

IN THE SUPREME COURT OF NIGERIA
HOLDEN AT ABUJA
ON THURSDAY, THE 11TH DAY OF JULY, 2024.
BEFORE THEIR LORDSHIPS

HON. JUSTICE MOHAMMED LAWAL GARBA

JUSTICE, SUPREME COURT

HON. JUSTICE EMMANUEL AKOMAYE AGIM

JUSTICE, SUPREME COURT

HON. JUSTICE CHIOMA EGONDU NWOSU-IHEME

JUSTICE, SUPREME COURT

HON. JUSTICE HARUNA SIMON TSAMMANI

JUSTICE, SUPREME COURT

HON. JUSTICE MOORE ASEIMO ABRAHAM ADUMEIN

JUSTICE, SUPREME COURT

HON. JUSTICE HABEEB ADEWALE OLUMUYIWA ABIRU

JUSTICE, SUPREME COURT

HON. JUSTICE JAMILU YAMMAMA TUKUR

JUSTICE, SUPREME COURT

SC/343/2024

BETWEEN:

ATTORNEY GENERAL OF THE FEDERATION

PLAINTIFF

AND

1. ATTORNEY-GENERAL OF ABIA STATE
2. ATTORNEY-GENERAL OF ADAMAWA STATE
3. ATTORNEY-GENERAL OF AKWA IBOM STATE
4. ATTORNEY-GENERAL OF ANAMBRA STATE
5. ATTORNEY-GENERAL OF BAUCHI STATE
6. ATTORNEY-GENERAL OF BAYELSA STATE
7. ATTORNEY-GENERAL OF BENUE STATE

8. ATTORNEY-GENERAL OF BORNO STATE
9. ATTORNEY-GENERAL OF CROSS RIVER STATE
10. ATTORNEY-GENERAL OF DELTA STATE
11. ATTORNEY-GENERAL OF EBONYI STATE
12. ATTORNEY-GENERAL OF EDO STATE

DEFENDANTS


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13. ATTORNEY-GENERAL OF EKITI STATE
14. ATTORNEY-GENERAL OF ENUGU STATE
15. ATTORNEY-GENERAL OF GOMBE STATE
16. ATTORNEY-GENERAL OF IMO STATE
17. ATTORNEY-GENERAL OF JIGAWA STATE
18. ATTORNEY-GENERAL OF KADUNA STATE
19. ATTORNEY-GENERAL OF KANO STATE
20. ATTORNEY-GENERAL OF KATSINA STATE
21. ATTORNEY-GENERAL OF KEBBI STATE
22. ATTORNEY-GENERAL OF KOGI STATE
23. ATTORNEY-GENERAL OF KWARA STATE
24. ATTORNEY-GENERAL OF LAGOS STATE
25. ATTORNEY-GENERAL OF NASARAWA STATE
26. ATTORNEY-GENERAL OF NIGER STATE
27. ATTORNEY-GENERAL OF OGUN STATE
28. ATTORNEY-GENERAL OF ONDO STATE
29. ATTORNEY-GENERAL OF OSUN STATE
30. ATTORNEY-GENERAL OF OYO STATE
31. ATTORNEY-GENERAL OF PLATEAU STATE
32. ATTORNEY-GENERAL OF RIVERS STATE
33. ATTORNEY-GENERAL OF SOKOTO STATE
34. ATTORNEY-GENERAL OF TARABA STATE
35. ATTORNEY-GENERAL OF YOBE STATE
36. ATTORNEY-GENERAL OF ZAMFARA STATE

DEFENDANTS

JUDGMENT
**(DELIVERED BY CHIOMA EGONDU NWOSU-
 IHEME, JSC)**

My lord E.A. Agim, JSC obliged me with the draft of the lead judgment. The issues distilled for determination have been, characteristically and comprehensively resolved by his lordship. I entirely agree with the reasoning,



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conclusion, decisions and orders therein. I endorse and adopt them as mine.

I have painstakingly gone through the Preliminary Objections. I consider the various Preliminary Objections of the defendants as unmeritorious. The arguments relating to the Preliminary Objections have been very well captured and dealt with in the lead judgment. I need not enumerate them for I consider it unnecessary to do so. I accordingly overrule the Preliminary Objections.

On the merits of the substantive suit, it is my humble view that the unquantifiable and manifold merits have been exhaustively captured and dealt with in the lead judgment.

This suit was principally instituted by the plaintiff to curb the excesses of some recalcitrant Governors of States who run the Local Government Councils as part of their household or parastatals in their states.


This is a typical example where majority of Nigerians have approached this Court crying for justice. They are telling this Court that they want to use what they have


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(the law) to get what they have been yearning for that is, Financial Autonomy of the Local Government Councils. We shall be failing woefully in our duties if we send them back without using the instrumentality of the law to wipe away their tears. We shall not use the 1999 Constitution of the Federal Republic of Nigeria to paint the picture of helplessness since the Constitution is meant for Nigerians and not Nigerians for the Constitution.

If we fail to take a firm decision now, there may never be another time or opportunity to do so. As Nigerians, we are not unmindful of the fact that our decision in this case will go a long way in providing succour to the down trodden while at the same time curbing the flagrant violation of our 1999 Constitution by majority of the defendants while they still use the same Constitution to make a mockery of the Financial Autonomy and Independence of the Local Government Councils.

It is noteworthy that majority of the defendants in this suit asserted that they have complied with the Constitutional provisions granting Fiscal Autonomy to the


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Local Government Councils. As pleasant and heartwarming as this defence may sound, one then wonders why out of the 36 defendants not even one of them conceded to this action.

It is for all these and the unquantifiable detailed reasoning contained in the lead judgment that I adopt and agree completely with the entire reliefs enumerated by Agim, JSC in the lead judgment and hold that there is ample merit in the plaintiff's claim and I also hold that it succeeds accordingly.



**CHIOMA EGONDU NWOSU-IHEME
JUSTICE, SUPREME COURT OF NIGERIA.**

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COUNSEL:

Prince Lateef O. Fagbemi (SAN) (Attorney-General and Minister of Justice) with him **Prof. Yusuf Ali (SAN); S.T. Hon (SAN); T.A. Gazali (SAN);** Acting Director, Civil Appeals Department, Federal Ministry of Justice) and **O.A. Oloruntogbe, Esq.** (Assistant Chief State Counsel, Federal Ministry of Justice) for the plaintiff.

Ikechukwu Uwanna, Esq. (Attorney-General and Commissioner for Justice , Abia State) with him, **Mrs. Nkeiru N. Akinnola** (Director, Legal Services, Abia State Ministry of Justice); **Mrs. Ihuoma Omokwe** (Director, Abia State Ministry of Justice); **Mrs. Nkolika Ubani** (Senior Special Assistant to the Governor of Abia State) and **Chinedu Amanamba, Esq.** (Assistant Chief State Counsel, Abia State Ministry of Justice) for the 1st defendant.

A.K. Jingi, Esq. (Attorney-General and Commissioner for Justice, Adamawa State) with him **J.A. Waya, Esq.** (Acting Director, Civil Litigation, Adamawa State Ministry of Justice) and **Z.Y. Usman, Esq.** (Senior State Counsel I, Adamawa State Ministry of Justice) for the 2nd defendant.

Essien Essien Udom (SAN) and Emmanuel Enoidem (SAN) with him, **Samuel Akpabio, Esq., Oluwole Akindutire, Esq.** and **Bassey J. Ekanem, Esq.** for the 3rd defendant.

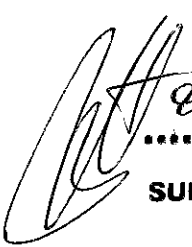
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Dr. Onyechi Ikpeazu (SAN, OFR, OON) and **P.I.N. Ikwueto (SAN)** with him **Julius Mba, Esq.;** **Nwamaka Ofoegbu, Esq.** and **Emeka Chinwuba, Esq.** for the 4th defendant.

Hassan Usman El-Yakub (SAN); (Attorney-General and Commissioner for Justice, Bauchi State) with him **M.U. Usman, Esq.** (Deputy Director of Public Prosecutions, Bauchi State Ministry of Justice) and **S.M. Toro, Esq.** (Chief State Counsel, Bauchi State Ministry of Justice) for the 5th defendant.

Emmanuel Yinfaowei, Esq. (Solicitor-General of Bayelsa State) with him **Lugard Tare-Otu, Esq.;** **Erebi Biboye, Esq.** (Principal State Counsel, Bayelsa Ministry of Justice) and **Michelle Zuokumor, Esq.** (Principal State Counsel, Bayelsa State Ministry of Justice) for the 6th defendant.

F.B. Mnyim (Attorney-General, Benue State), with him, **E. Enyikwola** (Director Citizens Rights, Benue State), **Z.O. Onum, Esq.** (Assistant Chief State Counsel, Benue State Ministry of Justice) **J.T. Gwa,** (Assistant Chief State Counsel, Benue State Ministry of justice) and **E.N. Agoh** (Senior Chief State Counsel, Benue State Ministry of Justice) for the 7th defendant.

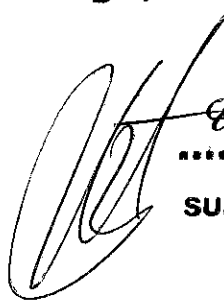

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J.J. Usman, (SAN) with him, **Bulus Adamu, Esq.** (Director of Civil Litigation, Borno State Ministry of Justice) **C.O, Ogbu, Esq.;** **Asma’u Ahmed, Esq.;** **I.Q Abbey, Esq.,** for the 8th defendant.

Ededem C. Ani, Esq. (Attorney-General and Commissioner for Justice, Cross River State), with him **Anthony Effiom, Esq.** (Director, Civil Litigation), **Gregory I. Okem, Esq.** (Director Public Prosecution), **John Ogban, Esq.** (Director Appeals) and **Udenyi Omaji, Esq.** (Senior State Counsel I, Cross River State Ministry of Justice) for the 9th defendant.

Omamuzo Erebe, Esq. (Solicitor-General, Delta State Ministry of Justice) with him **S. O. Monye, Esq.;** (Director, Civil, Litigation), **I.G. Eze-Owenze, Esq.** (Director, Advisory Services); **U.P. Okolotu, Esq.** (Principal State Counsel) and **O.B. Okonye, Esq.** (Principal State Counsel, Delta State Ministry of Justice) for the 10th defendant.

Dr. Ben Uruchi Odoh (Attorney-General and Commissioner for Justice, Ebonyi State) with him **Israel Ikechukwu Alobu, Esq.;** **Ikenna Michael Nwidagu, Esq.** (Assistant Chief State Counsel,


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Ministry of Justice) and **Sylvia Nnenna Nworie** (Senior State Counsel, Ministry of Justice) for the 11th Defendant.

Oluwole Oasaze-Uzzi, Esq. (Attorney-General & Commissioner for Justice, Edo State) with him **Prof. Faith Osadolor** (Solicitor-General, Edo State) and **Dr. Solomon Agbonhulu, Mrs. Esosa Osula** (DPPRS), **Chukwuemeka Achugbu, Esq** for the 12th defendant.

Dayo Akpata SAN (Attorney-General and Commissioner for Justice, Ekiti State) with him **Gbemiga Adaramola, Esq.** (Director Civil Litigation, Ekiti State), **Olalekan Suleiman, Esq.** (AACLO, Ekiti State). **O.M. Atibioke, Esq.** and **A.D. Adeleye, Esq.** for the 13th defendant.

Dr. Kingsley T. Udeh (Attorney-General and Commissioner for Justice, Enugu State) with him **I.I. Eze** (Director Appeals), **Lilian Ogar** (Senior Legal Officer) and **C.V. Asogwa-Ugwueze** (Legal Officer) for the 14th defendant.

Muzzammil Yahaya, Esq. for the 15th defendant

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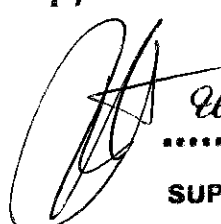
Chief C.O.C. Akaolisa (Attorney-General Imo State and Commissioner for Justice) and **Mrs. Ifeoma Charles-Umeh**, for the 16th defendant.

Bello Abdulqadir Fanini (Attorney-General and Commissioner for Justice, Jigawa State) **Aliyu Abdullahi** (DDCL) and **Aliyu Hassan Hassan** (CSC) for 17th defendant.

Sule Shu'aibu, SAN, (Attorney-General Kaduna State) with him **Jummai Adamu Dan'azumi, Esq. (solicitor General)**, **Mohamed Tajudeen Mohammed, Esq.**, **Salvation Zainabu Kyari, Esq.** (Senior State Counsel) and **Sadiya Nasir, Esq.** (Senior State Counsel) for the 18th defendant.

Ahmed Raji, SAN, FCI Arb. (U.K) with him **Ibrahim Tukur Elsudi, Esq.**; **Bimbo Atilola, Esq.**; **Abdulkarim Maude, Esq.** and **Peter Nwatu, Esq.** for the 19th defendant.

Ibrahim A.A. Esq. (Director Civil litigations, Katsina State) with him **Lanre Ajetunmobi Esq.**; **Opeyemi O. Adeyemi, Esq.**; **Khalil O. Ajana, Esq.**; **Taofeek Yahaya, Esq.**; **Ibrahim A.**


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Saleh, Esq.; I.O. Adedoyin, Esq. and **W.G, Adekanye, Esq.,**
for the 20th defendant.

Olanrewaju Osinaike for the 21st defendant.

J.B. Daudu, SAN, FCI Arb. (U.K) and **A.M. Aliyu, SAN;** with
him **Ibrahim Sani Muhammad, SAN, Aliyu O. Saiki, SAN,**
Adedayo Adedeji. SAN and **P.B. Daudu Esq.** for the 22nd
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Senior Ibrahim Sulyman, Esq. (Attorney-General and
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S.M. Labaran, Esq. (Hon. Attorney-General and Commissioner
for Justice, Nasarawa State) with **Y.Y, Ede, Esq.** (Director Civil
Litigation); **E.U. Aliyu, Esq.** (Deputy Director Legal Drafting); **M.**
J, Abokee, Esq. (Deputy Director Law Reform); **B.A. Jankat,**
Esq. and **F.A. Tunga, Esq.,** for the 25th defendant.

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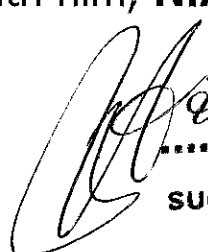
J.J. (SAN) with him, **M.S. Abdul-Aziz, D.O. Atita, Esq., I. U. Ujah** and N.U, Usman, Esq. for the 26th defendant.

Kehinde Ogunwumiju, OFR, SAN, FCI Arb. With him **O.M. Atoyebi, SAN; Tunde Afe-Babalola, SAN, FCI Arb.; Eko Ejembi Eko, SAN; Opemipo Owotumi, Esq.; Opemipo Osunleti, Esq.; Teslim Tobatele Giwa Esq.,** and **D.D. Anyanwu, Esq.,** for the 27th defendant.

Dr. Olukayode Ajulo, OON (SAN); Emmanuel Patrick Esq.; Eniola Oyelami; Margaret Aguocha; Lasisi Hammed; Michael Okejimi and O.F. Bosun-Kwadjo (P.L.O.) for the 28th defendant.

Olu-wole Jimi-Bade, Esq.; John E. Opaluwa, Esq.; Nurudeen Hakkem, Esq. and **Jide Obisakin, Esq.,** for the 29th defendant.

Abiodun Aikomo (Attorney-General and Commissioner for Justice, Oyo State) with him, **N.A. Abiola** (Director Legal Drafting


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and Ministerial Counseling) and **Adeola Ige Adeleke** (Assistant Chief State Counsel) for the 30th Defendant.

P.A. Dafi (Attorney-General and Commissioner for Justice, Plateau State) with him **J.I. Mantu, Esq.** (Assistant Director, Plateau State Ministry of Justice), for 31st Defendant.

I.D. Iboroma, SAN (Attorney-General and Commissioner for Justice, Rivers State) with him **Ibiwari Clapton-Ogolo, Esq.;** **Uzor Ikenga, Esq.;** **R.O. Adakole, Esq.;** **Cfmc, U.P. Ogo, Esq.** and **T.C. Shalom, Esq.,** for the 32nd defendant.

Mohammed Nasiru Binji, Esq. (Attorney-General and Commissioner for Justice, Sokoto State) with him **L.S. Wali, Esq.** (Director Civil Litigation) and **Amanzi F. Amanzi, Esq.** for the 33rd Defendant.

G.A. Idiagbonya, Esq. with him, **Mrs. P.N. David** (Principal state Counsel, Taraba State Ministry of Justice) for the 34th defendant.

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Abdulaziz Sani SAN (Attorney-General and Commissioner for Justice, Zamfara State) with him **Mustapha Aikawa, Esq.** for the 36th defendant.

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