

JOYCE ODUAH FICMC

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7th May, 2024

The Chairman

**National Officers Elections Appeal Committee of the Nigerian Bar Association,
2024**

Plot 1102, Muhammed Buhari Way

Cadastral Zone A00

Central Business District

Abuja

Dear Sir,

***RE: NOTICE: SCREENING REPORT FOR NOMINATION AS A CONTESTANT
FOR THE NBA 2024 ELECTIONS***

**PETITION AGAINST DISQUALIFICATION TO CONTEST FOR THE OFFICE OF
PRESIDENT OF THE NIGERIAN BAR ASSOCIATION**

I most respectfully acknowledge receipt of a letter dated 3rd May 2024 on the above subject matter from the Electoral Committee of the Nigerian Bar Association (ECNBA), which is saddled with conducting the 2024 NBA General Elections. I humbly and informedly express my shock and displeasure at the ECNBA's verdict on my candidacy. Pursuant to the Second Schedule Part IX of the NBA Constitution 2015, I, through this petition, humbly appeal against the ECNBA's decision to this esteemed committee.

GROUNDINGS FOR DISQUALIFICATION

The ECNBA grounds for the disqualification are:

1. "Your Nomination Form reveals that you held elective office for two terms in the association in the period 2012-2014 (as Treasurer) and 2020 - 2022 (as General Secretary), and by the clear and unambiguous provision of Section 9(4)(c) of the constitution reproduced above, you cannot contest for a national office until at least ten (10) years after your last term which ended in 2022".
2. "That your Secunder submitted receipts evidencing the payment of Bar Practicing Fees for 2022, and 2023, and a receipt evidencing payment for stamp and seal in the sum of N8,000.00, paid on the 24th day of March 2024. No Bar Practicing fee receipt for 2024 was submitted by your Secunder".

RESPONSE TO GROUND ONE

The decision, based on my previous terms as Treasurer (2012-2014) and General Secretary (2020-2022) of the association, invokes Section 9(4)(c) of the NBA Constitution 2015 (as amended in 2021) (NBA Constitution 2015). However, I respectfully contend that this decision violates fundamental principles of law and the democratic process.

Firstly, the disqualification relies on Section 9(4)(c) of the NBA Constitution, which bars individuals from contesting for national office until at least ten (10) years after their last term. While this provision exists, it was incorporated into the NBA Constitution in 2015. Therefore, during my tenure as Treasurer from 2012 to 2014, this provision was non-existent. The decision by the ECNBA overlooks the cardinal principle of the Nigerian legal system against retrospective application of laws. Retrospective application undermines legal certainty and fairness.

As emphasised in the case of *Ojokolobo v Alamu* (1987) 3 NWLR (Pt. 61) 377 @ p. 402, the Supreme Court has unequivocally stated that *"It is a cardinal principle of law that a statute operates prospectively unless it is made to do so by clear express terms"*. The Supreme Court per Oputa JSC also restated this position in the case of *Afolabi v Governor of Oyo State* (1985) LPELR-196(SC) (Pp. 90-91 paras. F)

"Generally speaking, retrospective laws are prima facie of questionable policy and contrary to the general principle that legislation by which the conduct of mankind is to be regulated ought, when introduced, to deal with future acts, and ought not to change the character of past transactions carried on upon the faith of the then existing law - See Willes, J. in Phillips v. Eyre (1870) LR 6 QB 89; see also Scrutton L.J. in Ward v. British Oak Insurance Co. Ltd. (1932) 1 KB 392 at p. 397. Prima facie therefore a new legislation will deal with future not past events. If it were not so, the Act might annul rights already acquired, while the presumption is against this intention. Coming to the policy of the Court, the consensus of judicial opinion is that the Courts lean against so interpreting an Act or Law as to deprive a party of an accrued right. PERHAPS NO RULE OF CONSTRUCTION IS MORE FIRMLY ESTABLISHED THAN THIS, THAT A RETROSPECTIVE OPERATION IS NOT TO BE GIVEN TO A STATUTE SO AS TO IMPAIR AN EXISTING RIGHT OR OBLIGATION".

In the 2000 case of *Adesanoye & ors v. Adewole & anor* (2000) LPELR-142(SC) (Pp. 72 paras. A), the Supreme Court held that *"Courts have also leaned against giving a statute retrospective effect and usually regard them as applying to facts which come into existence after the statutes were passed unless it is clearly shown that a retrospective effect was intended by the legislature."*

The court also explained in the case of *Olusa v. NICO & ors* (Pp. 41-43 paras. E)

"The law generally is that enactments, inclusive of Constitutions are to operate prospectively, in future, rather than retrospectively. Thus, the circular of 20/6/2016 enjoy, in my view, the status of a subsidiary legislation and therefore, it being without any explicit provision ascribing retrospective application to it, it cannot be construed retrospectively but rather it must be construed prospectively in favor of vested rights." See Section 6(1) of the Interpretation Act. See also *Olaniyi V Aroyehun* (1991) 5 NWLR (Pt. 194) 652 @ p. 691, where the Supreme Court per Nnameka -Agu JSC, had stated inter alia thus:

"A Constitution like other statutes, operates prospectively and not retrospectively unless it is expressly provided to be otherwise such a legislation affects only rights which come into existence after it has been passed."

In The Shell Petroleum Development Company of Nigeria Limited V. Chief Joel Anaro & Ors (2015) LPELR - 24750 (SC), Nweze JSC, noted thus

"In our adversarial jurisprudence, statute operate prospectively and not retrospectively, except where the lawmaker, demonstrably, evinces a contrary intention... Against this background, an alteration to a statute, except where the altered state expressly so indicates, does not affect a cause of action that had accrued to a litigant before the said alteration.

By Section 6 (1) of the Interpretation Act, it is provided thus:

"The repeal of an enactment shall not - (a) affect anything not in force or existing at the time when the repeal takes place; (b) affect the previous operation of the enactment or anything done or suffered under the enactment."

There is, therefore, a general presumption against retrospective legislation. It is presumed that the legislature does not intend injustice or absurdity, particularly against vested rights of the Citizens. The Courts would therefore, lean against giving certain statutes retrospective operation unless it is expressly so provided in the statute. Thus, generally, statutes are construed as operating only in cases or on facts, which come into existence at or after the statutes were passed and not before the statutes were passed unless a retrospective effect is clearly intended. See also Festus Ibidapo Adesanoye & Ors V. Prince Francis Gbadebo Adewole & Anor (2000) LPELR - 142 (SC).", Egunjobi v. FRN (2012) LPELR-15537(SC),

In the Court of Appeal case of Eze & ors v. Governor of Abia state & ors (2010) LPELR-4133(CA) (Pp. 29-31 paras. E), Ogunwumiju, J.C.A stated that

"My humble view of the law is that by virtue of S.6(1) of the Interpretation Act which is part of the constitutional provisions retrospectivity must not be implied into an Act to affect vested rights unless expressly provided for in the statute. Exceptions are purely procedural legislations which immediately affect all matters pending in Court ... However, before retrospectivity can be read into law, it must be shown clearly that the legislature intended to abrogate existing vested rights."

In Egunjobi v. FRN (2012) LPELR-15537(SC) (Pp. 34-35 paras. F), the position on retrospective legislation was spelt out

"...It is trite law that the Courts frown at retrospective and retroactive legislations. Ojokolobo v. Alamu (1987) 3 NWLR (Pt.61) 377 at 34 406; Afolabi v. Governor of Oyo State (1985) 2 NWLR (Pt 9) 734. Although under Nigeria Law, there is a presumption against retrospectivity, where a retrospective operation is clearly spelt out, that legislation must not be declared incompetent; Adegbenro v. Akintola (1963) 2 SCNLR 216; Adeshina v. Lemonu (1965) 1 All NLR 233; The Swiss Air Transport Co. Ltd v. African Continental Bank Ltd (1971) 1 All NLR 37; Attorney General East Central State v. Ugwuh (1975) 5 SC 13"

The plethora of case law presented above demonstrates that statutes operate prospectively in the Nigerian legal system unless explicitly stated otherwise. There is

no provision in Section 9(4)(c) of the NBA Constitution 2015 indicating retrospective application.

Secondly, the decision fails to acknowledge the failed attempts to amend the NBA Constitution in 2022 and 2023 to include a retrospective application of this provision. The proposed amendment underscores the understanding within the NBA community that the provision operates prospectively. The resolution by the *NBA National Executive Council Meeting of 18th February 2015 in Jos, as cited by the ECNBA in the Screening Report, cannot amend the provisions of the NBA Constitution*. Section 25 of the NBA Constitution vests the powers to amend the NBA Constitution only on the Annual General Meeting of the Nigerian Bar Association.

“This Constitution shall not be amended or repealed or reenacted except at an Annual General Meeting of the Association by a two-thirds (2/3) majority of those present and entitled to vote; provided that two-thirds (2/3) of the Branches of the Association are represented AND provided further that at least sixty (60) days’ notice of the proposed amendment or repeal and reenactment shall have been given to the General Secretary who shall have circulated same to delegates at least thirty (30) days before the proposed amendment is tabled for discussion at the Annual General Meeting”. The said NEC Meeting cannot override or amend the clear constitutional provision in Section 9 (4) (c) to give it a retrospective application. It is pertinent to note the provision of the Second Schedule Part VIII(f) of the NBA Constitution 2015 which states that *“The powers of the ECNBA to disqualify a person who wishes to contest for an office shall only be for the grounds specifically contained in this Constitution”*. This provision of the NBA Constitution does not give the ECNBA the power to disqualify a candidate on the basis of a NEC Resolution. It is incumbent upon us to adhere to legal principles and democratic practices, which require clear and explicit provisions for retrospective application.

Moreover, I draw your attention to the precedent set by the NBA Branch Election Appeal Panel (Northern Zone) in 2020, which interpreted a similar provision in Article 6(3) of the Uniform Bye-Laws, as contained in the Third Schedule of the NBA Constitution 2015. The Panel applied a prospective interpretation of the provision, qualifying Ibrahim Garba Waru to contest for the office of Kano Branch Chairman despite having held elective office for two terms. This precedent underscores the consistent application of legal principles within the NBA electoral process and reaffirms the understanding that constitutional provisions, absent explicit provisions for retrospective application, should operate prospectively.

In the absence of such explicit language, it would be unjust and contrary to legal principles to retroactively disqualify me from the presidential race based on a provision that did not exist during my tenure as Treasurer.

I respectfully urge the National Officers Electoral Appeal Committee to reconsider the ECNBA’s decision in light of the legal arguments presented herein. Upholding my disqualification would not only violate established legal principles but also undermine the integrity of the electoral process within the NBA.

RESPONSE TO GROUND TWO

The second ground upon which the Electoral Committee of the Nigerian Bar Association (ECNBA) disqualified my candidacy for the office of President of the Nigerian Bar Association (NBA) revolves around the submission of receipts by my Second, which allegedly lacked proof of payment for the Bar Practicing Fees for the year 2024.

However, this should not serve as grounds for disqualification, especially when it can be easily verified that the 2024 Branch Dues payment was made. The assertion that my nominator presented a receipt for payment for stamp and seal made on the 24th of March, 2024, instead of the Bar Practicing Fee receipt is a noncontroversial issue that could and should have been easily rectified during the Form Opening or Screening Stage.

During the Form Opening Stage which took place on the 15th of April, 2024, issues faced by some candidates were also resolved without any complications. The issue with my second's receipt could have been resolved through a simple phone call to either my second, me, or the NBA Secretariat, which maintains a record of all members who have duly paid their Bar Practicing Fees. It is crucial to note that both receipts appeared identical, with the sole difference being the payment amount.

Section 10 (4) of the NBA Constitution 2015 provides that *"The procedure for the appointment of the members of the Electoral Committee, nomination of candidates for election, withdrawal of nominations and DISQUALIFICATION FROM ELECTION shall be as set out in the Second Schedule to this Constitution."* Notably, the Second Schedule Part VIII(f) of the NBA Constitution 2015 specifies that the powers of the ECNBA to disqualify a person contesting for office shall only be for grounds explicitly contained in the Constitution and not a checklist released by the ECNBA. As was decided by the Supreme Court in the 2023 case of *INEC v. NNPP (2023) LPELR-60154(SC) (Pp. 14-15 paras. E)*, *"Clearly, the directives or Guidelines of INEC cannot override the provisions of the Electoral Act and the 1999 Constitution (as amended) ... There is therefore nothing in ... the Act which made its operation subject to any other statute or a guideline..."* The NBA Constitution clearly stipulates in the 2nd Schedule (IV) (10) that *"A candidate for any elective national office shall be nominated or proposed in writing by a member and seconded by another both of whom shall be qualified like the candidate in accordance with the provisions of the Constitution for the equivalent office and shall have paid their practicing fees and Branch dues"*.

The requirement by the Constitution is that the second, first, is qualified like the candidate and second, that the second shall have paid their Bar Practicing Fees and Branch Dues. The question then is, "Had my second paid his Bar Practicing fees for the year 2024?" The answer to this question is yes, as a simple verification exercise would have shown. Attached herewith is the receipt as evidence of the Bar Practicing Fee payment for the year 2024. It is also essential to state that payment for stamp and seal on the 24th of March, 2024, as was done by my second, is prima facie evidence of payment for the Bar Practicing Fees before the 31st of March, 2024, as one cannot obtain the former without fulfilling the latter requirement.

The disqualification on this ground does not align with the letter and spirit of the NBA Constitution 2015. My Secunder has duly complied with the requirements, as evidenced by the receipt for the Bar Practicing Fee payment for the year 2024.

I firmly believe that my candidacy for the presidency of the Nigerian Bar Association represents a commitment to advancing our legal profession and promoting inclusivity within our esteemed organisation. Upholding the ECNBA's disqualification would not only deprive the membership of a viable candidate but also undermine the credibility of the electoral process.

APPEAL (PETITION)

I respectfully urge the esteemed members of the NBA National Officers Elections Appeal Committee to consider the arguments presented in this appeal with the utmost care and impartiality. The decision to disqualify me based on these issues reflects a failure to exercise discretion and fairness in applying the electoral rules. It is evident that I meet all the necessary qualifications and requirements to contest for the office of NBA president, and my disqualification on such inconsequential grounds is a grave injustice. The electoral process must be conducted in a manner that fosters trust and confidence among NBA members and the wider legal community.

The decision to disqualify my candidacy based on a retrospective interpretation of the NBA Constitution 2015 is not only unjust but also runs contrary to established legal principles within our jurisdiction. The absence of explicit provisions for retrospective application should guide our understanding and application of constitutional provisions.

Furthermore, the issue regarding the submission of receipts by my Secunder should not overshadow the substance of my candidacy. The payment for stamp and seal, made on the 24th of March, 2024, is indicative of compliance with the requirement for Bar Practicing Fees before the stipulated deadline.

In the pursuit of justice, I trust that this esteemed Committee will recognise the merit of my appeal and reinstate my rightful candidacy for the office of President of the NBA. I remain committed to serving the Nigerian Bar Association with integrity and dedication, and I earnestly hope for a favourable resolution to this matter.

Thank you for your attention and consideration. Please accept my warmest assurances of the highest esteem.



Joyce Oduah, FICMC

Principal Partner, Joyce & Okey Oduah LP

Immd. Past General Secretary, Nigerian Bar Association (NBA)

Vice President West Africa, Pan African Lawyers Union (PALU)

Council Member, Commonwealth Lawyers Association (CLA)

Former Council Member, International Bar Association (IBA)

ENCL:

1. SCREENING REPORT (LETTER OF DISQUALIFICATION) FROM ECNBA
2. BAR PRACTICING FEES RECEIPT 2024 OF MY SECONDER
3. NBA CONSTITUTION 2015 (AS AMENDED IN 2021), pg. 1, 11, 18, 47, 50 and 93
4. KANO BRANCH APPEAL PANEL REPORT 2020
5. PROPOSED NBA CONSTITUTION AMENDMENT 2022, pg. 1 and 13
6. PROPOSED NBA CONSTITUTION AMENDMENT 2023 pg. 1 and 13



ELECTORAL COMMITTEE OF THE NIGERIAN BAR
ASSOCIATION

ECNBA Secretariat, NBA House 9 Oro Ago Street, Garki Abuja.

www.ecnba.org, info@ecnba.org

Date 3rd May 2024

Name: Joyce Oduah

Address: joyceoduah12@gmail.com

Dear Madam,

**NOTICE: SCREENING REPORT FOR NOMINATION AS A
CONTESTANT FOR THE NBA 2024 ELECTIONS**

This is to inform you that after the review and screening of your Nomination Form as a Candidate for the position of **President** in the forthcoming NBA Elections 2024, the ECNBA regrettably disqualifies you from being a Candidate in the said elections, as your application and nomination failed to meet the requirements to contest for the position under the NBA Constitution 2015 (As Amended in 2021) herein after referred to as the Constitution.

The decision to disqualify your candidacy is based on the following reasons:

- i. Section 9(3) of the Constitution provides as follows:
“A member of the Association shall be qualified to hold a National office if he/she:

(a). is a full member of the Association and has paid, as at the date of his/her nomination, his/her Practicing Fees and Branch Dues, as at when due, for three (3) consecutive years inclusive of the year of election;”

- (b), with respect to the office of the President, 1st Vice President and General Secretary, is in private legal practice;
- (c). has at any time prior to his/her nomination been a member of the National Executive Council or the executive Committee of a Branch or Section or Forum as indicated hereunder:
 - i. for contestants for the office of President, Vice Presidents, and General Secretary – he/she shall have been a member of the National Executive Council for not less than two (2) years at the time of nomination;.....”

Subsection 4(c) states any member who has held an elective office as a national officer for two (2) terms shall not be eligible to contest for a national office until at least ten (10) years after his/her last term of office.”

- ii. Your Nomination Form reveals that you held elective office for two terms in the association in the period 2012 – 2014 (as Treasurer) and 2020 – 2022 (as General Secretary), and by the clear and unambiguous provision of Section 9(4)(c) of the constitution reproduced above, you cannot contest for a national office until at least ten (10) years after your last term which ended in 2022.
- iii. It is observed that you wrote on your form that your election as Treasurer was under the old Constitution and that for General Secretary was under the new Constitution perhaps to suggest that the provision only applies to persons elected under the new Constitution. For as long as persons elected under the old constitution (including yourself) remain duly elected and recognized as past officers of the NBA for the period elected, we can not discountenance that position as held by yourself in determining the fact of your having held an elective office as a national officer for two (2) terms.
- iv. Moreover, by the resolution of the NBA National Executive Committee (now National Executive Council) taken at the NBA NEC Meeting of 18th February 2015 held in Jos, Plateau state, it was the resolution of the NBA NEC that the dichotomy of persons elected under the old or new constitution as it relates to persons elected to office for two terms does not exist, and it was the common resolution of the NBA that the said

provisions applied irrespective of the constitution under which the election to either office took place (See Paragraph 3.08-3.09 of the said NEC Minutes).

- v. That by the provisions of Paragraph 10 of the 2nd Schedule to the Constitution, “a candidate for any elective national office shall be nominated or proposed in writing by a member and seconded by another both of whom shall be qualified like the candidate in accordance with the provisions of the Constitution for the equivalent office and shall have paid their practicing fees and Branch dues.”
- vi. That your Secunder submitted receipts evidencing the payment of Bar Practicing Fees for 2022, and 2023, and a receipt evidencing payment for stamp and seal in the sum of N8,000.00, paid on the 24th day of March 2024. No Bar Practicing fee receipt for 2024 was submitted by your Secunder.
- vii. That it is in view of all of the above reasons that the ECNBA has disqualified you as a candidate for the position of President in the forthcoming 2024 NBA General Election.

You may wish to exercise your right of appeal against this decision under Part IX, 2nd Schedule of the Constitution.

Accept our kind regards.

Yours faithfully,



OLUSEUN ABIMBOLA SAN
Chairman



HUWAILA MUHAMMAD IBRAHIM
Secretary



SUPREME COURT OF NIGERIA

OFFICE OF THE CHIEF REGISTRAR

Three Arms Complex, Central District, PMB 308, Abuja

Payment Receipt

NATIONAL SECRETARIAT

NBA House, Plot 1101 Mohammadu,
Buhari Way, Central Business District,
Abuja, F.C.T Nigeria

nigerianbar.org.ng
info@nigerianbar.org.ng
+234-800-33-111



Payment date: 24th Mar, 2024

Payment Reference:

639318535591997

PAYER INFORMATION

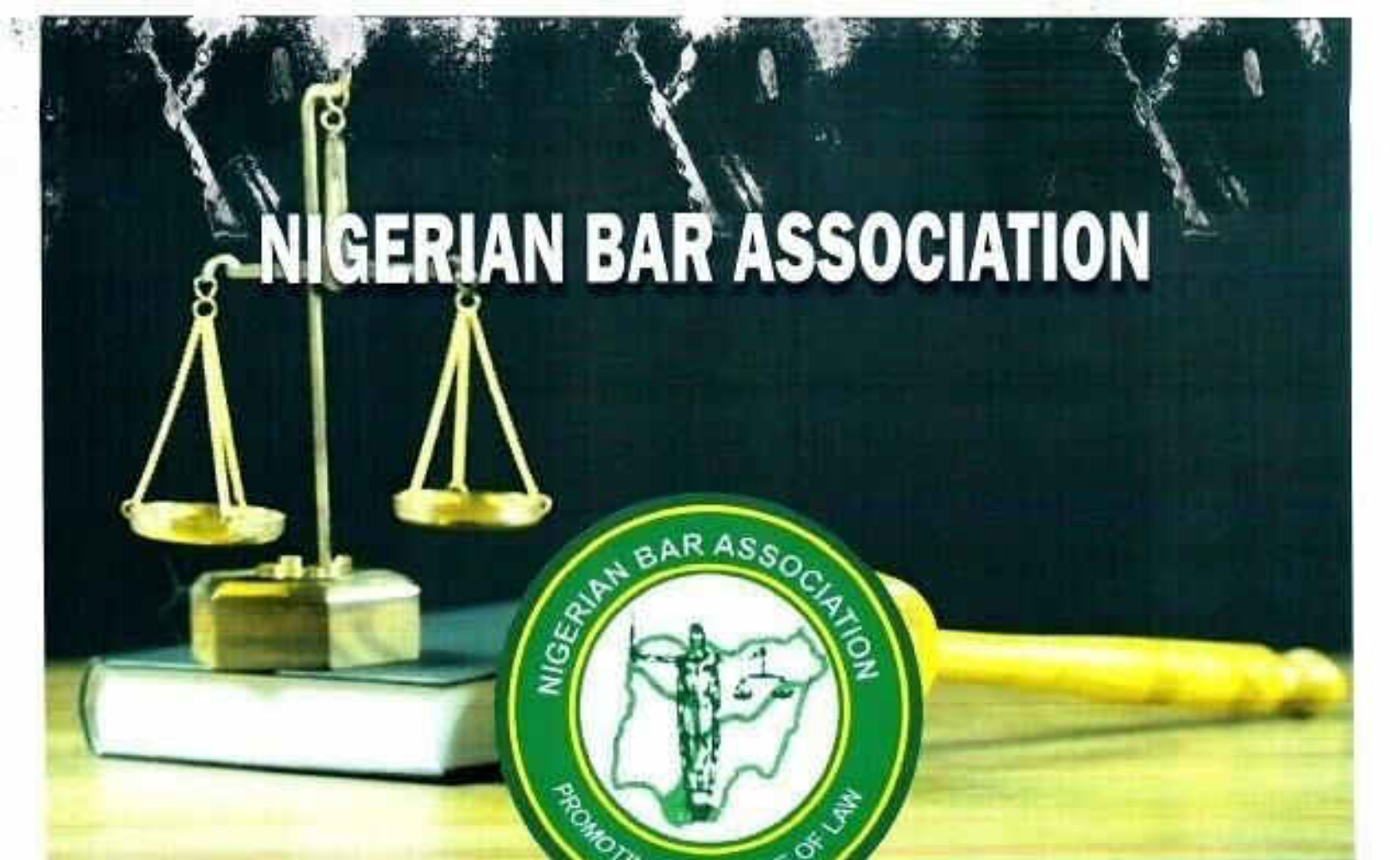
Name	CHUZUIKE ATTAMA
Payee Branch	Orlu
Enrollment No.	SCN022567
Email	chuziatama@yahoo.com
Year of Call	1993

PAYMENT DETAILS

PAYMENT DATE	PAYMENT REF.	PAYMENT DESCRIPTION	AMOUNT ₦	CHARGES ₦	VAT ₦	TOTAL ₦
24th Mar, 2024	639318535591997	Bar Practicing Fee	25,000	0.00	0.00	25,000

PAYMENT CHANNEL INFORMATION

TRANSITION	STATUS	PAYMENT TYPE	PAYMENT YEAR	BILLING METHOD
NBA Portal	Successful	BPF	2024	



NIGERIAN BAR ASSOCIATION

THE CONSTITUTION OF THE NIGERIAN BAR ASSOCIATION 2015 (as amended in 2021)

- ii. Treasurer, Publicity Secretary, and Welfare Secretary – not less than ten (10) years post-call.
- iii. Assistant General Secretary and Assistant Publicity Secretary – not less than five (5) years post-call.
- e. In reckoning post-call years, a person shall be regarded as having attained a post-call year on each succeeding anniversary of his/her call to the Bar and not sooner.
- f. The National Officers, and in particular, the President and the General Secretary, must be persons with proven integrity, administrative skills and experience and with demonstrable capacity to serve without expecting or having consideration for pecuniary rewards and/or remuneration.
- g. No serving President or other National Officer shall canvass or solicit for appointment in government; and if offered such appointment, must decline, otherwise he/she shall be deemed guilty of professional misconduct and shall not attend or speak at any meeting of the Association. Provided that the provisions of this sub-section shall not apply to members of the Association who are serving as representatives of the Association in any Commission, Agency or other Executive Bodies established under the Constitution of the Federal Republic of Nigeria as well as members serving as non- executive directors of Statutory Corporations and Government-owned Companies.

(4) Disqualification from holding any National Office

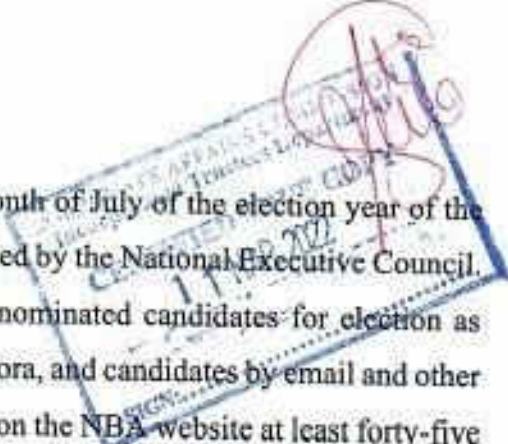
A member shall not be qualified to hold any national office in the Association if during election campaigns:

- a. There is evidence that he/she is sponsored by, or has received any financial assistance or inducement from any government of the Federation, public or private organizations or bodies corporate;
- b. He/She sponsors or is associated with sponsoring a Newspaper or Magazine article or any electronic broadcast, vilifying other candidates or extolling a candidate's virtues;
- c. Any member who has held an elective office as a national officer for two (2) terms shall not be eligible to contest for a national office until at least ten (10) years after his/her last term of office.

- b. The quorum of the National Executive Committee Meeting shall be five (5) members present in person or attending through any virtual or electronic means.
- c. Decisions of the National Executive Committee shall be by consensus but where not so reached, by simple majority based on a show of hands provided that the Meeting may resolve to vote by secret ballot on any issue. Provided that the President or presiding officer shall have a casting vote in the event of equality of votes.
- d. The National Officers shall have power to take decisions on behalf of the Association in all cases of emergency or when the National Executive Council cannot be emergently convened and report to the next National Executive Council Meeting for ratification.

10. Election to National Offices and General Council of the Bar

- (1) There shall be established an independent body to be known as the Electoral Committee of the Nigerian Bar Association (hereinafter called "the ECNBA") to conduct elections into National Offices of the Association and election of the representatives of the Association in the General Council of the Bar.
- (2) The ECNBA shall comprise a Chairman and four (4) members.
- (3) The National Executive Council shall appoint the Chairman and members of the ECNBA not later than the month of December of the year preceding the election year.
- (4) The procedure for the appointment of the members of the ECNBA, the rules governing the conduct of election to national offices and election of the representatives of the Association in the General Council of the Bar, and disqualification of candidates from the election shall be as set out in the Second Schedule to this Constitution.
- (5) For the purposes of election into National Offices, the country shall be divided into three zones as set out in the Second Schedule to this Constitution.
- (6) Election into National Offices and election of the representatives of the Association in the General Council of the Bar shall be by universal suffrage and electronic voting as set out in the Second Schedule to this Constitution.
- (7) The Twenty (20) members representing the Association in the General Council of the Bar shall be elected for a term of two (2) years and shall only be eligible for re-election for

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7. Election of National Officers shall be held in the month of July of the election year of the Association or at such time and place as may be ratified by the National Executive Council.
 8. The ECNBA shall circulate a full list of properly nominated candidates for election as National Officers to all the Branches, Sections, and Fora, and candidates by email and other applicable electronic platforms, as well as displayed on the NBA website at least forty-five (45) clear days before the date of the election.
 9. The full list of the members of the Association qualified to vote shall be published by ECNBA at least forty-five (45) clear days before the date of the election.
 10. A candidate for any elective national office shall be nominated or proposed in writing by a member and seconded by another both of whom shall be qualified like the candidate in accordance with the provisions of the Constitution for the equivalent office and shall have paid their practicing fees and Branch dues.
 11. Candidates shall submit by email a copy of their Curriculum Vitae of not more than four pages of A4-size paper, comprehensive manifestoes and other campaign materials to the ECNBA for publication on the NBA website, not later than the day fixed by the ECNBA.
 12. The publication, printing or distribution of any campaign material, gifts, and any form of souvenir whatsoever by a candidate or his/her supporter(s) is hereby prohibited and any candidate who contravenes this provision shall be disqualified from being voted for.
 13. Any form of donations and philanthropic gestures by candidates seeking election into any national office during the election year is hereby prohibited, and any candidate who contravenes this provision shall be disqualified from being voted for in the election.
 14. All Branches, Sections, and Fora are prohibited from soliciting contributions, donations or sponsorship from candidates seeking election into any national office during the election year.
 15. Any form of financial inducement including paying annual practicing fees or branch dues for lawyers to curry favour from voters or for any reason whatsoever by candidates and their supporters in the election year is hereby prohibited, and any candidate who contravenes this provision shall be disqualified from being voted for in the election. PROVIDED that any such payment of Bar Practicing Fees and branch dues by the candidate for lawyers who are in his/her direct employment shall not be construed as financial inducement.

2. The ECNBA shall, not less than sixty (60) days to the date of election, issue guidelines for conduct of electronic voting, which shall amongst other things provide for verification of voters, time, and platform to be utilized for electronic voting.



PART VII

PRELIMINARY NOTICE OF ELECTION

1. Preliminary notice of election shall be communicated to all the branches constituting the geographical zones of the Association at least 120 (One Hundred and Twenty) clear days before the date of the election.
2. The preliminary notice for the election shall state the following:
 - (a) The offices to be filled by each zone by virtue of the zoning arrangement.
 - (b) The date, at least 90 (Ninety) clear days before the date of the election, by which nominations of candidates must be received.

DISQUALIFICATION OF CANDIDATES

Subject to the provisions 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:

- (a) is not a Nigerian Citizen;
- (b) is a member of a political party in Nigeria;
- (c) has been adjudged bankrupt or has made a compromise or arrangement with his creditors;
- (d) is adjudged mentally unfit to take up the position by a competent medical authority;
- (e) has been convicted of a crime by a court of competent jurisdiction or has been found guilty of misconduct or professional impropriety by the Legal Practitioners Disciplinary Committee;
- (f) The power of ECNBA to disqualify a person who wishes to contest for an office shall only be for the grounds specifically contained in this Constitution.

EIGHTH SCHEDULE



LIST OF FORA

1. NBA Academic Forum
2. NBA Women Forum
3. NBA Young Lawyers Forum
4. NBA Corporate Counsel Forum
5. NBA Law Officers Forum
6. NBA Lawyers in the Military Forum
7. NBA Lawyers Living with Disability Forum
8. NBA Lawyers in Diaspora Forum

This Constitution is adopted this 28th day of October 2021 by the Annual General Meeting of the Nigerian Bar Association and takes effect forthwith.

OLUMIDE AKPATA
PRESIDENT

JOYCE ODUAH, FICMC
GENERAL SECRETARY



NIGERIAN BAR ASSOCIATION

NATIONAL SECRETARIAT: NBA House, Plot 110/1 Muhammed Buhari Way, Cadastral Zone A00, Central Business District, Abuja - Nigeria. Tel: +234810 402 5812
www.nigerianbar.org.ng

22nd June, 2020

The Chairman
Election Committee
Kano Branch
Nigerian Bar Association

Dear Colleague,

RE: NBA 2020 BRANCH LECTIONS: APPEALS PANELS

Further to my letter of 9th June, 2020 the Panel (Northern Zone) considered appeals by (1) Aminu Gadanya Sani (2) Ibrahim A. Buba and (3) Ibrahim Garba Waru and recommended as follows:

1. That by virtue of Article 6 (2) of the Uniform Bye-Laws, the Branch National Executive Committee Representative is not listed as an officer of the branch. Therefore, Aminu Gadanya Sani is not in contravention of Article 6 (3) of the Uniform Bye-Laws, but was unlawfully disqualified and eligible to contest for the position of Branch Chairman.
2. That Ibrahim A. Buba did not discharge the onus that he complied with Article 15 (4) of the Uniform Bye-Laws by paying the 2018 Bar Practice Fee as and when due and his disqualification was in order.
3. That by virtue of Article 6 (3) of the Uniform Bye-Laws, Ibrahim Garba Waru has not held two (2) offices at the branch at the close of nominations as the last office he held was between 2014 to 2016 and his disqualification was unlawful. Therefore, he is eligible to contest for position of Branch Chairman.

The recommendations are accepted. Aminu Gadanya Sani and Ibrahim Garba Waru are eligible to contest for the position of Branch Chairman.

You are by this letter directed to proceed and conduct the scheduled election.

Accept the assurances of our professional regards.

Yours faithfully,

Jonathan Gunu Taidi, Esq.
General Secretary

NATIONAL OFFICERS

Paul Usoro, SAN President

Jonathan Gunu Taidi, General Secretary, Imo Stanley Chidozie, 1st Vice President, Dr. Dada Foluke Olayemi, 2nd Vice President, Igba Theophilus, 3rd Vice President, Banko Victoria Olagbegi-Oloba, Treasurer, Anosike Elias Emeka, Financial Secretary, Eze Nnamdi Innocent, Legal Adviser, Edun Olukunle, Publicity Secretary, Usman Joshua Enemali, Welfare Secretary, Ewenode William Onoriode, 1st Assistant Secretary, Obasi Chinyere Gladys, 2nd Assistant Secretary, Pepple Iniobong Irene, Assistant Financial Secretary, Lawal Akorede Habeel, Assistant Publicity Secretary

**PROPOSED AMENDMENTS TO
THE CONSTITUTION OF THE
NIGERIAN BAR ASSOCIATION
2015 (AS AMENDED IN 2021)**

**NIGERIAN BAR ASSOCIATION
CONSTITUTION
2015
(as amended in 202²)**

- a. There is evidence that he/she is sponsored by or has received any financial assistance or inducement from the Government of the Federation or any of her ministries or departments or agencies, or the Government of a State or any of her ministries or departments or agencies, or Local Government Council or any of her departments or agencies, or any public or private organizations or bodies corporate.
- b. He/She sponsors or is associated with sponsoring a Newspaper or Magazine article or any electronic broadcast, vilifying other candidates or extolling a candidate's virtues.
- c. Any member who has held an elective office as a national officer for two (2) terms shall not be eligible to contest for a national office until at least ten (10) years after his/her last term of office. For the avoidance of doubt, this provision shall have retrospective effect.

(5) Duties of National Officers

- a. The President – The duties of the President shall include:
 - i. Directing the summoning of Meetings of the National Executive Council either on his/her own initiative or in accordance with the decision of the National Executive Council or on the requisition of members in accordance with Section 8 (5) of this Constitution.
 - ii. Presiding at Annual General Meeting or Extraordinary and other General Meetings of the Association and Meetings of the National Executive Council or the National Executive Committee.
 - iii. Directing all other Officers of the Association in the performance of their duties and coordinating the activities of all Branches of the Association.
 - iv. Providing direction and leadership to all Committees of the Association.
 - v. Presenting at the Annual General Conference, a presidential address in writing to highlight the accomplishments, problems, prospects, and future direction of the Association.
 - vi. Acting as the principal spokesman of the Association.
 - vii. Ensuring, with the assistance of the General Secretary and the Treasurer, the efficient and economic use of the Association's assets and resources through

**PROPOSED AMENDMENTS TO
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extolling a candidate's virtues.

- c. Any member who has held an elective office as a national officer for two (2) terms shall not be eligible to contest for a national office until at least **Eight (8)** years after his/her last term of office. **For the avoidance of doubt, this provision shall have retrospective effect.**

(5) Duties of National Officers

- a. The President – The duties of the President shall include:

- i. Directing the summoning of Meetings of the National Executive Council **of the Association** either on his/her own initiative or in accordance with the decision of the National Executive **Committee of the Association** or on the requisition of members in accordance with Section 8 (5) of this Constitution.
- ii. Presiding at the Annual General Meeting or Extraordinary and other General Meetings of the Association and Meetings of the National Executive Council and the National Executive Committee **of the Association**.
- iii. Directing all other Officers of the Association in the performance of their duties and co-ordinating the activities of all Branches of the Association.
- iv. Providing direction and leadership to all Committees of the Association.
- v. Presenting at the Annual General Conference **of the Association**, a presidential address in writing to highlight the accomplishments, problems, prospects, and future direction of the Association.
- vi. Acting as the principal spokesman of the Association.
- vii. Ensuring, with the assistance of the Vice President and General Secretary, the efficient and economic use of the Association's assets and resources through prudent investments, acquisitions and disposal of assets as may be necessary from time to time subject to the overall approval of the National Executive Council.
- viii. **Shall be an ex-officio member of all Committees of the Association, provided that the President shall not be a member of the Electoral Committee of the Nigerian Bar Association (ECNBA) and any of the Elections Appeal Committees.**