

INCORPORATED TRUSTEES OF PARADIGM INITIATIVE FOR INFORMATION TECHNOLOGY DEVELOPMENT, THE EIE PROJECT LTD/GTE, THE INCORPORATED TRUSTEES OF CONSUMER ADVOCACY FOUNDATION OF NIGERIA, INCORPORATED TRUSTEES OF LAWS AND RIGHTS AWARENESS INITIATIVE, INCORPORATED TRUSTEES OF MEDIA RIGHTS AGENDA V. THE NATIONAL ASSEMBLY OF THE FRN, THE HOUSE OF REPRESENTATIVES OF THE FEDERAL REPUBLIC OF NIGERIA

- This can be nicknamed 'the NGO Bill case'
- Sometime in 2016, Honorable Umar Buba Jubril, a member of the 8th National Assembly, sponsored "A Bill for an Act to provide for the establishment of the Non-Governmental Organization Regulatory Commission for the supervision and monitoring of Non-Governmental Organizations, Civil Society Organizations, etc.b (the NGO Bill).
- The Bill had gone through two legislative readings and had even been referred for public hearing.
- It was our opinion that the Respondents legislative reading, the attempt to pass into law the Bill, the deliberations, committee meetings and public hearing were illegal and unconstitutional as it violated and was likely to further violate our fundamental rights to freedom of peaceful assembly and association as guaranteed by Section 40 of the Constitution of the Federal Republic of Nigeria 1999 (as amended), Article 10 of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act and Freedom of expression and the Press as guaranteed by Section 39 of the f the Constitution of the Federal Republic of Nigeria 1999 (as amended)
- Amidst other reliefs, we were asking the court to restrain all the Respondents from further deliberations, consideration, conducting public hearings for the purpose of giving effect and/or passing the Bill into Law.
- The Respondents argued that the passages of Bills into law in the National Assembly follows procedure laid down by the 1999 constitution gas amended)and both the Senate Standing Rules 2015 and the House Standing Orders 2016.
- They also argued that it was premature to question the constitutionality of the law that is still undergoing the internal procedure of the House of Representatives.
- Our argument, however, was that in the exercise of legislative powers donated to the Respondents, they must refrain from acts that violate or tend to violate the fundamental rights guaranteed under section 40 of the 1999 constitution.
- We also argued that the matter cannot possibly be academic because section 46 of the 1999 Constitution allows for matters to be brought on allegations that any of the provisions of Chapter IV (Fundamental Rights) has been, is being or **is likely to be** contravened in any state may apply to the High Court for redress. Therefore, we did not need to wait until our rights are violated before we approach the court. We emphasized that the suit was primarily for the interpretation of sections 39, 40 and 46 of the 1999 constitution.
- We argued that the bill, if and when it becomes law would hamper our anti-corruption role especially because it states that we would stand a risk of being deregistered immediately the law is passed.
- The Court stated that where the legislature is considering a Bill of any nature, it is engaging itself in its constitutional role of making laws and no other arm of Government can interfere. The Courts also stated that a Bill does not have life even if passed into law unless and until it receives the assent of the President.
- We therefore lost the case at trial.
- However, we have appealed the decision and are awaiting a date for commencement.

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