents, details of which the Plaintiffs outlined in the affidavit in support.

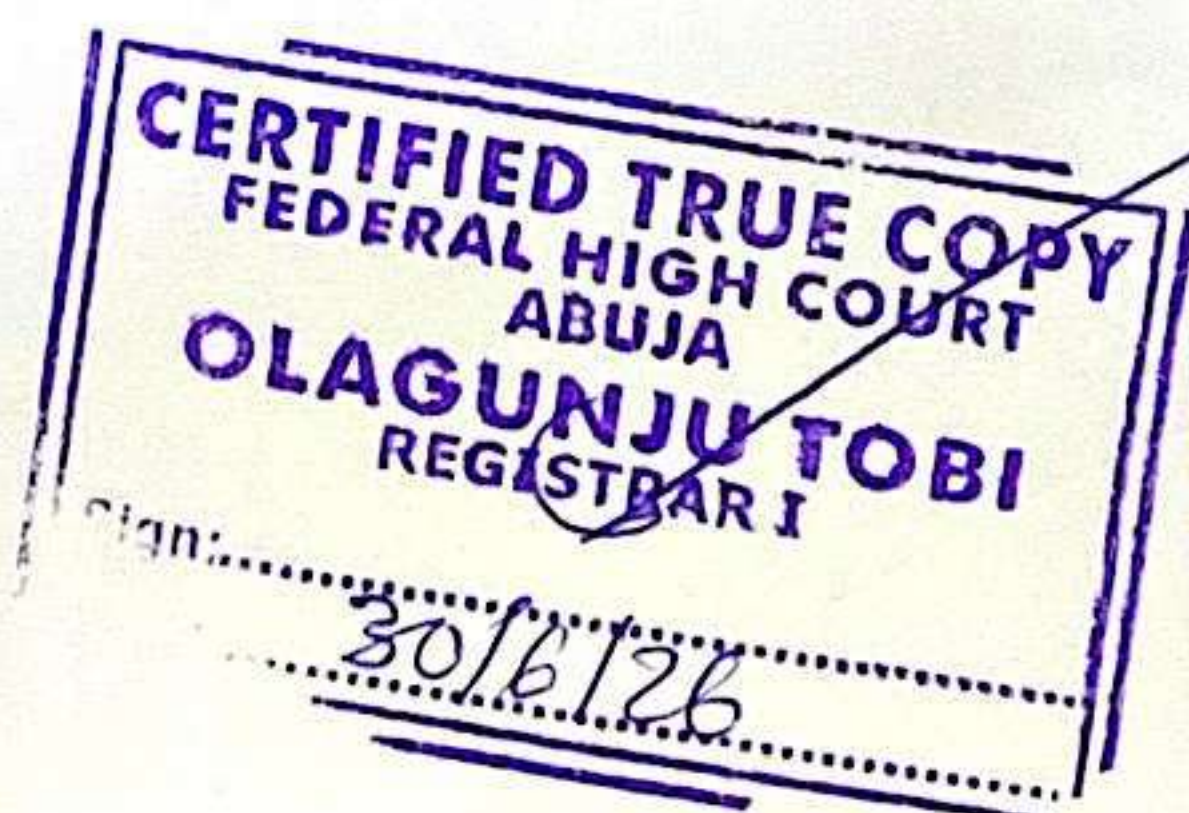
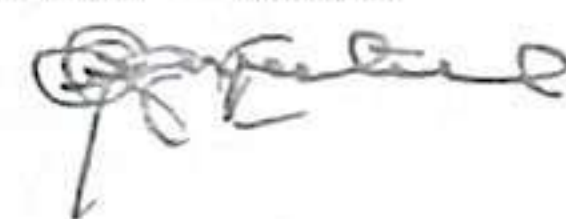
Further, that after complying with all the registration requirements, the Defendant by a letter dated 18<sup>th</sup> of December, 2025 (exhibit CDA21) notified the association of the Defendant's decision not to register it as a political party, stating non-compliance with sections 222-224 of the Constitution, section 79 of the *Electoral Act, 2022*, and Part 1 Paragraphs 2(ii), 5(v), and 6 of the *Regulations and Guidelines for Political Parties, 2022* as the reason. That apart from referring to the statutory provisions and the Guidelines, the Defendant did not communicate to the association any specific deficiency, discrepancy or shortcoming in the association's application for registration nor did it



explain the basis of the decision not to register the association as a political party. Thus, the decision not to register the association is unfounded, speculative and baseless.

The Plaintiffs having submitted its application on the 8<sup>th</sup> of October, 2025 and the Defendant's refusal communicated seventy-one days later, outside the sixty-day period prescribed by section 75 (4) of the *Electoral Act 2022*, the association is deemed registered by operation of law on 7<sup>th</sup> of December, 2025. The refusal is thus null and void.

For the Defendant who admitted substantial part of the Plaintiff's depositions on the processes leading to the point of refusal of registration, her case is that the association did not comply with the constitutional and statutory requirements for Political Party registration having failed to secure an office that meets the description of Headquarters (National Secretariate) as prescribed by section 222(f) of the Constitution. The Headquarters of the association at No. 10B J Close, 1<sup>st</sup> Avenue, Gwarimpa, Abuja was found to be a residential apartment wholly unfit for its stated purpose as a political party headquarters, as the premises retained the character and setting of a private residence, with rooms containing mattresses and living room with household furniture, rather than administrative equipment and infrastructure requisite for National Secretariat.



Further, that the law requires the Defendant to notify the association of its non-compliance within 90 days of its application, where it failed to meet the constitutional requirement stipulated for political party registration in the Constitution, consequently the association cannot be deemed registered under section 75 (4) of the *Electoral Act, 2022*.

Finally, that the association has fundamentally failed to satisfy the mandatory constitutional requirements for registration under the 1999 Constitution (as amended).

The Plaintiffs' further affidavit filed in response to the counter affidavit of the Defendant is substantially a denial of the Defendant's depositions particularly on the unsuitability of the Headquarters of the association as befitting a national secretariat of a party. Plaintiffs deposed that neither the Constitution, the *Electoral Act 2022*, or INEC's Guidelines empower INEC to determine the "fitness", adequacy, size, furnishing, architecture or sophistication of a political party headquarters.

In the written address filed by the Plaintiffs' counsel, the five questions posited for determination were adopted by counsel as the issues for determination and proceeded to argue same.

Counsel argued issue 1 alone. Issues 2 and 3 were argued together and issues 4 and 5 also argued together.



The Defendant on her part distilled two issues for determination namely:

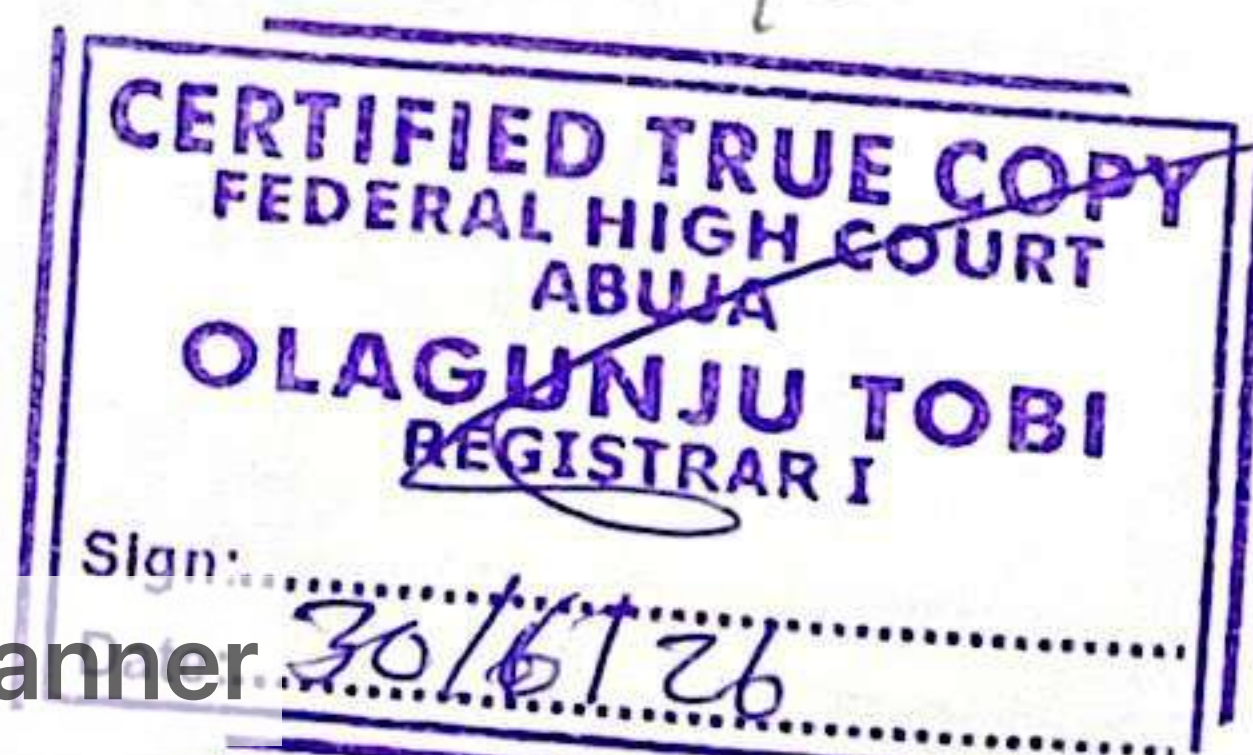
1. *Whether an association can be registered as a political party when its physical headquarters fails the test of functionality and suitability required by section 222(f) of the Constitution 1999 (as amended).*
2. *Whether the 'deeming' provision in section 75 (4) of the Electoral Act, 2022 can be invoked to grant the status of a political party to an association that has fundamentally breached the mandatory requirements of the 1999 Constitution.*

***Plaintiffs' arguments:***

The Plaintiffs' arguments on the questions for determination are that the refusal of the Defendant, INEC, to register the Citizens Democratic Alliance (CDA) was unconstitutional, unlawful, arbitrary, unreasonable and contrary to the provisions of the Constitution and the *Electoral Act, 2022*.

Counsel submitted that INEC derives its powers to register political parties from Paragraph 15(b) of Part I of the Third Schedule to the Constitution of the Federal Republic of Nigeria 1999 (as amended) and section 75 of the *Electoral Act, 2022*. However, such powers must be exercised judicially, reasonably and in accordance with the law.

Counsel argued that INEC's letter of refusal dated 18 December 2025 merely stated that the association failed to comply with sections 222,



223 and 224 of the Constitution, section 79 of the *Electoral Act, 2022* and Part I Paragraphs 2(ii), 5(v) and 6 of the *Regulations and Guidelines for Political Parties, 2022* without specifying the actual constitutional, statutory or regulatory provisions allegedly violated.

Counsel contended that a statutory body vested with discretionary powers must provide clear and intelligible reasons for its decisions and cannot act arbitrarily, placing reliance on the cases of *Sunshine Oil & Chemical Development Co., Ltd v. Standard Organization of Nigeria (SON) (2022) LPELR-58228(CA)*; *Bashar v. Jokolo & Ors (2016) LPELR-40241(CA)*; *Int'l Standard Securities Ltd v. Union Bank of Nigeria Plc (2009) LPELR-8788(CA)*; *Governor of Delta State v. Edun (2021) LPELR-53369(CA)*.

Counsel argued that the law does not permit arbitrary exercise of statutory powers and that public authorities must act fairly and within the confines of their enabling statutes, contending that the association fulfilled every requirement contained in sections 222, 223 and 224 of the Constitution while listing out the said requirements. The case of *Musa & Ors v. INEC & Anor (2003) 3 NWLR (Pt. 806) 72* where the Court held that INEC cannot impose additional conditions for registration beyond those expressly provided by the Constitution, was heavily relied upon by counsel.



The Plaintiffs' counsel further argued that INEC's attempt to assess the adequacy, suitability or functionality of the headquarters amounted to introducing fresh eligibility conditions unknown to the Constitution, relying on the cases of *ACD & Ors v. A.G.F. & Anor (2020) LPELR-51052(CA)* for the proposition that once constitutional conditions are met, registration should follow. Relying on the cases of *Labour Party & Ors v. Oyatoro & Ors (2016) LPELR-40135(CA)*; *Ekejiuba v. INEC & Anor (2016) LPELR-40926(CA)*, counsel argued that registration is merely recognition of compliance with constitutional requirements.

On the issue of time, the counsel submitted that section 75 (4) of the *Electoral Act, 2022* provides 'where the Commission fails to register a political association within sixty days of receipt of its application, it shall be deemed to have been registered' and argued that the association's application was submitted on 8<sup>th</sup> of October, 2025 while the decision not to register the association was vide a letter dated 18<sup>th</sup> of December 2025 (exhibit CDA21), seventy-one days after.

Counsel therefore contended that the CDA became deemed registered by operation of law on 7<sup>th</sup> of December, 2025 and that INEC became functus officio thereafter. Reliance was placed on the unreported case of *Young Democratic Party (YDP) v. INEC (Suit No. FHC/ABJ/CS/736/2014)* where this Court applied the deeming provision in favour of a political association.



Counsel finally urged the Court to declare the refusal unlawful and order INEC to register the CDA as a political party.

The Defendant's counsel on his part while arguing her first issue, submitted that the word 'headquarters' must be given a purposive and contextual interpretation and that a 'headquarter' is not merely a physical address but a functional administrative nerve centre from which the affairs of the organization are directed and coordinated. According to counsel, the inspection team of the Defendant discovered that the association's purported headquarters at No. 10B J Close, 1<sup>st</sup> Avenue, Gwarimpa, Abuja retained the characteristics of a residential apartment rather than a political party secretariat. The premises contained mattresses, household furniture and personal effects and lacked the infrastructure expected of a national headquarters.

Counsel argued that mere occupation of premises within Abuja does not automatically satisfy section 222(f) of the Constitution, urging the Court to interpret the Constitution in a manner that advances the purpose of the provision rather than defeating it.

Counsel therefore maintained that the Plaintiffs failed to establish a genuine headquarters within the meaning of the Constitution.

On the **second issue**, Counsel argued that the deeming provision under section 75 (4) of the *Electoral Act, 2022*, cannot cure substantive constitutional defects. Counsel argued that where an Applicant



fundamentally fails to satisfy constitutional requirements, the sixty-day provision cannot be invoked to compel registration, contending that constitutional compliance is a condition precedent to registration and that non-compliance prevents the operation of section 75 (4) of the *Electoral Act, 2022*.

Finally, counsel urged the court to dismiss the action in its entirety.

In his **reply on points of law**, Plaintiffs' counsel submitted that the Defendant's submissions amounted to an attempt to amend the Constitution through administrative interpretation.

Counsel pointed out that Courts must give constitutional provisions their ordinary and literal meanings where the language used is clear and unambiguous, relying on the cases of *Umar v. Sokoto State House of Assembly & Ors (2024) LPELR-62195(SC)*; *National Unity Party (NUP) v. INEC (2021) LPELR-58407(SC)*.

Counsel argued that section 222(f) of the Constitution merely requires that 'the headquarters of the association is situated in the Federal Capital Territory, Abuja', maintaining that the provision does not require a particular size of building, a minimum number of offices, specific furniture, a prescribed level of functionality, a particular architectural design or any other administrative standard.

According to Plaintiffs' counsel, the Defendant was attempting to add qualifications that do not exist in the Constitution, relying on the cases



of *Musa & Ors v. INEC (supra)* where the Supreme Court held that INEC lacks authority to impose additional registration requirements beyond those expressly provided by law.

Regarding the Diaspora Executive Committee, the Plaintiffs argued that no provision of the Constitution prohibits Nigerians living abroad from participating in political party affairs.

Counsel submitted that the Constitution does not prohibit political parties from creating administrative organs for coordination of members residing outside Nigeria.

The Plaintiffs therefore contended that the Defendant's argument lacked constitutional foundation.

Finally, counsel reiterated that the association became deemed registered pursuant to Section 75 (4) of the *Electoral Act 2022* once sixty days elapsed without a lawful decision by INEC.

**Resolution:**

In my view a sole issue will resolve this application. And I formulate it thus;

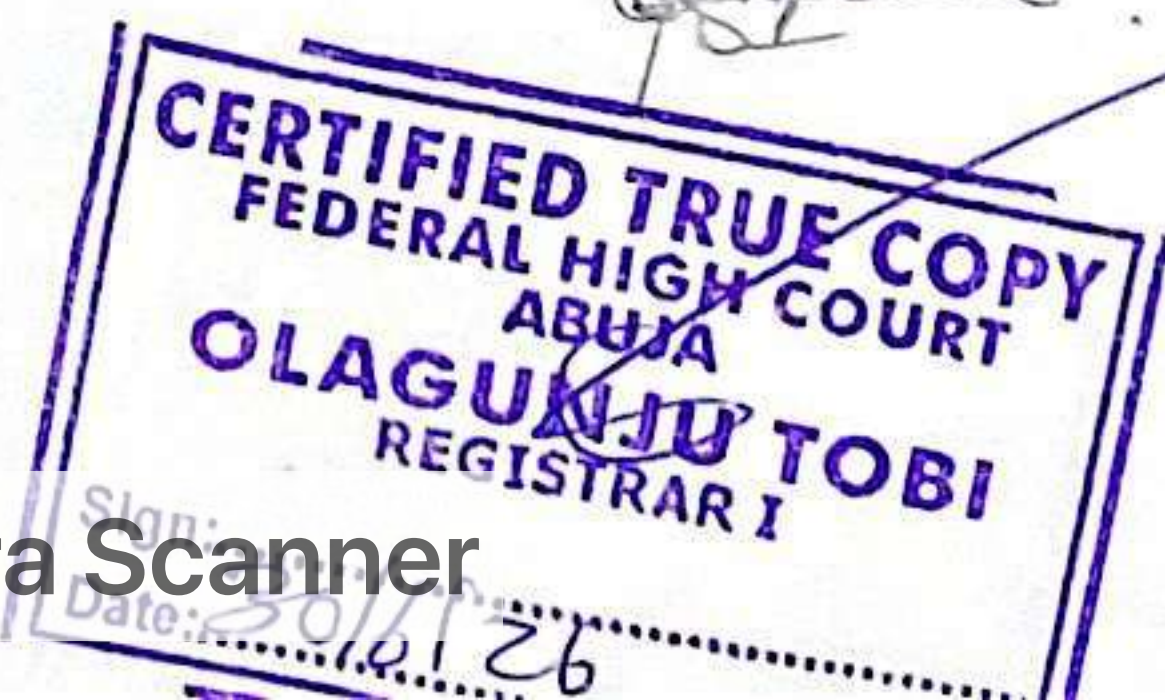
*Whether by the evidence placed before this Court by the parties, the Plaintiffs are entitled to the reliefs sought?*

The facts of this case are substantially not disputed.

The established facts of this case are that the *Citizens Democratic Alliance* (the association) submitted a letter of intent dated 15/10/2024



for registration as a political party (exhibit CDA 2). The Defendant responded to the application vide her letter dated 29/10/2024 (exhibit CDA 3) informing the association that it would be notified when the registration portal was open for the submission of application and documentation. On the 12<sup>th</sup> of September, 2025, the Defendant informed the association (vide exhibit CDA 4) that provisional approval had been granted for it to apply for registration as a political party and pay administrative fees. Following the payment of the administrative fees, the Defendant gave the association the access code to enable the association upload its application and accompanying documents on the Defendant's portal. The association, on the 8/10/2025, successfully submitted its application (INEC Form EC 15A (1)) and all requisite documentation as directed by the Defendant (exhibit CDA 8). The documents submitted are its (i) Constitution (exhibit CDA9), (ii) Manifesto (exhibit CDA 10), (iii) Proof of Occupancy of the its Headquarters within Abuja (Deed of assignment exhibit CDA 11), (iv) Membership Register (exhibit CDA 12) and (v) an Affidavit deposed to by the association's National Secretary Confirming the Authenticity of the information and Contents of the Documents Submitted (exhibit CDA 13). On the 30/10/2025, the Defendant published that the association, together with seven other associations, had successfully completed the upload of all necessary information and documents on its portal (exhibit



CDA 14). Upon notifying the association that it would conduct a verification team visit to the association's headquarters attaching a checklist of verification requirements to verify the claims of the association, the Defendant indeed carried out the verification exercise on the 10/12/2025. The association provided all the requirements contained in the checklist.

On the 18<sup>th</sup> of December, 2025, by her letter dated same date (exhibit CDA 21) the Defendant notified the association of her decision not to register the association as a political party.

Now, the decision to register or refuse registration of a political party is a statutory power that has been conferred on the Defendant by virtue of the provision of Paragraph 15 (b) of the 3<sup>rd</sup> Schedule to the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and section 75 of the *Electoral Act, 2022*. The said provision of the Constitution provides;

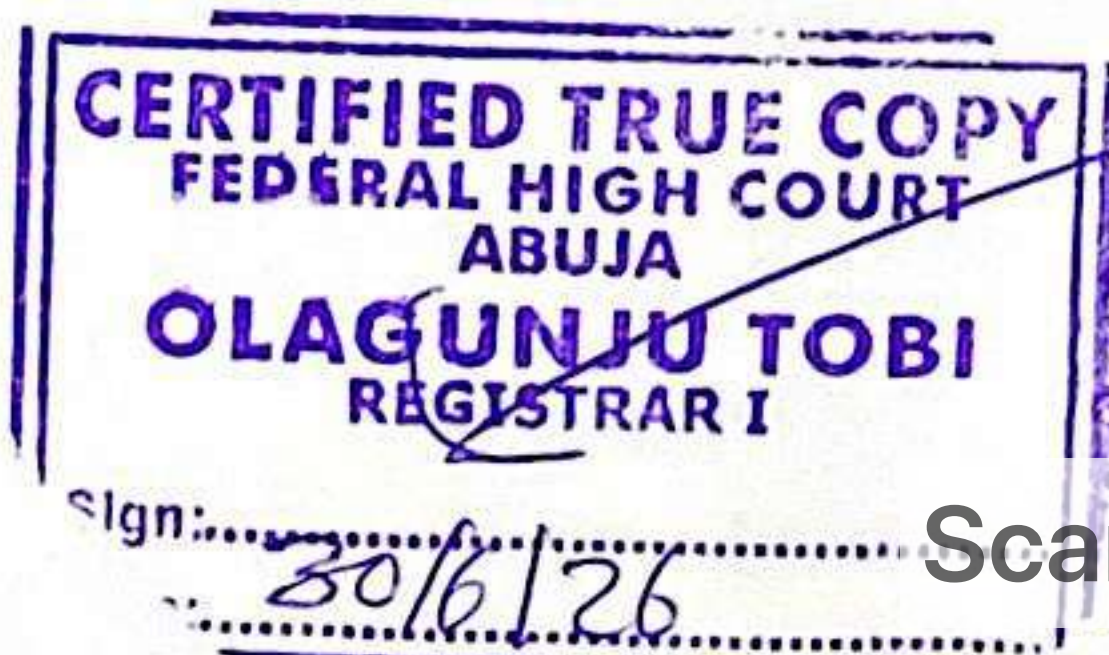
*The Commission shall have the power to-*

*(b) register political parties in accordance with the provisions of this Constitution and an Act of the National Assembly.'*

The Act of the National Assembly referred to in the above provision, in this instance, is the *Electoral Act, 2022*.

The primary requirements to be met and factors to be considered by the Defendant in determining whether to register a political party have

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been stipulated in sections 222, 223 and 224 of the Constitution in furtherance of the right guaranteed by section 40 of the Constitution- right to peaceful assembly and association.

Section 222 of the Constitution which dwelt on *restriction on formation of political parties* provides that

222. No association by whatever name called shall function as a political party unless;

- a) the names and address of its national officers are registered with the Independent National Electoral Commission;
- b) the membership of the association is open to every citizen of Nigeria irrespective of his place or origin, circumstance of birth, sex, religion or ethnic grouping;
- c) a copy of its constitution is registered in the principal office of the Independent National Electoral Commission in such form as may be prescribed by the Independent National Electoral Commission;
- d) any alteration in its constitution is also registered in the principal office of the Independent Electoral Commission within thirty days of making of such alteration;
- e) the name of association, its symbol or logo does not contain any ethnic or religious connotation or give the appearance

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that the activities of the association are confined to a part of the geographical area of Nigeria; and

f) the headquarters of the association is situate in the Federal Capital Territory, Abuja.'

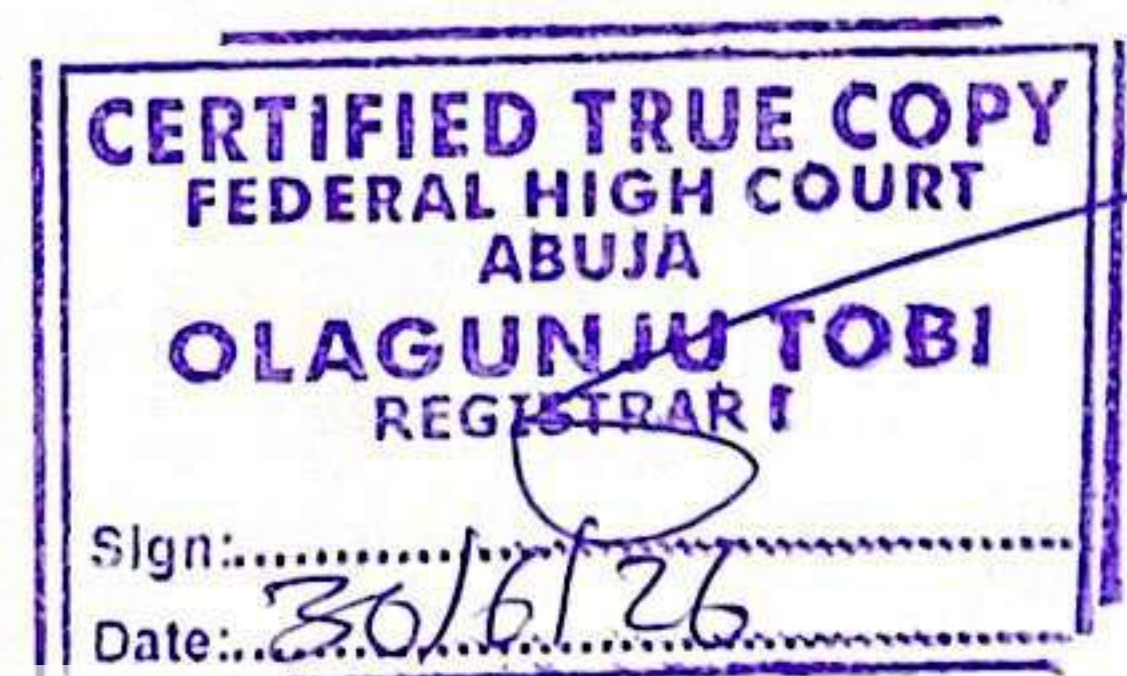
Section 223 of the Constitution on the other hand provides that;

'223 (1) The constitution and rules of a political party shall-

(a) provide for the periodical election on a democratic basis of the principal officers and members of the executive committee or other governing body of the political party; and

(b) Ensure that members of the executive committee or other governing body of the political party reflect the federal character of Nigeria.

(2) For the purposes of this section; (a) the election of the officers or members of the executive committee of a political party shall be deemed to be periodical only if it is made at regular intervals not exceeding four years; and (b) the members of the executive committee or other governing body of the political party shall be deemed to reflect the federal character of Nigeria only if the members thereof belong to different States not being less in number than two-thirds of all the States of the Federation and the Federal Capital Territory, Abuja.'



Section 224 then provides with regards to aims and objects thus; 'the programme as well as the aims and objects of a political party shall conform with the provisions of Chapter II of this Constitution.'

It can thus be seen that the registration of political parties in Nigeria is governed by the provisions of the Constitution of the Federal Republic of Nigeria.

In *Ekejiuba v. INEC & Anor (2016) LPELR-40926(CA)* the Court of Appeal held that;

*'The six conditions of registration are well spelt out in section 222 of the 1999 Constitution (as amended) ... Registration is the process of recording the existence of a political party and it provides evidence and certification of compliance with section 222 of the Constitution. It is evident that a political party cannot be registered as being in existence unless the association has satisfied the conditions of eligibility in section 222.'*

The primary requirements for registration as a political party are further supplemented by sections 75 and 79 of the Electoral Act, 2022 and Part 1 of the Regulations and Guidelines for Political Parties, 2022. In deciding to register a political party, the Defendant is statutorily bound to base her decision primarily on the requirements set out in the Constitution in sections 222 to 224 and secondarily on sections 75 and 79 of the Electoral Act, 2022 and the Regulations and Guidelines for



*Political Parties, 2022 in so far as they are consistent with the constitutional provisions.*

*In exhibit CDA 21, the Defendant's letter dated 18<sup>th</sup> December 2025, the reason the defendant gave for refusing to register the association as a political party was stated to be 'your application failed to comply with all the requirements of section 222-224 of the Constitution of the Federal Republic of Nigeria 1999 (as amended), section 79 of the Electoral Act 2022 and Part 1, paragraphs 2(ii), 5(v) & 6 of the Commission's Regulations and Guidelines for Political Parties 2022.'*

*It is to be noted that the particulars of such non-compliance or the specific subsections of the Constitution, Electoral Act or the Guidelines that were not complied with were not stated by the Defendant. I agree with the Plaintiffs' counsel that exhibit CDA21 did not specify the sections or subsections of the Constitution, Electoral Act, or the Regulations and Guidelines that the association allegedly breached or contravened. The letter also did not indicate any factual or documentary deficiency in the association's application, nor did it identify any part of the association's constitution; membership details, national spread, name symbol, or logo that were or is not non-complaint*

*Having not specifically stated any of the sections or subsections of the Constitution, Electoral Act and or the Guidelines that were not satisfied*



by the association, the Defendant is deemed to have admitted that none of these provisions were contravened. And I fail to see any.

However, in paragraph 2 of exhibit CDA21, the Defendant wrote-*'note also that the office address provided in your letter of intent is at variance with the place of physical verification and not suitable for use as a political party office.'*

The Plaintiffs have contended and seriously argued that they met all the requirements for registration as a political party. Reference was made to paragraphs 20 of their affidavit in support in contending that the association submitted her constitution, manifesto, proof of occupancy of its headquarters, its membership Register and an affidavit deposed to by the association's National Secretary confirming the authenticity of the information and contents of the documents submitted. The Plaintiffs also deposed that it provided all the information needed to be verified as contained in the checklist given to the associations prior to the verification exercise. It was deposed in paragraph 32 of the Plaintiffs' affidavit in support that in the course of the verification exercise, the association presented the documents requested by the Defendant and they were verified, namely; (a) Minutes of the meeting where the members of the association's National Executive Committee were appointed and the where approval for the association's name, manifesto, symbol, acronym and flag was obtained (exhibits 16 series),



(b) the list of the members of the association's National Executive Committee which reflects the Federal Character Principle which requires that members of the National Executive Committee must come from at least 24 States of the Federation and the Federal Capital Territory (exhibit CDA 17), (c) the association's Constitution, (d) the association's Manifesto, (e) evidence of payment of Administrative Fee, (f) Deed of Assignment in respect of the association's Headquarters in the Federal Capital Territory, Abuja, (g) the association's Membership Register, (h) evidence of appointment of the Administrative Secretary (exhibit CDA 18) and (i) the details of the association's Bank Account (exhibit CDA 19).

The Plaintiffs deposed in paragraphs 33 and 34 that the Defendant's team confirmed, upon verification of the association's application and accompanying documents, that all statutory requirements prescribed under the Constitution, the Electoral Act and the Regulations and Guidelines for Political Parties, 2022 as reflected in the Defendant's official checklist, were duly incorporated into the documents submitted by the association and that the Defendant's team also verified the proof of identity of the members of the association's National Executive Committee present.

The Defendant in her paragraph 4 (k) of her counter affidavit admitted the depositions in paragraph 33 and 34 of the Plaintiffs' affidavit.



The Defendant's reason, deposed in paragraph 4 (I) of her counter affidavit, for refusing the registration of the association as a political party is that the association's headquarters *'constitutes a material breach of section 222(f) of the 1999 Constitution.'* This reason was not contained in exhibit CDA 21. According the Defendant, the section *'mandates that the headquarters of a political party must be situated in the Federal Capital Territory and be suitable for the discharge of its functions.'*

In his address, Defendant's counsel submitted *'that the term Headquarters in this constitutional context carries functional, administrative, and professional connotations, it implies a functional office within the contemplative spirit of the Constitution. It is not merely a "postal address" or a letter box" but the administrative nerve centre for political governance. A "Headquarters" must be interpreted as a facility that provides the institutional "limbs and brain" of the political party.'*

The Plaintiffs' counsel in response submitted after referring to and reproducing the provision of section 222 (f) of the Constitution, that the section is unambiguous and straightforward and that all that is required is that the Headquarters of a political association be situated in the Federal Capital Territory, Abuja. According to counsel, nowhere does the section introduce any requirement regarding the functionality,



administrative suitability, or adequacy of the premises. Consequently, the Defendant's attempt to justify its refusal to register the Plaintiffs' association based on the purported suitability or functionality of the headquarters cannot be sustained. That to read such a requirement into section 222(f) of the Constitution would amount to judicial or administrative legislation, effectively inserting into the Constitution what the lawmakers, in their wisdom, deliberately omitted.

I tend to agree with Plaintiffs' counsel in his arguments. This is so because section 222 (f) of the Constitution merely provides that 'the Headquarters of the association is situate in the Federal Capital Territory.'

It is trite that where a court is called upon to construe the provisions of a statute, its duty is confined to interpreting the words expressly contained in the statute. The Court is not at liberty or permitted to go outside the clear language of the statute in search of an interpretation that may be convenient or favourable to either party.

In *Umar & Anor v. Sokoto & Ors* (2024) LPELR-62195(SC), the Supreme Court held;

*'Where a court is faced with the construction of the provision of a statute, the duty of the Court is limited to interpreting the words contained in the statute and not to go outside the clear words in search of an interpretation which is convenient to the*



Court or to the contending parties in the process of interpretation.'

In *Rhodes-Vivour v. INEC* (2024) 10 NWLR (Pt 1945) Pg. 47, the Supreme Court held that in interpreting constitutional provisions, effect should be given to every word used in the Constitution, the language of the Constitution where clear and unambiguous, must be given its plain and evident meaning, a constitutional provision should not be construed in such a way as to defeat its evidence purpose, where the words express the intentions plainly, there is no need to have recourse to other means of interpretation of such words.

Also, in *N. P. F. v. Police Service Commission* (2024) 2 NWLR (Pt. 1922) Pg. 231, the Court of Appeal held that where the words of any section of the Constitution are clear and unambiguous, they must be accorded their ordinary meaning unless that would lead to absurdity or in conflict with some other provisions of the Constitution and effect must be accorded to those provisions without any recourse to other consideration.

In this instance, section 222 (f) of the Constitution is clear and unambiguous. It did not stipulate or required a particular size of building, a minimum number of offices, specific furniture, a prescribed level of functionality, a particular architectural design or any other



administrative standard. All that it required is that the headquarters of a political association be situated in the Federal Capital Territory.

The Defendant has not shown that these specifics being bandied by her is contained in her Regulations and Guidelines.

The word 'Headquarters' has been defined as 'a place from which an organization or a military operation is controlled.' See *Oxford Advanced Learner's Dictionary, Int'l Student's Ed., Pg 693.*

The requirement of section 222 (f) of the Constitution is straightforward, unambiguous and clear. The section did not provide for any other requirement other than that the headquarters of the association should be situated in the Federal Capital Territory Abuja. It is not disputed that the headquarters of the association is situate at 10B J Close, 1<sup>st</sup> Avenue, Gwarimpa, Abuja. The address is in the Federal Capital Territory, Abuja. And it is the association that would be controlling the association from there. Since there is no set standard a party headquarters should take and since there are no such guidelines made by the Defendant, such specifics cannot be added to the constitutional requirement.

In *Musa v. INEC & Anor (2002) LPELR-11119(CA)* the Court of Appeal held that;

*'Though the Commission has powers in view of the provisions of item 15 (b) of Part 1 of the Third Schedule to the Constitution to*



*"register political parties in accordance with this Constitution and an Act of the National Assembly", the Commission in registering the associations is restricted to the provisions of the Constitution and any Act of the National Assembly which must be in conformity with constitutional provisions. It must not repeat, alter, curtail or enlarge what has already been provided for by the Constitution.'*

Even if there were such guidelines by INEC on the standard of office headquarters of an association, it would still be contrary to section 222 (f) of the Constitution which is plain and unambiguous, because it would have enlarged the provisions of the Constitution.

In *INEC v. Musa (2003) LPELR-24927(SC); (2003) 3 NWLR (Pt. 806) Pg. 72* the Supreme Court held that *'where the requirements for registration stated in any guideline or in the Act are not purely administrative or procedural or evidential, but are substantive conditions for eligibility beyond the conditions prescribed by section 222, such guidelines or provisions would have enlarged the conditions of eligibility in section 222 and be consequently void, notwithstanding that they may have been described as requirements for registration.'*

The law is that once a political association has complied with sections 222, 223 and 224 of the Constitution, sections 75 and 79 of the Electoral Act, 2022, and, where applicable, the relevant provisions of the *Regulations and Guidelines for Political Parties, 2022*, such a political



association is entitled to registration as a political party. The Defendant would lack the lawful power to refuse registration of a political association that has met these requirements. This is the express provision of section 75 (1) of the *Electoral Act, 2022*. The section provides that 'any political association that complies with the provisions of the Constitution and this Act for the purpose of registration shall be registered as a political party: provided however, that such application for registration as a political party shall be duly submitted to the Commission not later than 12 months before a general election.'

Part 1. Paragraph 7 (1) of the *Regulations and Guidelines for Political Parties, 2022* also provides;

'Where the Commission at the completion of verification and legal review of the association's application and submission, is satisfied that the association has fulfilled all the conditions prescribed for registration as a political party in line with the Constitution of the Federal Republic of Nigeria 1999 (as amended), the *Electoral Act, 2022*, and these *Regulations and Guidelines*, the Commission shall register such political association as a political party.'

I am satisfied that from the facts of this case, the Plaintiffs has placed cogent facts and evidence before this Court showing that contrary to the Defendant's assertion in exhibit CDA21, the Plaintiffs' association complied with the provisions of sections 222, 223 and 224 of the



Constitution, section 79 of the Electoral Act, 2022 and Part 1, paragraphs 2(ii), 5 (v) and 6 of the Regulations and Guidelines for Political Parties, 2022.

This is so because there is before this court undisputed facts that (a) the association alongside its application submitted documentary proof to the Defendant showing the names, contact addresses, phone numbers and email addresses of the members of its National Executive Committee, (exhibit CDA17), (b) the provision of section 14.1 of the association's constitution (exhibit CDA9) provides that the membership of the association is open to all Nigerians aged 18 and above, (c) copy of its constitution (exhibit CDA9) has been submitted and registered with the Defendant, (d) the association's name, acronym and logo is contained on the association's letter of intent dated 15<sup>th</sup> October 2024, (exhibit CDA2). There is nothing in the association's name, acronym, symbol or logo that contain any ethnic or religious connotation or give the appearance that the activities of the association are confined to a part only of the geographical area of Nigeria, (e) the association's headquarters (10B J Close, 1<sup>st</sup> Avenue, Gwarimpa, Abuja) is located within the Federal capital Territory, Abuja, (exhibits CDA7 and CDA11). These are in compliance with section 222 (a, b, c, e and f) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).



Also, sections 123(2), 123(1) and 125(2)(2) of the association's constitution (exhibit CDA9) respectively provide that all national officers of the association must be democratically elected at the National Convention. Once, elected these officers are to hold office for a term of four (4) years, all party posts in the association are to be filled by democratically conducted elections at the respective National Convention or Congress and that the members of the association's National Executive Committee, details of which was submitted to the Defendant belong to States not being less than  $\frac{2}{3}$ <sup>rd</sup> (two-third) of all the States in Nigeria (exhibit CDA17). These are in compliance with section 223(1) and (b) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). Section 13.1(a) & (b) of exhibit CDA9 provides that the association's aims, objectives, manifesto and its guiding principles shall always conform to the Fundamental Objectives and Directive Principles of State Policy which is enshrined in Chapter II of the Constitution of the Federal Republic of Nigeria 1999 (As Amended) in compliance with section 224 of the Constitution of the Federal Republic of Nigeria 1999 (As Amended).

In respect of section 79 of the Electoral Act, 2022, the Plaintiff there is evidence that (a) the association's letter of intent dated 15<sup>th</sup> October 2024 (exhibit CDA2) which was submitted to the Defendant carries the



association's name, symbol and acronym, (b) the association's name, symbol or logo are all contained on exhibits CDA2 (letter of intent dated 15<sup>th</sup> October 2024), exhibit CDA9 (Constitution), exhibit CDA10 (Manifesto) and exhibit CDA12 (Membership Register). The association's name, symbol or logo which was submitted to the Defendant is not in use and has not been registered by any other political party, (c) there is nothing in the association's name, symbol or logo that gives the appearance that is objectionable or offensive or that contain any ethnic or religious connotation or give the appearance that the activities of the association are confined to a part only of the geographical area of Nigeria and does not in any way, shape or form portrays the Coat of Arms of the Federation or in any way, shape or form portrays a device or emblem that is associated with (i) any official act of Government, (ii) any of the Armed Forces of the Federation, (iii) the Nigeria Police Force, (iv) any uniformed service, (v) the regalia of a Chief, (vi) any tribe or ethnic group, (vii) any religion or cult or (viii) any portrait of a person living or dead, (d) the association's name, symbol or logo is not currently in use by any political party or has been registered by any other political party. These are in compliance with Part I, paragraph 2 (ii), 5 (v) (a), (b) and (c) and 6(iv) respectively of the *Regulations and Guidelines for Political Parties 2022* and section 79 (2) (a), (b) and (c) of the Electoral Act, 2022 respectively.



The Plaintiffs having demonstrated that the association met the requirements as prescribed by the Constitution, the Electoral Act and the *Regulations and Guidelines for Political Parties 2022*, the Defendant lacked the vires to refuse the Plaintiffs' association, registration as a political party.

Section 75 (4) of the *Electoral Act, 2022* provides that;

*'A political association that meets the conditions stipulated in the Constitution and this Act shall be registered by the Commission as a political party within 60 days from the date of receipt of the application, and if after 60 days such association is not registered by the Commission, unless the Commission informs the association to the contrary, it shall be deemed to have been registered.'*

By the above provision which is couched in a clear and mandatory terms, once a political association has met the conditions stipulated on the Constitution and the Electoral Act, the Defendant is placed under a strict statutory obligation to register such association as a political party within sixty days from the date of receipt of its application.

There is a legal consequence to the above provision where the Commission fails to register such an association. It is that upon the expiration of the 60-day period, the Defendant has neither registered the associ-

*Signature*



ation nor formally informed it to the contrary, the statute operates automatically to deem the political association registered as a political party.

In this instance, it is evidence vide exhibit CDA 3 that the association submitted her application via the Defendant's portal on the 8<sup>th</sup> of October, 2025. The Defendant only notified the association of its refusal to register it as a political party on the 18<sup>th</sup> of December, 2025 through exhibit CDA21. Calculating from the date of submission (8/10/2025) and the date the association was informed of the refusal (18/12/2025), it is more than 60 days. It is about 71 days.

This Court having found earlier that the association satisfied all the constitutional and statutory requirements for registration as a political party, by the operation of law, Plaintiffs' association is deemed registered as a political party upon the expiration of sixty days from the 8<sup>th</sup> of October, 2025, the date the Defendant received the association's application. The implication of the above is that by the time exhibit CDA 21 was issued and served on the association by the Defendant, the statutory window within which it could lawfully exercise any power to refuse registration had long elapsed.

Contrary to the argument of the Defendant's counsel in paragraphs 4.15 to 4.19 of her address, section 75 (3) of the *Electoral Act, 2022* is not applicable in this instance. This is so because the association, as found



by this Court, met all the constitutional and statutory requirements for registration as a political party.

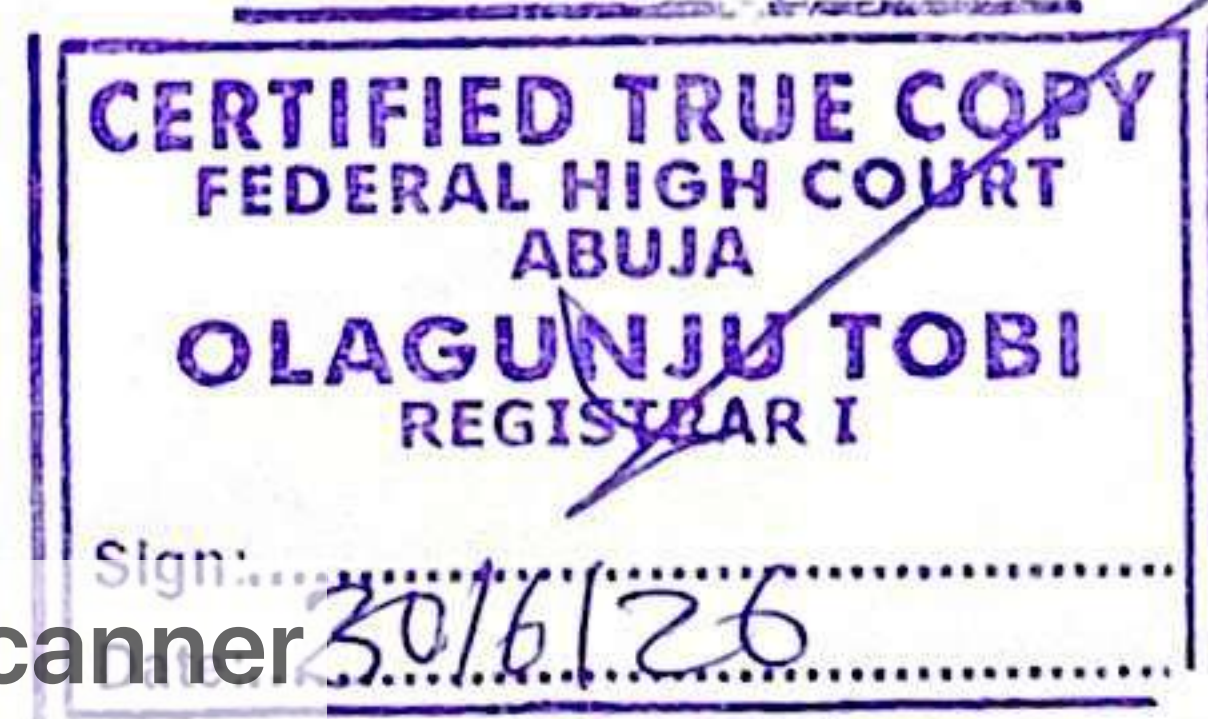
It is in the light of the above that I answer each of Plaintiffs' questions 1, 2, 3, 4 and 5 in the positive.

The sole issue for determination is resolved in favour of the Plaintiffs. Accordingly, I make the following orders, namely:

1. A declaration is made that the refusal of the Defendant to register the Citizen Democratic Alliance as a political party, premised on alleged non-compliance with sections 222, 223 and 224 of the Constitution of the Federal Republic of Nigeria 1999 (As Amended), section 79 of the Electoral Act 2022, and Part I, paragraphs 2(ii), 5(v) and 6 of the Regulations and Guidelines for Political Parties 2022, without furnishing particulars of such alleged non-compliance, the specific subsections breached or the factual deficiency complained of is ultra vires, unlawful, contrary to law, amounts to unreasonable/arbitrary exercise of statutory power and therefore null and void.
2. A declaration is made that having complied with the provisions of sections 222, 223, 224 of the Constitution of the Federal Republic of Nigeria, 1999 (As Amended), sections 75 and 79 of the Electoral Act, 2022, the Defendant lacks the power to refuse the registration of a political association as a political party.



3. A declaration is made that having regard to sections 222, 223, 224 of Constitution of the Federal Republic of Nigeria, 1999 (As Amended), paragraph 15(b) of the 3<sup>rd</sup> Schedule to Constitution of the Federal Republic of Nigeria, 1999 (As Amended), sections 75 and 79 of the Electoral Act, 2022, the Defendant lacks the power to refuse to register the Citizen Democratic Alliance as a political party.
4. A declaration is made that having regard to section 75 (4) of the Electoral Act 2022, any political association that meets the constitutional and statutory requirements is deemed to be registered as a political party if the Defendant fails to register it or notify it of any non-compliance within sixty (60) days of the Defendant's receipt of the application.
5. A declaration is made that having regard to section 75 (4) of the Electoral Act 2022, the notification contained in the letter dated 18<sup>th</sup> December 2025 by the Defendant to the Citizen Democratic Alliance regarding its non-registration, made after the expiration of sixty (60) days from the date of receipt of the application, is null, void and of no effect whatsoever.
6. A declaration is made that by virtue of section 75 (4) of the Electoral Act 2022, the Citizen Democratic Alliance became duly and validly registered as a political party upon the Defendant's failure to notify



it of any non-compliance within sixty (60) days of the Defendant's receipt of the application.

7. An Order of this Honourable Court is made directing and mandating the Defendant to forthwith register the Citizen Democratic Alliance as a political party, within seven (7) days of the service of the Judgment of this Honourable Court.
8. An Order is made directing the Defendant to issue to the Citizen Democratic Alliance a Certificate of Registration as a political party within seven (7) days of the service of the Judgment of this Honourable Court.
9. An Order of Perpetual injunction is made restraining the Defendant, whether by itself, its officers, agents, privies or howsoever called, from refusing, neglecting, or failing to register the Citizen Democratic Alliance as a political party, or from taking any further steps inconsistent with or contrary to the Judgment of this Honourable Court.
10. **An Order** of this Honourable Court is made awarding the Plaintiffs general damages in the sum of ₦2,000,000.00 (Two Million Naira) for the unlawful, arbitrary and unreasonable refusal of the Defendant to register the **Citizen Democratic Alliance** as a political party.



11. Prayer 10 of the originating summons is refused.



Hon. Justice Obiora Atuegwu Egwuatu

Judge

June 23, 2026

Parties: The 1<sup>st</sup> and 2<sup>nd</sup> Plaintiffs are present. The 3<sup>rd</sup> Plaintiff and the Defendant are absent

APPEARANCES:

1. Tunde Ahmed Adejumo with Adekunle Olanipekun for the Plaintiffs
2. Bashir M. Abubakar with Anthony Onyeri for the Defendant

