

**THE NIGERIAN SUPREME COURT JUDGMENT IN  
DAVID LYON & ORS. V. DIGI-EREMIENYO  
& ORS, A TRAVESTY OF JUSTICE.**

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***Abstract***

*In the hierarchy of courts in Nigeria, the Supreme Court is the apex court i.e the highest court in the land. Being the apex court, its decision on any matter brought before it for determination is final and requires no further appeal to any other authority. The Supreme Court sits on appeal on disputes from other courts in Nigeria but does not sit on appeal over its own judgment. Following the gubernatorial election in Bayelsa State on 13/2/2020, which the All Progressives Congress (APC) won, the People's Democratic Party (PDP) and its candidates, David Lyon and his deputy, Digi-Eremienyo, being unsatisfied by the election result went to court on the basis of falsification of certificate results by the APC's Deputy Governorship candidate, Digi-Eremienyo. The High court of Bayelsa State disqualified the APC's Deputy Governor based on his certificate falsification. He proceeded to the Appeal Court which reversed the judgment of the Court below. The PDP candidates appealed to the Supreme Court which upheld the High Court judgment and went further to void the election of APC Governorship candidate and his Deputy describing their votes as waste on the ground that they are on joint ticket and ordered PDP candidate to be sworn in. Not*

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*satisfied by the Supreme Court decision, APC and its candidates went back to the Supreme Court for a review of the decision of the Court. The Court unanimously dismissed the application for review describing it as vexation, frivolous and gross abuse of court process and therefore lacking in merit. This paper examined the justification of the Supreme Court decision in respect thereof and concludes that the said decision of the Supreme Court is a travesty of justice. The paper adopts doctrinal approach and relies on the provisions of the Constitution of Nigeria 1999 (as amended), Electoral Act, 2010 (as amended) including judicial precedents and authorities to arrive at the conclusion.*

### **Introduction**

In a pre-election suit, Suit No. FHC/ABJ/CS/1101/2019, instituted by the People's Democratic Party (PDP), Governorship candidates, Douye Diri, and Deputy Governorship candidate, Lawrence Ewhruojakpo, against the All Progressives Congress (APC) Governorship candidates, David Lyon, the Deputy Governorship candidate, Degi-Eremienyo and Independent National Election Commission (INEC). In the said suit, PDP and its candidates alleged that the APC Deputy Governorship candidate gave false information to INEC in respect of his certificate to contest the election, 2019. The court adjudicated on the matter and delivered judgment on 12/11/2019 disqualifying the Deputy Governorship candidate of APC, Biobarakuma Degi-Eremienyo. The apex court found him guilty of supplying false information to INEC thus, invalidating his participation in the November Governorship election. The court held that all the documents containing his educational qualifications bore different names without reasonable explanation by him as to the multiplicity of his names. The various names on the documents

attached to his form were said to be: Biobarakuma, Degi-Eremienyo, Degi Biobaragha, Degi Biobarakuma, Adegi Biobarakunmo, Degi-Eremienyo Wangagha. His First School Leaving Certificate (FSLC) was issued in 1976 in the name of Degi Biobaragha; West African Examination Council/G.C.E Certificate of June 1984, was issued in the name of Adegi Biobarakunmo; Rivers State University of Science and Technology (RSUST), B.Sc Degree Certificate in Business Administration (MBA) 2002, National Youth Service Corps Certificate (NYSC) of exemption issued in 1990; Statutory Declaration of Age deposed to on behalf of Biobarakuma Degi in 1990 reaffirming his name as Biobarakuma Degi and date of his birth as 22/2/1959. The court held that there was no reasonable explanation as to why he should present or claim his name, a personal identification and/or documents of qualification in five different persons' names being also different from his known or official names supplied by him without any evidence of change of names. That there was no nexus between the names on the certificates with the names of Biobarakuma, stating that by supplying false information to INEC, the defendant, acted in breach of section 31(5) and (6) of the 2010 Electoral Act, stressing that since the Form is a document validated by oath, "the consequence of lying on oath is grave."

Relying on the decided case of Action Congress v INEC, the court further held that, "where a candidate is found to have lied on oath, a court must issue an order disqualifying such a candidate from contesting the election<sup>1</sup>."

The court also held that there was no evidence to prove that the documents with different name variations were his. He ruled that, "I further hold the information given by the 3rd defendant on the

Form that the documents thereto attached as his have not by any iota of credible evidence been so established. The information is false in all material particular as none of the said documents have any nexus with the name of the 3<sup>rd</sup> defendant (Degi-Eremienyo) on the said Form”. The judge went on to make a declaration “that the information which the 3<sup>rd</sup> defendant submitted to the 2nd defendant in his INEC Form, that, affidavit in support of personal particulars of person seeking election to the office of the Deputy Governor of Bayelsa State is false contrary to section 31(5) of the 2010 Electoral Act (as Amended).”

He also said, “A declaration is hereby made that by virtue of the mandatory constitutional and statutory provisions of sections 6(6), 186 and 187(1) and (2) of the 1999 Constitution (as amended), the 3<sup>rd</sup> defendant stands disqualified from contesting the forthcoming Bayelsa State Governorship election as Deputy Governor, slated for November 16, 2019 or any other state thereabout on the platform of the 1<sup>st</sup> defendant (APC) or any other political party by reason of the fact that the 3<sup>rd</sup> defendant has presented false information as to his educational qualifications or name in INEC Form in support of his nomination contrary to section 31(5) and (6) of the 2010 Electoral Act (as amended).

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<sup>1</sup>(2007) 12 NWLR (pt.1048) p.220

An order is hereby made disqualifying the 3<sup>rd</sup> defendant as the Deputy Governorship candidate of the 1<sup>st</sup> defendant (APC) in the November 16, 2019 Bayelsa State governorship election by reason of the 3<sup>rd</sup> defendant presenting false information to the 2<sup>nd</sup> defendant (INEC) in support of his nomination contrary to section 31(5) and (6) of the 2010 Electoral Act (as amended)<sup>2</sup>.

Dissatisfied with the judgment of the trial court, Degi-Eremienyo, approached the Abuja division of the Court of Appeal demanding that it should be set aside to enable him participate in the November 16 governorship election that the APC eventually won.

The Court of Appeal in an unanimous judgment held that the High Court erred in law and in breach of the appellant's right to a fair hearing. The court stated that the case which was brought under Section 36 of the Electoral Act is criminal in nature and the respondents in the case ought to prove beyond reasonable doubt that Senator Degi-Eremienyo gave false information in his Form submitted to INEC as part of his qualifications to contest the election. According to the court, "I agree with the appellant that the owner of the School Leaving Certificate and the GCE certificate are one and the same and I therefore set aside the judgment of the court below. The court stated that Degi-Eremienyo submitted an affidavit to prove that the names Adegi-Eremienyo on his School-Leaving Certificate are the same as Degi-Eremienyo on his GCE certificate and newspaper cuttings announcing a change of name.

The PDP and its candidates further appealed to the Supreme Court seeking for the setting aside of the judgment of the intermediary appellate court and to restore the judgment of the trial court.

The Supreme Court upheld the appeal and gave judgment same day upholding the judgment of the court below that the appeal was meritorious. The court noted that the "claims" by Degi-Eremienyo appeared to be "fraudulent", pointing out to "several names he uses variously chameleonically to suit the changing

environment,” and ruled that Degi-Eremienyo’s disqualification on the basis of submitting false information to INEC had infected the joint ticket with which he and David Lyon, contested the election and emerged victorious. The court further held that joint ticket of the 1<sup>st</sup> and 2<sup>nd</sup> respondents (David Lyon and Degi-Eremienyo) sponsored by the 3<sup>rd</sup> respondent, APC, was vitiated by the disqualification of the 1<sup>st</sup> respondent (Degi-Eremienyo), that both candidates disqualified are deemed not to be candidates in the governorship election.”

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**<sup>2</sup>Section 31(5) and (6) of the 2010 Electoral Act (as amended)**

### **The Finality of the Nigerian Supreme Court Judgment**

Under the Nigerian 1999 Constitution (as amended), the Supreme Court has both original and appellate jurisdictions and has the sole authority and jurisdiction to entertain appeals from Court of Appeal<sup>3</sup>, having appellate jurisdiction over all lower Federal Courts and the highest state courts. Decisions rendered by the court are binding on all courts in Nigeria except the Supreme Court itself.

In *Ibiohav. Ibero*<sup>4</sup> the applicants sought an order of the Supreme Court to set aside its judgment on among other grounds that court’s decision was a nullity because the court lacked jurisdiction to decide on and interpret certain documents. Per Belgore JSC:

What this court is being asked to do is to review its judgment, not to correct clerical error or errors from accidental slip or omission but to overturn from its own judgment already given. This court has

consistently refused to be dragged into this pitfall. The purpose of this application is clear, it is an appeal cloaked in the guise of a motion.

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<sup>3</sup>constitution of the federal Republic of Nigeria, s.233

<sup>4</sup>(1994) 1 NWLR (pt.322) P. 503

From the wordings of a motion and the grounds for bringing it, it is manifestly clear that the validity of the judgment of this court as given on 26<sup>th</sup> February 1993 is being challenged. Once the Supreme Court has entered judgement in a case, that decision is final and will remain so forever, the Law may in future be amended to affect future issues on the same subject, but for the case decided, that is the end of the matter. It is emphatically reinstated that this motion is a double edged sword of alleged powers under the Constitution. For instance, Section 6 (6) (a) and under the Rules (Order 8 Rule 16) should once and for all be nailed in its coffin. The law does not permit this court a double say in the same matter. It either allows or dismisses an appeal, not the two on the same issue. The inherent powers under Section 6 (6) of the Constitution cannot be invoked to reverse a decision already given by this court.

It can be said that prevailing circumstances determine the interpretation of law at any given matter. It has been argued that the Supreme Court is inconsistent in most cases, particularly on election matters. In 1999 for instance, in *Balewa v. Muazu*<sup>5</sup> the running mate to Governor Muazu of Bauchi State was dragged to the Supreme Court for presenting fake certificate, the same Supreme Court then nullified the election and ordered a fresh election. In 2007, Supreme Court sacked Governor Celestine Omehia but retained his Deputy Tele Ikuru in River State. In 2015, James Falake of the then All Progressives Congress (APC) was not allowed to inherit Abubakar Audu votes in the Kogi Governorship election even though they were on joint ticket. In 2019, David Lyon of APC was removed by the Supreme Court for the forgery offence of his deputy because they were on joint ticket.

Be that as it may, the decision of the Supreme Court in any matter is final. However, the Supreme Court can reverse itself on certain matters if need be. In *Stanbic IBTC Bank Plc v. L.G.C.Ltd*<sup>6</sup>, the Supreme Court per Abba Aji, JSC held inter alia that the Supreme Court has the power to set aside its judgment and rehear same under the following circumstances:

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<sup>5</sup>(1999) 5 NWLR (Pt. 603) P.636

<sup>6</sup>(2020) 2 NWLR (Pt. 1707) P.1 @P.17

1. Where there is a clerical mistake in the judgment or Order
2. Where there is an error arising from an accidental slip or omission;
3. Where there arises the necessity for carrying out its own meaning and to make its intention plain;



4. Where any of the parties obtained judgment by fraud or deceit;
5. Where such a decision is a nullity;
6. Where it is obvious that the Court was misled into giving the decision under a wrong belief that the parties consented to it;
7. When the judgment was given without jurisdiction;
8. Where the procedure adopted was such as to deprive the decision or judgment of the character of a legitimate adjudication;
9. Where the writ or application was not served on the other party, or there is denial of fair hearing;
10. Where the decision/judgment is contrary to public policy and will perpetuate injustice.

It is in the light of the above precedents and prevailing circumstances that the Supreme Court decision in 2019 Bayelsa State Governorship election will be examined.

### **Supreme Court Judgement in Peoples Democratic Party (PDP) & 2 ORS v Biobarakuma Degi-Eremienyo & 3 Ors.**

The Supreme Court in its judgment delivered by His Lordship, Ejembi Eko, JSC, made a consequential order directing the 4th Respondent, the Independent National Electoral Commission (INEC), to withdraw the Certificate of Return earlier issued to the Governorship and Deputy Governorship candidates of the All Progressives Congress (APC), Mr. Lyon David Pereworimin and Mr. Degi-Eremienyo respectively, and to issue a fresh “Certificate of Return to the candidates of PDP, Douye Diri and Lawrence Ewhruojakpo who had the highest number of lawful votes cast in the Governorship Election and who also had the requisite constitutional (or geographical) spread.”

Expectedly, the judgment ignited intense legal controversy and political debates in the country with commentators offering divergent views on the matter as to the justice or otherwise of the matter.

### **The Case Against Mr. Degi-Eremienyo, APC Deputy Governorship Candidate**

The issues arising from this judgment may be best appreciated if one is seized of the relevant facts, findings and conclusions which birthed the consequential orders disqualifying the APC governorship candidate and his running mate, thereby truncating their “victory” at the polls and replacing them with the candidates of PDP that scored the (second) highest number of lawful votes cast in that election.

The stunning facts against Mr. Degi-Eremienyo upon which the reliefs are sought by the PDP and its candidates were predicated as follows:

1. The name in his First School Leaving Certificate issued in 1976 was DEGI, BIOBRAGHA;
2. His WAEC/GEC, 1984 bears the name ADEGI BROKUMO;
3. His First Degree bears the name DEGI BIOBARAKUMA WANGAWA;
4. In his Affidavit of Correction and Confirmation of Name sworn to 9th August, 2018 he asserted that his correct name is BIOBARAKUMA DEGI;
5. In another Affidavit of Regularisation of Name sworn to on 18th September, 2018 he averred that his correct name is BIOBARAKUMA WANAGHA DEGI ERKMIENYO;
6. In another Affidavit of 18th September, 2018 deposed before an unnamed Notary Public on a letter Heading: Stanley Damabide & Partners he averred that while registering for

WASCE examination “the alphabet “A” was inadvertently added to (his) surname to read thus – Biobarakuma Wanagbe Adegi and same captured in the Certificate he obtained therefrom. (The 1984 WAEC/GCE however bears the name ADEGI BIOBAKUMA – not Biobarakuma Wanagbe ADEGI);

7. In the said Affidavit of 18th September, 2018 he further averred that later in time he took Chieftaincy title and by Nembe Custom he added Eremienyo to his surname and his full name reads – BIOBRAKUMA WANAGHA ADEGI-EREMIENYO;
8. On the Statutory Declaration of Age dated 31st July, 1990 it was declared that the 1st Respondent bearing the name BIOBARAKUMA DEGI was born on 22nd February, 1959. The deponent Henry Vanman, described himself as the uncle of Degi-Eremienyo;
9. On his form CF001 the 1st Respondent gave his name as DEGI-EREMIENYO, BIOBARAKUMA WANAGHWA;
10. By the Change of Name published in Chronicles Newspapers of 20th July 2018 the 1st Respondent announced the change of his name from BIOBARAKUMA WAMAGHA DEGI to BIOBARAKUMA WANAGHA DEGI-EREMIENYO.

The Supreme Court in its judgment agreed with the findings of the lower court to the effect that:

1. “The affidavit of Correction and Confirmation of Name of 9th August, 2018 was a fraudulent attempt to correct the name on the First School Leaving Certificate issued in 1976 and the WAEC/GCE Certificate issued in 1984.”
2. “The only authority competent to correct anything on those Certificates was the authority that issued either Certificate and that the Affidavit of Correction of Name does not in the

opinion of the court, conform to the proper manner of changing name or correcting a name on a Certificate, and that it is only by Deed Poll, and not by mere deposition that a name on an official Certificate can be effected and further that the procedure necessarily affects official Record and Archives of the nation. That it is after the Deed Poll that the deponent approaches the Nigerian Civil Registry to have the change published in the official gazette. None of these procedures had been done by the 1<sup>st</sup> defendant.”

The Supreme Court further agreed with the trial court that the Affidavit of Regularisation deposed to on 18th September, 2018 before another Notary Public was invalid and fraudulent because the said Notary Public could not be verifiably identified since his name was not stated in the affidavit.

The Apex Court reinstated the finding of the trial court that “the 1st Respondent having not approached the lawful authorities that issued the First Leaving Certificate in 1976 and WAEC that issued the 1984 GEC Certificate the 1st Respondent, brandishing Certificates that do not carry his name and using affidavits to assert his ownership of the Certificate does so in error and fraudulently”. The court accordingly held that the affidavits were bereft of any probative value.

Finally, the Supreme Court validated the conclusion of the trial court that “there was no nexus between the name of the 1<sup>st</sup> Respondent on his Form and the various Certificates (including the First Degree Certificate from Rivers State University of Science and Technology, NYSC Exemption Certificate of 2nd October, 1990, the Award of Masters in Business Administration (MBA) Degree dated 14<sup>th</sup> February, 2002; and that the 1st

Respondent's name in Form is not the same name on the Statutory Declaration of Age of 1st July, 1990."

These hard facts were not disputed by Degi-Eremienyo (the 1<sup>st</sup> Respondent). He actually admitted these facts. He also failed to specifically appeal against the findings made by the Federal High Court against him on the correct procedure for change on official certificates. Degi-Eremienyo had a bad case. From a dispassionate standpoint, it is difficult to fault the reasoning of the Supreme Court against him on the point that Degi-Eremienyo gave false information to INEC. Degi-Eremienyo knew that his certificates were questionable. This is inferable from his belated efforts to cure the apparent contradictions in those certificates through series of questionable affidavits. This was a case where an affidavit meant to explain contradictions in documents, also contradicted another affidavit meant for the same purpose. Simply put, it was not only a juvenile but failed attempt at self-redemption, but also an amateurish expedition to conceal fraud and forgery.

There is nothing that could have been done to salvage the case of Degi-Eremienyo. His case was not only bad; it was incurably bad. It is one thing for a person to bear multiple names. It however becomes a legal problem when the multiple names appear on different official documents, and the efforts to explain the contradictory names leads to more contradictions. Degi-Eremienyo had all the time in the world to approach the authorities that purportedly issued those certificates to him to regularize the contradictions and alleged errors if he actually earned them, he did not do so. It may be uncanny for a person not to be sure of his name, it becomes an issue of fraud when a man presents official documents bearing conflicting names and his

attempts to explain the conflicts are also conflicting, dubious and untenable. In litigation, it is not permissible for a party to blow hot and cold. In *Ngige v. Obi*,<sup>7</sup> the court held that a party must be consistent in his litigation. He is not allowed to approbate and reprobate on one issue.

However, the fact that the Governorship candidate of the APC, David Lyon is not a party to the crime of false information to INEC, committed by the Deputy Governorship candidate of APC, Degi-Eremienyo would have exonerated him from the matter. His only involvement is that he held a joint ticket with the Deputy Governorship candidate and based on this, both of them were disqualified. His disqualification to the say the least is repugnant to natural justice, equity and good conscience. When the circumstances of his disqualification is weighed on a scale, it will point to the fact that he is innocent of the crime for which he was punished. It is a trite principle of law that criminal liability is not transferable. The court held on to the provision of the section 187 of the constitution without more to arrive at its conclusion. The interpretation by the Supreme Court of this section of the law is with due respect wrong. This is because the constitution did not categorically specify or provide the guide on what the candidates will do to stand or fall together in such circumstances as it relates to the case under consideration. It is on this point that the Supreme Court ought to have reversed itself.

### **Is Criminal Liability Transferable or Infectious as the Supreme Court would want us to Believe?**

Many Nigerians have queried why the pitfall of a running mate should have the perilous effect of vitiating the candidacy of the governorship candidate.

Section 187 (1) and (2) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) provides as follows:

<sup>7</sup>(2011) JELR P.56375.

(1) In any election to which the foregoing provisions of this part of this Chapter relate, a candidate for the office of Governor of a State shall not be deemed to have been validly nominated for such office unless he nominates another candidate as his associate for his running for the office of Governor, who is to occupy the office of Deputy Governor; and that candidate shall be deemed to have been duly elected to the office of Deputy Governor if the candidate who nominated him is duly elected as Governor in accordance with the said provisions.

(2) The provisions of this Part of this Chapter relating to qualification for election, tenure of office, disqualifications, declaration of assets and liabilities and Oath of Governor shall apply in relation to the office of Deputy Governor as if references to Governor were references to Deputy Governor.

The implications of the foregoing constitutional provisions are contrary in the instant case. Hence, a Governorship candidate must nominate an associate (or running mate) who is to occupy the office of Deputy Governor. A political party cannot participate in a Governorship election except it has validly nominated her Governorship and Deputy Governorship

candidates who must satisfy the constitutional requirements for the election.

Section 187 of the Constitution reproduced supra provides for a joint ticket; the governorship candidate and his deputy will swim or sink together. However, as far as the November 2019 gubernatorial election is concerned, their destiny was conjoined. It should be emphasized that a Governorship candidate and his Deputy are subject to the same qualification – in terms of citizenship, age, educational attainment and membership of a political party.

Be this as it may, Section 187 of the Constitution may be read to mean that the Governor and the Deputy Governor are on joint ticket when elected as Governor and Deputy Governor of a State respectively. However, the said Section of the Constitution is silent on what happens to each in case of commission of crime by any of them. It is settled principle of law that a person who is not a party to a crime cannot be convicted for such crime that he never committed. In the case of *Yusuf v. FRN*, per Mary Peter-Odili:

It has to be noted that it is not in every case where an accused is tried jointly with another that the discharged of the one must lead to the discharge of the other as the appellant is pushing forward, as it is, the law is that when the evidence against one accused is different from that against the other, a different conclusion will certainly arise at which one may be discharged and the other convicted. Each case is considered on its own merit and as happened in this particular case, the appellant seem to have been soul of the



fraudulent transaction and he was well tied up by overwhelming evidence which cannot be said to be the case with the co-accused that was discharged. It followed therefore that where there were some extenuating circumstances which inured to the advantage of the co-accused, the appellant could not be so considered as his circumstances had made a distinct peculiar presentation.<sup>8</sup>

The case against the Deputy Governor elect, Degi-Eremienyo was given false information over his certificates to INEC which has nothing to do with the Governor elect of Bayelsa State, Mr. Lyon David Pereworimin.

The Governor to have fallen together with his deputy on the basis of the Supreme Court judgment, merely because he is said to be on joint ticket with his deputy is a great injustice to the person of the Governor. The judgment of the Supreme Court sacking the Governor with his deputy is a breach of his fundamental right to his dignity, inhuman and degrading treatment to his person.<sup>7</sup>

If this matter is put side by side by the cases of Muazu, Faleke and Amaechi's case above cited, one will discover that the Supreme Court has already created precedents in those cases and juxtaposing same will be case under consideration, one will conclude without contradiction that the judgment of the Supreme Court is more than meets the eye. The Supreme Court is apex court in the land whose judgments are final and the decisions ought to be consistent and not to speak from both sides of the mouth in matters that are similar and in all fours as in the extant

case. Without fear of contradiction, the judgment of the court of this case is repugnant to natural justice,

<sup>8</sup>(2017) LPELR p.43830, *Idiok v. State* (2006)12 NWLR (pt.993) p.1 @ p.32, *Okoro v. The State* (2012) LPELR p.7846

<sup>9</sup>Section 34(a) of the Nigerian Constitution 1999 (as amended) equity and good conscience, occasioning great injustice to the governorship elect of the APC in Bayelsa State.

The High Court was right in disqualifying the Deputy Governor from contesting the election in Bayelsa State which the Supreme Court ought to have upheld. The Appeal Court was also right to have held that the case against the Deputy Governor elect is criminal in nature that requires proof beyond reasonable doubt. The least the Supreme Court could have done is to disqualify the Deputy Governor elect and remit his case to the High Court for trial *denovo* on criminal charges of giving false information to INEC over his certificate and/or order for fresh election not just to sack both of them and allow those not voted for by the electorate to take over the mantle of leadership not merited. It is the electorates, and not the courts that should determine who should lead a State. In *Balewa v. Muazu*<sup>10</sup>. The Court of Appeal held that:

*To do otherwise and accede to the request of the applicant to declare him as elected will certainly amount to an imposition on the electorate. To do that will negate all the known principles of democracy. Democracy demands that any person wishing to rule must get the mandate of the people. There are no two ways about it.*

By **Section 31 (6) of the Electoral Act**<sup>11</sup>, if the court finds, as it did in this case, that the information submitted is false, it is bound

to disqualify that candidate. Thus, the judgment of the Supreme Court in this respect is in total violation of the principle of natural justice, equity and good conscience.

### **Conclusion**

The Supreme Court has consistently punished political parties for their recklessness, impunity and gross disregard for due process. Unfortunately, the so-called major parties have persisted in their criminal ways of doing things and the court should never shy away from making them to pay a heavy price where the justice of the case so requires.

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<sup>10</sup>(1999) 5 NWLR(Pt. 603) P. 636

<sup>11</sup>Section 31 (6) of the Electoral Act

In the case of *Saleh v. Abah*,<sup>12</sup> the Supreme Court said the following on the ugly trend of certificate forgery by politicians:

...allowing criminality and certificate forgery to continue to percolate into the streams, waters and oceans of our national polity would only mean our waters are and will remain dangerously contaminated. The purification efforts must start now, and be sustained as we seek, as a nation, to now change from our old culture of reckless impunity. The Nigerian Constitution is supreme...

However, this judgment is one carried too far. Only those that flout the law with impunity should be punished and innocent ones spared.

By the judgment of the Supreme Court, the people of Bayelsa State whose constitutional rights to elect a governor of their choice had been derogated. “Let justice be done though the heavens fall.” According to John Locke., “the end of law is not to abolish or restrain, but to preserve and enlarge freedom. For in all, the states of created being capable of law, where there is no law, there is no freedom.”

### **1. Recommendation**

Nigeria is overdue for a comprehensive electoral reform. The Buhari regime should take electoral reforms seriously and stop shying away from this important responsibility, rather than dissipate funds and valuable time in pursuit of ill-fated “legal redress”.

Section 187 of the Constitution should be amended to clear the ambiguity in that section over the issue of joint ticket of the candidates seeking for an elective position.

The court is indisputably the last hope of the common man. Where the Court shirks in its responsibility and looked the other way when injustice is meted out to an innocent person, then, the nation is doomed. The court should remain as constant as the northern star in the determination of cases before it, no matter whose ox is gored.

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<sup>12</sup>(2018) ALL FWLR (Pt. 933) P. 944

The court in the determination of the extant case should have employed mischief rule of interpretation in other to cure the obvious ambiguity created in section 187 of the Nigerian 1999 Constitution (as amended).