

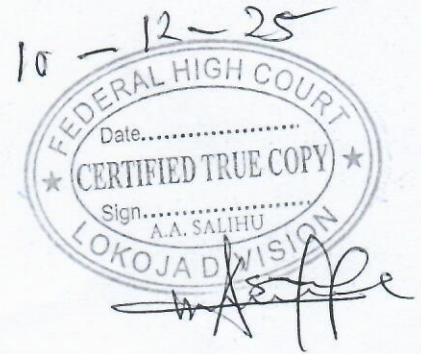
**IN THE FEDERAL HIGH COURT OF NIGERIA**  
**IN THE LOKOJA JUDICIAL DIVISION**  
**HOLDEN AT LOKOJA**

**ON WEDNESDAY THE 10<sup>TH</sup> DAY OF DECEMBER, 2025**  
**BEFORE HON. JUSTICE ISA H. DASHEN**  
**(PRESIDING JUDGE)**

**SUIT NO.: FHC/LKJ/CS/49/2025**

**BETWEEN:**

1. **BARR. TAKORI MOHAMMED SANI**  
*(Protem National Secretary, NDC)*
2. **BARR. IKENNA MORGAN ENKWEIZU**  
*(Protem National Organizing Secretary, NDC)*
3. **HON. ABDULMUMIN OHIARE ABDULSALAMI**  
*(State Chairman, NDC, Kogi State)*
4. **PIUS UGBOJA**  
*(State Secretary, NDC, Kogi State Chapter)*  
Suing for themselves and as representatives  
of the Nigeria Democratic Congress (NDC))



**PLAINTIFFS**

**AND**  
**INDEPENDENT NATIONAL ELECTORAL**  
**COMMISSION (INEC) ..... DEFENDANT**

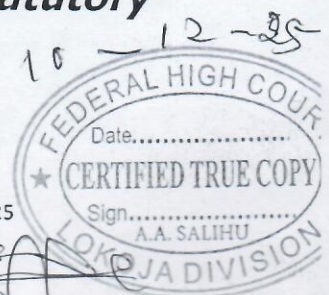
**JUDGMENT**

This suit was commenced by way of Originating Summons dated the 7<sup>th</sup> November, 2025 but filed on 10<sup>th</sup> days of November, 2025 by the Plaintiffs against the Defendant. It was brought pursuant to Section 6(6)(a)(b)(c), Section 222(a)(b)(c)(d)(e) and (f), Section 14(1)(c), and Section 7(2)(a) of the 1999 Constitution of the Federal Republic of Nigeria (as amended); Sections 75(1)(2)(3)(4) and 76 of the Electoral Act, 2022; Order 3 Rules 6 to 9, Order 19 and 20, Order 3 Rule 3 of the Federal

High Court (Civil Procedure) Rules, 2019; and under the inherent jurisdiction of this Honourable Court.

The Plaintiffs seek for the determination of several constitutional and statutory questions relating to whether the refusal of the Defendant to register the Nigeria Democratic Congress (NDC) as a political party constitutes an infraction of the provisions of the Constitution and Electoral Act. If the questions posed are resolved in their favour, the Plaintiffs claim the following reliefs as follows:

- 1. A declaration that by proper interpretation of Section 222(a)–(f), Section 14(1)(c), Section 7(2)(a) of the 1999 Constitution (as amended), the refusal of the Defendant to register Nigeria Democratic Congress (NDC) as a political party is unconstitutional, illegal and an infraction of the aforesaid sacrosanct provisions.***
- 2. A declaration that within the meaning and intendment of Section 7(2)(a) of the 1999 Constitution (as amended), Section 75(1)(2)(3)(4) and 76 of the Electoral Act, 2022, the refusal of the Defendant to register the Nigeria Democratic Congress (NDC) despite compliance with the requirements of registration amounts to an infraction of the constitutional and statutory rights of the Plaintiffs.***
- 3. A declaration that on a careful interpretation of Section 7(2)(a) and 222 of the Constitution, Section 75(1)(2)(3)(4) and 76 of the Electoral Act, 2022, read together with the documentary evidence before this Court showing the steps for registration of NDC, the refusal of the Defendant to register the Plaintiffs' association as a political party amounts to an infraction of the said constitutional and statutory provisions.***



4. ***A declaration that under Section 40 and 222 of the Constitution, Article 11 of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act (Cap. 10, LFN 1990), Section 75(1)(2)(3)(4) and 76 of the Electoral Act, 2022, the refusal of the Defendant to register the NDC despite compliance with statutory requirements constitutes an infraction of the rights of the Plaintiffs.***
5. ***A declaration that on a proper reading of Section 7(2)(a) of the Constitution and Section 75(1)(2)(3)(4) and 76 of the Electoral Act, 2022, INEC has no discretion to refuse registration of a political association that has complied with all requirements for registration.***
6. ***An order directing the Defendant, by itself, its servants and officers howsoever, to forthwith register the NDC as a political party in Nigeria.***
7. ***An order directing the Defendant to, within seven (7) days from the date of the order, hand over to the Plaintiffs the certificate of registration of NDC as a political party.***
8. ***An order compelling the Defendant to take all necessary steps including listing the name of NDC for purposes of all general elections in Nigeria, present and future, and removing all impediments preventing NDC from sponsoring candidates.***
9. ***Such further orders as this Honourable Court may deem fit to make in the circumstances.***

The Plaintiffs placed before this Honourable Court their Originating Summons filed on 10<sup>th</sup> November, 2025, together with a supporting affidavit deposed to by one Barr. Ikenna Morgan Enekweizu the 2<sup>nd</sup> Plaintiff and annexed Exhibits NDC 1 to 5 (exhibiting documentary evidence relied upon), and a written address in support of the application, wherein learned counsel formulated issues for determination and canvassed

*[Handwritten Signature]*



arguments in support thereof. Also filed on behalf of the Plaintiffs, and forming part of their processes before the Court, are: Plaintiffs' Affidavit in response to the Defendant's Counter affidavit to the Plaintiff's Originating Summons filed on 27<sup>th</sup> November, 2025 and Plaintiffs' written Reply on points of law in opposition to the Defendant's Preliminary Objection.

In reaction, the Defendant entered appearance and filed a Counter-Affidavit dated 20<sup>th</sup> November, 2025, but filed on 21<sup>st</sup> November, 2025, opposing the claims of the Plaintiffs. The Defendant also filed a Notice of Preliminary Objection filed on 21<sup>st</sup> November, 2025.

Above represents the summary of all processes filed by parties in respect of both the substantive suit by the Plaintiff and the Notice of Preliminary objection by the Defendant.

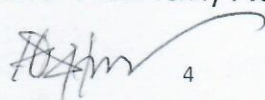
When this matter came up for hearing on the 28<sup>th</sup> day of November, 2025, learned counsel for the Plaintiffs Reuben Egwuaba Esq, and F. A. Kotso Esq holding the brief of O.A. Adeyomi Esq for the Defendant, adopted their respective processes, adumbrated on same, and urged the Court to resolve both the Notice of Preliminary Objection and the substantive suit in favour of the respective parties they represent.

I will proceed first to deal with the Notice of Preliminary objection filed by the Defendant challenging the jurisdiction of this Honourable Court and if its succeeded, that ends the suit and if otherwise, I will proceed thereafter into determining the substantive suit on its merit.

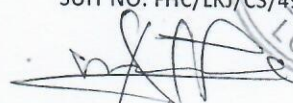
#### PRELIMINARY OBJECTION RAISED BY THE DEFENDANT:

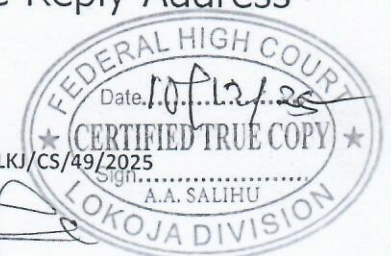
I have carefully considered the Notice of Preliminary Objection filed by the Defendant/Applicant, its supporting affidavit, the written address of learned counsel, as well as the Reply Address of learned counsel for the Plaintiff/Respondents.

BARR. TAKORI MOHAMMED SANI  
AND  
INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC)

 4

SUIT NO: FHC/LKJ/CS/49/2025





The Crux of the objection is that this suit was allegedly filed by the Plaintiff/Respondent outside the statutory fourteen (14) days prescribed under Section 76 of the Electoral Act 2022, and is therefore statute barred, robbing this Court of jurisdiction.

The Plaintiffs filed a Written Reply on Point of Law opposing the objection, contending inter alia that the cause of action in this suit did **not** accrue on 19<sup>th</sup> September 2025, when Exhibit NDC 3 was received, but upon the Defendant's failure to respond to the Plaintiffs' seven day demand notice issued on 28<sup>th</sup> October 2025 (Exhibit NDC 5).

Having considered the affidavit evidence and written addresses, the sole issue for determination in my opinion is:

**Whether this suit is statute barred as contended by the Defendant under Section 76 of the Electoral Act 2022.**

The law is elementary that in resolving an objection founded on a statute of limitation, the Court is required to examine the originating processes in order to ascertain, first, the date on which the cause of action accrued, and second, the date on which the action was commenced. Where, upon such examination, the period between accrual and commencement exceeds the period prescribed by the applicable limitation statute, the action is statute barred and incompetent. See **HON. LAWAL ADAMU USMAN v. HON. USMAN IBRAHIM & ORS (2022) LPELR-59345 (CA)**; see also **IKOSI INDUSTRIES LTD v. LAGOS STATE GOVERNMENT & ORS (2017) LPELR-41867 (CA)**, where it was emphasized that the determination of whether an action is caught by limitation "is a matter of calculation of raw figures" and not an exercise in discretion.

The Defendant/Applicant has anchored its objection on the premise that the cause of action arose when the Plaintiffs received the Defendant's letter dated 12th September, 2025

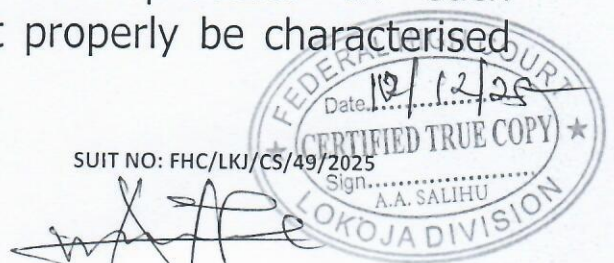
*[Signature]* 5

admitted as Exhibit NDC 3, on 19th September, 2025, and that the suit, having been filed on 10<sup>th</sup> November, 2025, is outside the fourteen (14) days provided under Section 76 of the Electoral Act, 2022. The Plaintiffs, on the other hand, contend that Exhibit NDC 3 did not constitute a final decision in the sense of Section 76, that they immediately engaged the Defendant through Exhibit NDC 4, offering to submit a fresh logo, and that the cause of action only crystallised upon the Defendant's failure to respond positively to their seven (7) days demand notice dated 8<sup>th</sup> October, 2025 and received on 28<sup>th</sup> October, 2025, admitted as Exhibit NDC 5.

It is therefore necessary to determine, on the facts, what constitutes the operative decision or conduct of the Defendant which triggered the Plaintiffs' right of action for the purposes of Section 76 of the Electoral Act, 2022.

From the Plaintiffs' affidavit in support of the originating summons, particularly paragraph 15, together with Exhibits NDC 3, NDC 4 and NDC 5, the sequence of events is not in dispute. The Defendant, by Exhibit NDC 3, informed the Plaintiffs that the process of registration of their association as a political party would be discontinued on the ground that the proposed logo was similar to that of an existing political party, the All Progressives Congress (APC). Upon receiving this letter on 19th September, 2025, the Plaintiffs did not treat the matter as concluded. Rather, by Exhibit NDC 4 dated 22nd September, 2025, they wrote to the Defendant, disputing the alleged similarity and, in the alternative, expressly requesting leave to submit a fresh logo so that the registration process might continue.

The effect of Exhibit NDC 4 is that the Plaintiffs placed before the Defendant a remedial option which, if accepted, would have revived or continued the registration process. In such circumstances, Exhibit NDC 3 cannot properly be characterised



as a final and definitive decision conclusively determining the Plaintiffs' right to be registered; it was, at best, an intermediate step in an ongoing administrative process, capable of reconsideration and cure. It is trite that a cause of action does not accrue until there is a complete and final infraction which the claimant can bring before the Court. Where the decision-maker re-opens or is invited to re-open its earlier position, and the process remains fluid, time under a limitation provision does not begin to run until the adverse position becomes final. See, by analogy, **ABDULRAHMAN v. NNPC (2021) 12 NWLR (Pt. 1791) 45**, where the Court recognised that subsequent engagement with the decision-maker may affect the point at which the cause of action is deemed to have accrued.

The Plaintiffs, having received no favourable response to Exhibit NDC 4, thereafter issued a formal seven (7) days notice of court action to the Defendant by Exhibit NDC 5 dated 8<sup>th</sup> October, 2025, which the Defendant received and acknowledged on 28<sup>th</sup> October, 2025. In that letter, the Plaintiffs demanded the immediate registration of their association as a political party, failing which they would have no alternative than to seek redress in Court. The Defendant neither complied with the demand nor offered any contrary response within the seven-day window. It is that failure or refusal which, in my considered view, constitutes the final and operative decision, or at the very least the conclusive adverse stance, that gave rise to the cause of action in this suit.

Accordingly, for the purposes of computing time under Section 76 of the Electoral Act, 2022, the cause of action must be taken to have accrued upon the expiry of the seven (7) days demand period stipulated in Exhibit NDC 5, i.e., on or about 3<sup>rd</sup> or 4<sup>th</sup> November, 2025, and not on 19<sup>th</sup> September, 2025, when Exhibit NDC 3 was received. The originating summons, having been filed on 10<sup>th</sup> November, 2025, was therefore commenced



within fourteen (14) days of the accrual of the cause of action and is squarely within time.

I must also observe that the Defendant's own counter-affidavit introduces a new and inconsistent basis for the refusal of registration, namely a purported similarity between the Plaintiffs' logo and that of a different political association referred to as Peace Movement Party (PMP), which was admittedly never communicated to the Plaintiffs prior to litigation. This attempt to shift ground is in direct conflict with the reason earlier given in Exhibit NDC 3, which mentioned similarity with the APC logo. A party is not permitted to approbate and reprobate. The law will not allow a litigant to blow hot and cold on the same matter or to put forward mutually destructive positions in order to meet the exigencies of the moment. See **GLOBE MOTORS HOLDINGS NIG. LTD v. IBRAHEEM (2021) LPELR-54550 (CA); UMAR MOHAMMED NASKO & ANOR v. ABUBAKAR SANI BELLO & ORS (2020) LPELR-52530 (SC); A.G. RIVERS STATE v. A.G. AKWA IBOM STATE (2011) 29 WRN 1**. This inconsistency further undermines the foundation upon which the preliminary objection is built.

In determining this issue, the Court is entitled to look at all documents in its file, including processes and exhibits duly filed in the matter, even if not formally tendered as exhibits in oral proceedings, provided such recourse aids the just resolution of the issues in controversy. This is now a firmly settled principle. See **UZODINMA v. IZUNASO (NO. 2) (2011) 17 NWLR (Pt. 1275) 28; EGBELE A. EROMOSELE v. FRN (2018) LPELR-43851 (SC); BAREWA PHARMACEUTICALS LTD v. FRN (2019) LPELR-47385 (SC)**. Section 122(2)(m) of the Evidence Act, 2011 also empowers the Court to take judicial notice of its own records. In exercising this power, I have carefully examined Exhibits NDC 3, NDC 4 and NDC 5 as part of the Court's record and find them crucial to the correct computation of time under Section 76.

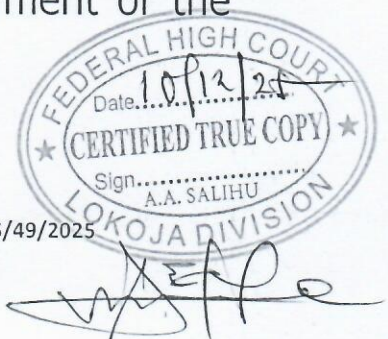


It must be emphasized that in resolving a plea of limitation which goes to the jurisdiction of the Court, the primary materials to be examined are the claimant's originating processes and annexures, and not the adversarial argument of counsel. See **HUNG & ORS v. E.C. INVESTMENT CO. (NIG.) LTD & ANOR (2016) LPELR-42125 (CA); SAINT GOBAIN PAM S.A. v. INTERNATIONAL CONSULTANTS INC. (2015) LPELR-24663 (CA)**. A careful examination of the Plaintiffs' originating summons as filed on 10<sup>th</sup> November, 2025, against the date of accrual of the cause of action as found above, shows that the suit was commenced within the fourteen (14) days prescribed by Section 76 of the Electoral Act, 2022. The authorities relied upon by the Defendant on limitation are therefore distinguishable and inapplicable to the peculiar facts of this case.

In the light of the foregoing, I hold that the suit is **NOT** statute-barred. The contention that this Court lacks jurisdiction on the ground of limitation is misconceived and must be, and is hereby, rejected. Accordingly the Notice of Preliminary Objection filed on 21<sup>st</sup> Defendant/Applicant is hereby dismissed.

#### BACKGROUND FACTS:

The Plaintiffs are officers and members of the Nigeria Democratic Congress (NDC), a political association which, according to their depositions, has existed nationally since 2016 and maintains its headquarters within the Federal Capital Territory, Abuja. In March 2017, the association formally submitted an application to the Defendant, the Independent National Electoral Commission (INEC), seeking registration as a political party. The application was accompanied by requisite documentation, including the association's constitution, particulars of its national officers, and proof of payment of the prescribed administrative fee.

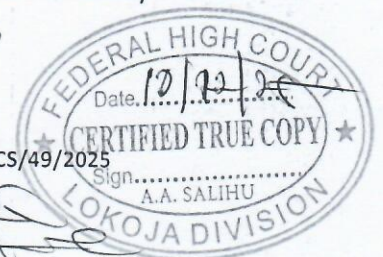


Over the years that followed, interactions continued between the association and INEC without any communication indicating rejection. In May 2024, the Plaintiffs notified the Defendant of the relocation of the association's national headquarters to Plot 822, Emeka Anyaoku Street, Area 11, Garki, Abuja, and of the association's adoption of a new logo a two-finger victory salute replacing its former elephant symbol. No objection issued from the Defendant at that time.

In August 2025, INEC published a list of associations that had filed applications for registration. The Plaintiffs' association was initially omitted, prompting them to write to INEC for clarification. A supplementary publication thereafter included the name of NDC among pending applicants. However, on 12<sup>th</sup> September 2025, INEC issued a letter to the association stating that the Commission had discontinued the process of registration on the ground that the new logo allegedly resembled that of an existing political party, the All Progressives Congress (APC).

Upon receiving that communication on 19<sup>th</sup> September 2025, the Plaintiffs immediately disputed the alleged similarity and wrote to INEC on 22<sup>nd</sup> September 2025 requesting reconsideration, while undertaking, without prejudice, to submit a fresh logo for approval if the Commission maintained its objection. No response was issued. On 8<sup>th</sup> October 2025, the association served INEC with a seven day notice of intended litigation, yet no corrective or administrative action followed. The Plaintiffs thereafter commenced this action, asserting that they have met all constitutional and statutory conditions for registration and that the refusal of the Defendant constitutes an unlawful obstruction of their constitutional rights to association and political participation.

**I have carefully examined the affidavit in support of the Originating** Summons, the exhibits attached thereto, the



Counter-Affidavit of the Defendant, and the further affidavit/response of the Plaintiffs.

The Plaintiffs' affidavit evidence establishes that they are officials and promoters of the Nigeria Democratic Congress (NDC), an association which, according to them, has existed since late 2016 and maintains a national headquarters in Abuja.

The Plaintiffs further depose that they made a formal application for registration as a political party in March 2017, accompanied by payment of the mandatory administrative fee on 2<sup>nd</sup> June 2017.

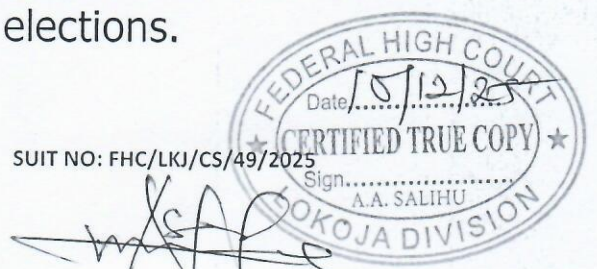
They assert that on 3<sup>rd</sup> May 2024 they notified the Defendant of a change of logo and headquarters location, and thereafter engaged the Defendant concerning verification of their premises.

The Plaintiffs' affidavit evidence also records that when the Defendant published its list of associations applying for registration in August 2025, their association was omitted, prompting written protest on 18<sup>th</sup> August 2025, after which their name appeared in a revised list.

Their affidavit further shows that by a letter dated 12<sup>th</sup> September 2025, received on 19<sup>th</sup> September 2025, the Defendant informed them that their registration process was discontinued due to alleged similarity between their logo and that of the All Progressives Congress (APC).

The Plaintiffs' evidence indicates that they protested via a letter dated 22<sup>nd</sup> September 2025, requesting reconsideration and offering to submit a fresh logo, but they received no response.

They further state that they issued a seven-day notice of court action on 8<sup>th</sup> October 2025, submitted to the Defendant on 28<sup>th</sup> October 2025, demanding their registration and removal of impediments to participation in the 2027 elections.



The Defendant's Counter-Affidavit admits being empowered to register political associations but denies discontinuance of the Plaintiffs' application without reason.

The Defendant asserts that the Plaintiffs' first application in 2017 was discontinued before the 2019 elections due to similarity of logo and proximity to election time.

The Defendant further avers that the Plaintiffs submitted a fresh application on 15<sup>th</sup> August 2025, which was reviewed by its committee, and that their logo was found similar to that of APC and another association (Peace Movement Party) then undergoing registration.

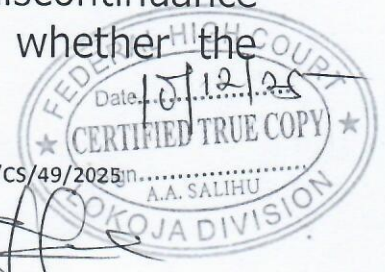
The Plaintiffs, in their further affidavit, deny that their 2017 application was ever discontinued or that any prior notification of logo conflict was communicated before September 2025.

They maintain their logo is distinct and challenge the Defendant to produce documentary proof of any earlier notification.

It is therefore clear on the face of the affidavit evidence that while there is agreement that an application for registration was submitted in 2017, payment was made, and fresh communication occurred between 2024 and 2025, there is conflict between the parties as to:

1. Whether the 2017 process was discontinued prior to 2025, and
2. Whether prior notification of logo similarity was communicated before 19<sup>th</sup> September 2025.

These disputes are material and flow directly from the depositions. They do not detract from the existence of undisputed facts such as filing of applications, exchange of letters, publication of lists, and notification of discontinuance which this Court must evaluate in determining whether the



Plaintiffs have demonstrated compliance with statutory requirements.

The exhibits particularly the letters dated 3<sup>rd</sup> May 2024, 18 August 2025, 12<sup>th</sup> September 2025, 22<sup>nd</sup> September 2025 and 8<sup>th</sup> October 2025 show engagement between the parties, protest correspondence by the Plaintiffs, and the Defendant's stated basis for discontinuance.

The affidavit evidence therefore establishes the transactional sequence leading to this litigation, while revealing factual conflict regarding communication history and propriety of the Defendant's actions issues to be resolved in the later merits analysis.

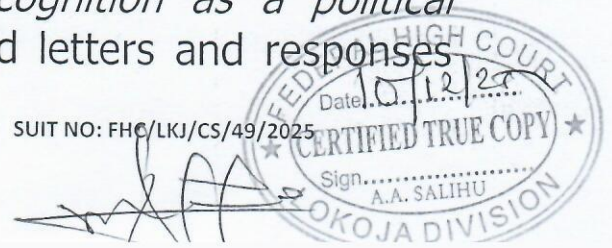
## SUBMISSIONS OF COUNSEL

Learned counsel for the Plaintiffs, in their written address, formulated two issues for determination, stated *verbatim* as follows:

1. *"Whether having regard to Sections 222(a)–(f), 7(2)(a), 14(1)(c) and 40 of the Constitution of the Federal Republic of Nigeria 1999 (as amended), and Sections 75 and 76 of the Electoral Act, 2022, the refusal of the Defendant to register the Nigeria Democratic Congress (NDC) as a political party is constitutional, lawful and valid."*
2. *"Whether upon the affidavit evidence and documentary exhibits before this Court, the Plaintiffs are entitled to the declaratory and consequential reliefs sought."*

## Plaintiffs' Counsel's Argument

On Issue One, learned counsel for the Plaintiffs submitted that *"the affidavit evidence before this Honourable Court demonstrates full compliance by the Plaintiffs with the statutory and constitutional prerequisites for recognition as a political party."* Counsel referred to the exhibited letters and responses



exchanged between the Plaintiffs and the Defendant and argued that *"having satisfied all conditions, the Defendant was under a duty to register the Plaintiffs' association but unlawfully refused to do so under the pretext of logo similarity which we have shown to be untrue."*

Counsel argued further that *"Section 40 of the Constitution confers on the Plaintiffs the freedom to associate for political purposes and Section 222 imposes only procedural obligations. Once complied with, the Defendant cannot exercise discretion whimsically."* Learned counsel relied on *Fawehinmi v. President FRN (2007) 14 NWLR (Pt. 1054) 275* to contend that courts may compel public bodies to perform statutory duties where rights are threatened. Counsel also cited *Onuoha v. Okafor (1983) 2 SCNLR 244*, submitting that *"the Court possesses jurisdiction to review administrative acts carried out arbitrarily or in breach of statutory duty."*

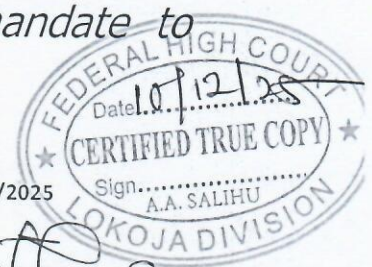
On Issue Two, counsel submitted that *"the documentary evidence clearly refutes the Defendant's allegation of logo similarity, and even if such similarity existed, the Plaintiffs' offer to submit a fresh logo was ignored, demonstrating administrative bad faith."*

Counsel prayed the Court to resolve the issues in favour of the Plaintiffs and grant the reliefs sought.

On the part of the Defendant's Counsel's Argument; Learned counsel for the Defendant framed a sole issue for determination:

*"Whether the Plaintiffs' association, having failed to meet the constitutionally prescribed conditions for registration, is entitled to be registered as a political party."*

In argument, counsel submitted that *"the Defendant is the constitutionally recognised body vested with the mandate to*



*register political associations, and such registration cannot be compelled where statutory criteria remain unmet."*

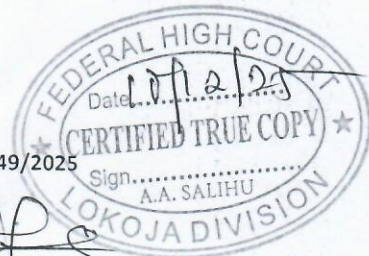
Counsel stated further that *"the Plaintiffs' application was reviewed in accordance with regulatory standards, and their proposed logo was found unsuitable and similar to that of APC and Peace Movement Party, contrary to Section 222 of the Constitution and the Defendants Regulations and Guidelines 2022."*

Defendant's counsel also argued that *"several paragraphs of the Plaintiffs' affidavit are untrue, speculative and unsupported by evidence, and the Plaintiffs have failed to discharge the burden of proof required to entitle them to declaratory orders."*

Learned counsel therefore urged the Court to dismiss the suit.

Having carefully examined the Originating Summons, the affidavit evidence in support, the counter-affidavit of the Defendant, the further affidavit of the Plaintiffs, the written addresses of learned counsel on both sides, and the submissions made in Court, it is my considered view that the issues distilled by counsel, though helpful, may be reformulated for purposes of clarity and effective adjudication. Accordingly, the real questions calling for determination in this suit are:

- 1. Whether, on the evidence, the Plaintiffs' association has complied with the constitutional and statutory requirements for registration as a political party under Section 222 of the 1999 Constitution and Sections 75 and 76 of the Electoral Act 2022.***
- 2. whether the Defendant (INEC) retains any lawful discretion or option, under the Constitution, the Electoral Act and its Regulations, to refuse or discontinue the registration of NDC on the grounds relied upon in this case.***

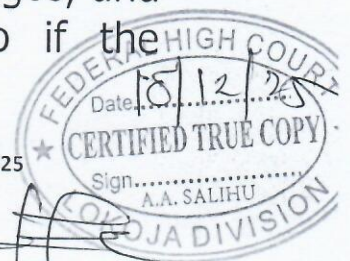
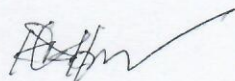


3. ***Whether the Defendant's refusal to register NDC, and the manner of that refusal, constitutes an infraction of the Plaintiffs' constitutional and statutory rights, including those under Sections 40, 14(1)(c), 7(2)(a) and 222 of the Constitution and Article 11 of the African Charter on Human and Peoples' Rights (Cap A9 LFN 2004).***

These issues encapsulate the matters in contest between the parties and shall be considered together or separately where appropriate, having regard to their interconnected nature.

In addition to the carefully considered processes of parties before me, I have equally adverted my mind to the constitutional and statutory provisions relied upon, particularly Sections 6(6), 14(1)(c), 40, 7(2)(a) and 222 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), Sections 75 and 76 of the Electoral Act, 2022. From the depositions, it is common ground that the Plaintiffs are officials and members of Nigeria Democratic Congress (NDC), an association which applied since 2017 to be registered as a political party and furnished to the Defendant its Constitution, list of National Officers, and headquarters situate in Abuja. It is also not disputed that the Plaintiffs later notified the Defendant, in writing, of a change in their logo from a previous elephant symbol to the current two-finger victory emblem, and that no adverse communication issued from the Defendant on that notification prior to its eventual refusal letter of 12<sup>th</sup> September 2025.

The Defendant's position, as gleaned from Exhibit NDC 3, was that it discontinued the Plaintiffs' registration process because the Plaintiffs' logo allegedly resembled that of the All Progressives Congress (APC). The Plaintiffs swiftly disputed that assertion in writing, explained the dissimilarity of both logos, and even requested permission to submit a fresh logo if the



Defendant insisted on objection. That request was ignored. Curiously, in the Defendant's counter affidavit before this Court, an entirely different basis was introduced namely, that the Plaintiffs' logo allegedly resembled a symbol belonging to a non-registered association known as Peace Movement Party (PMP). The Plaintiffs deny ever being told this and insist Peace Movement Party (PMP) is neither an existing political party nor among the shortlisted associations before the Defendant. The exhibits relied upon by INEC do not show that this Peace Movement Party (PMP) ground was ever communicated to the Plaintiffs at any time.

It is well established that a party cannot approbate and reprobate on a single issue. The appellate courts have repeatedly held that equity forbids "blowing hot and cold" at the same time. The Court of Appeal in *Globe Motors v. Ibraheem (2021) LPELR-54550(CA)*, and the Supreme Court in *Nyako v. Adamawa State House of Assembly (2016) LPELR-41822(SC)*, emphasised that once an administrative or litigating party adopts a position, it cannot subsequently contradict itself to secure unfair advantage. In the present case, Exhibit NDC 3 makes no mention whatsoever of Peace Movement Party (PMP), and the belated reliance on Peace Movement Party (PMP) in litigation is therefore an impermissible afterthought which carries no probative value.

The fulcrum of this Court's inquiry lies in Section 222 of the Constitution. That provision exhaustively prescribes the substantive conditions an association must satisfy before functioning as a political party. The Supreme Court in *INEC v. Musa (2003) 3 NWLR (Pt. 806) 72*, per Ayoola JSC, held that the conditions in Section 222 are complete in themselves and cannot be enlarged, added to, or diminished by guidelines or administrative policies of the Independent National Electoral Commission. In that case, the apex court invalidated provisions and administrative policies of INEC which sought to introduce

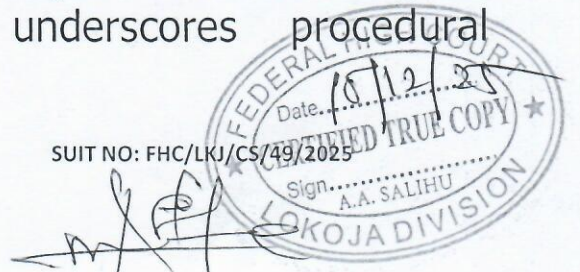


additional obligations beyond Section 222. It further stated that once an association satisfies Section 222, INEC is bound to register it, registration constitutes evidence of compliance, not discretionary grace.

From the totality of affidavit evidence before this Court, I find as a fact that the Plaintiffs have satisfied the constitutional ingredients of Section 222(a) to (f). Their membership is open to all Nigerians; their National Officers and Constitution were lodged with the Defendant; their headquarters is situate in the Federal Capital Territory; and their name and symbol neither contain ethnic nor religious connotation nor convey sectional exclusivity. The Defendant did not allege or establish non-compliance on any of these constitutionally specified grounds. Where a party asserts non-compliance, the burden of proof lies on it: Sections 131–133 Evidence Act 2011 and *First Bank v. Yegwa (2022) LPELR-59630(SC)*. That burden was not discharged by the Defendant.

With respect to the allegation of logo similarity, Section 222(e) of the Constitution does not empower INEC to reject a logo merely because it visually resembles that of an existing party. The mischief the framers sought to regulate are ethnic and religious connotations or sectional exclusivity neither of which is asserted nor proved here. Any administrative guideline that elevates “visual similarity” to a substantive disqualifying ground constitutes an unconstitutional enlargement of Section 222 and is void to that extent. The Supreme Court in *INEC v. Musa (supra)* teaches that neither the legislature nor INEC may add to or subtract from the eligibility criteria in Section 222; thus, even Section 79 Electoral Act and any guideline made pursuant thereto must be interpreted subject to Section 222.

Furthermore, INEC’s failure to consider or respond to the Plaintiffs’ request to submit a fresh logo notwithstanding its reliance on perceived similarity underscores procedural

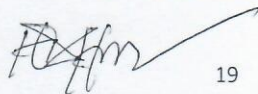


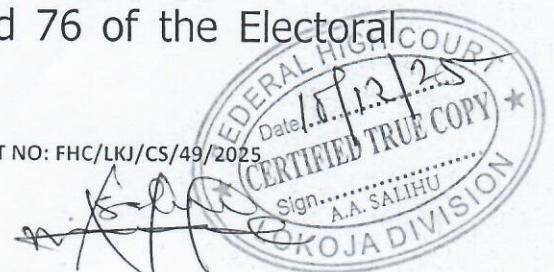
arbitrariness. Administrative discretion must not be exercised capriciously or in bad faith. The Supreme Court in *Fawehinmi v. NBA (No. 2) (1989) 2 NWLR (Pt. 105) 558* reaffirmed that powers conferred by law must be exercised fairly, reasonably, and for the purpose intended. INEC's refusal to engage with a corrective proposal, coupled with its shifting justification, offends this standard.

The refusal to register NDC also infringes Sections 14(1)(c) and 40 of the Constitution. The former guarantees citizens' participation in government; the latter protects freedom of association and, specifically, the right to form or belong to political parties. The African Charter on Human and Peoples' Rights, incorporated into Nigerian law, reinforces this liberty through Articles 10 and 11. In *Abacha v. Fawehinmi (2000) 6 NWLR (Pt. 660) 228 (SC)*, the Supreme Court held that Charter rights are domestically enforceable and that governmental action inconsistent with them is justiciable. It is no answer to suggest, as INEC does, that the Plaintiffs are not prejudiced. Without registration, their members are precluded from sponsoring candidates or participating in forthcoming elections; their political voice is silenced. That constitutes prejudice of constitutional magnitude.

Section 6(6)(b) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) clothes this Court with authority to determine controversies involving civil rights and obligations. The Supreme Court in *A-G Lagos State v. A-G Federation (2014) 9 NWLR (Pt. 1412) 217* reiterated that courts must intervene wherever governmental conduct threatens constitutional guarantees. The facts of this case call for such intervention.

Upon the totality of the facts and evidence presented, I find as a fact that the Plaintiffs have demonstrated compliance with the constitutional requirements under Section 222(a)–(f) and the statutory thresholds under Sections 75 and 76 of the Electoral

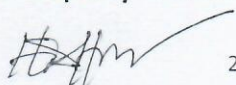
  
19

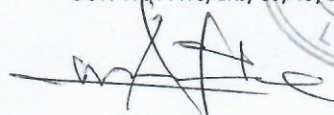


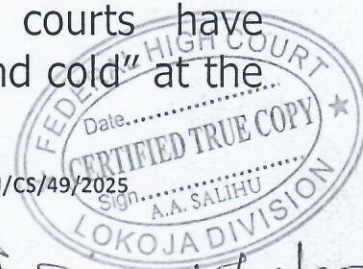
Act 2022. Their membership is open to all Nigerians, their National Officers and party constitution were lodged with the Defendant, their headquarters is situate in the Federal Capital Territory, and the association's name and symbol neither contain ethnic nor religious connotation nor convey sectional exclusivity. Significantly, the Defendant has not alleged nor proved non-compliance with any of these constitutionally enumerated conditions. By the ordinary rule of evidence, he who asserts must prove: see Sections 131–133 Evidence Act 2011 and *First Bank v. Yegwa (2022) LPELR-59630 (SC)*. Guided further by the binding pronouncement of the Supreme Court in *INEC v. Musa (2003) 3 NWLR (Pt. 806) 72*, that Section 222 CFRN is exhaustive and registration follows automatically upon satisfaction thereof, I resolve the first issue **in favour of the Plaintiffs.**

The Defendant's position, as gleaned from Exhibit NDC 3, was that it discontinued the Plaintiffs' registration process because the Plaintiffs' logo allegedly resembled that of the All Progressives Congress (APC). The Plaintiffs swiftly disputed that assertion in writing, explained the dissimilarity of both logos, and even requested permission to submit a fresh logo if the Defendant insisted on objection. That request was ignored. Curiously, in the Defendant's counter-affidavit before this Court, an entirely different basis was introduced namely, that the Plaintiffs' logo allegedly resembled a symbol belonging to a non-registered association known as Peace Movement Party (PMP). The Plaintiffs deny ever being told this and insist PMP is neither an existing political party nor among the shortlisted associations before the Defendant. There is nothing before me, documentary or otherwise, showing that this PMP ground was ever communicated to the Plaintiffs at any time.

It is well-established that a party cannot approbate and reprobate on a single issue. The appellate courts have repeatedly held that equity forbids "blowing hot and cold" at the





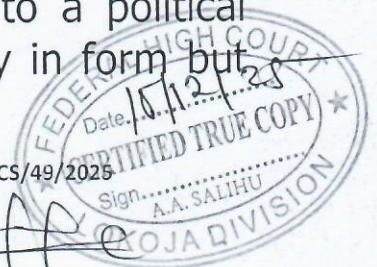


15/12/25

same time. The Court of Appeal in *Globe Motors v. Ibraheem (2021) LPELR-54550(CA)*, and the Supreme Court in *Nyako v. Adamawa State House of Assembly (2016) LPELR-41822 (SC)*, emphasised that once an administrative or litigating party adopts a position, it cannot subsequently contradict itself to secure unfair advantage. In the present case, Exhibit NDC 3 makes no mention whatsoever of PMP, and the belated reliance on Peace Movement Party (PMP) in litigation is therefore an impermissible afterthought which carries no probative value. On the facts before me, I find no basis in law for INEC's refusal or discontinuance. The second issue is therefore resolved **against the Defendant and in favour of the Plaintiffs**.

With respect to logo similarity, Section 222(e) of the Constitution does not empower INEC to reject a logo merely because it visually resembles that of an existing party. The mischief the framers sought to regulate are ethnic and religious connotations or sectional exclusivity; none of which is alleged or proved here. Any administrative guideline that elevates vague visual resemblance as a substantive ground for rejection constitutes an unconstitutional enlargement of Section 222 and is void to that extent. The Supreme Court in *INEC v. Musa (supra)* teaches that neither subordinate legislation nor administrative fiat may derogate from constitutional guarantees. In any event, INEC's failure to consider or respond to the Plaintiffs' request to submit a fresh logo further underscores arbitrariness. In *Fawehinmi v. NBA (No. 2) (1989) 2 NWLR (Pt. 105) 558*, the Supreme Court held that administrative discretion must be exercised reasonably, fairly and for proper purpose. INEC's conduct, viewed objectively, falls short of that standard.

The refusal to register NDC not only offends procedural fairness; it infringes substantive constitutional rights including those under Sections 40 and 14(1)(c) of the Constitution. Freedom of association includes the right to form or belong to a political party; political participation is protected not merely in form but



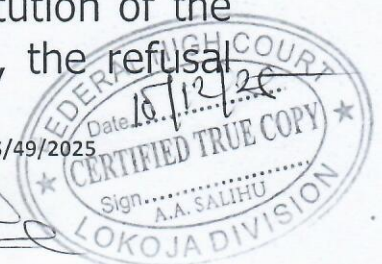
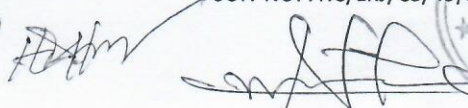
in substance. These protections are reinforced by Articles 10 and 11 of the African Charter on Human and Peoples' Rights, domesticated in Nigeria. In *Abacha v. Fawehinmi (2000) 6 NWLR (Pt. 660) 228 (SC)*, the Supreme Court affirmed that Charter-guaranteed freedoms are justiciable and enforceable in Nigerian courts. It is no answer, as the Defendant suggests, that the Plaintiffs suffer no prejudice. Without registration, their members are precluded from nominating candidates or participating in elections; their political voice is effectively muted. This constitutes prejudice of constitutional magnitude. Pursuant to Section 6(6)(b) of the Constitution and as reinforced in *A-G Lagos State v. A-G Federation (2014) 9 NWLR (Pt. 1412) 217*, this Court must intervene where governmental conduct undermines civil rights.

In the light of the foregoing analysis, I find that the Plaintiffs have established compliance with Section 222 of the Constitution and Section 75 of the Electoral Act. The Defendant's refusal hinged first on alleged similarity with APC, and now on an unproven similarity with a shadow entity named Peace Movement Party (PMP) is arbitrary, ultra vires, and unconstitutional. The refusal infringes the Plaintiffs' constitutionally guaranteed rights to association and political participation. Accordingly, the third issue is answered **in the affirmative and in favour of the Plaintiffs**.

## ORDERS OF THE COURT

Having resolved all three issues for determination in favour of the Plaintiffs, the reliefs sought are meritorious and grantable, and upon a calm review of the totality of the affidavit and documentary evidence placed before this Court, it is hereby ordered as follows:

1. **IT IS DECLARED** that by proper construction of Sections 222(a) to (f), 14(1)(c) and 7(2)(a) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), the refusal



of the Plaintiff by the Defendant to register the Nigeria Democratic Congress (NDC) as a political party, notwithstanding its compliance with constitutional requirements, is unconstitutional, illegal, null and void for violating the said provisions.

2. **IT IS DECLARED** that having fulfilled all statutory and constitutional requirements under Section 7(2)(a) of the Constitution and Sections 75(1) to (4) and 76 of the Electoral Act, 2022, the refusal of the Defendant to register the Plaintiffs' political association as a political party constitutes an infraction of their constitutional and statutory rights.
3. **IT IS DECLARED** that upon proper interpretation of Sections 40 and 222 of the Constitution of Federal Republic of Nigeria 1999 (as amended) and Article 11 of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, Cap A9 LFN 2004, read together with Sections 75 and 76 of the Electoral Act 2022, the Defendant's refusal to register NDC amounts to a violation of the Plaintiffs' freedom of association and their right to political participation.
4. **IT IS FURTHER DECLARED** that the Defendant has no discretion or residual power to refuse registration once an association complies with the requirements in Section 222 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), and Sections 75 and 76 of the Electoral Act 2022.
5. **IT IS HEREBY ORDERED AND DIRECTED** that the Defendant shall forthwith register the Nigeria Democratic Congress (NDC) as a political party in Nigeria.
6. **IT IS FURTHER ORDERED** that the Defendant shall issue and hand over to the Plaintiffs the Certificate of Registration of Nigeria Democratic Congress (NDC) as a political party. **FOR THE AVOIDANCE OF DOUBT, IT IS HEREBY ORDERED** that the Defendant shall take all steps necessary to:

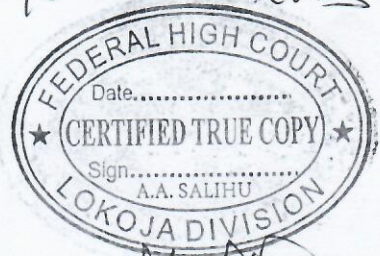


- a. Include the name "Nigeria Democratic Congress (NDC)" in its register of political parties.
- b. publish and list same as a duly recognised political party for all purposes including nomination, sponsorship of candidates, and participation in all general elections in Nigeria;
- c. Remove all impediments hindering NDC from sponsoring candidates in current and future elections.

Accordingly, judgment is hereby entered in favour of the Plaintiffs. Any relief sought but NOT expressly granted in this judgment is deemed refused.

**This shall be the Judgment of this Honourable Court.**

10 - 12 - 2025



.....  
**HON. JUSTICE ISA H. DASHEN**  
**PRESIDING JUDGE**  
**10/12/2025**

**APPEARANCES:**

1. **REUBEN EGWUABA ESQ** for the Plaintiffs.
2. **F.A. KOTSO ESQ** holding the brief of **A.O. ADEYEMO ESQ** for the Defendant