

FG drags 36 Governors to Supreme Court

Concerned over the alleged misconduct in the administration of Local Government Areas in the country, the Federal Government has instituted a legal action at the Supreme Court against the Governors of the 36 States of the Federation. In the suit marked: SC/CV/343/2024, filed by the Attorney General of the Federation and Minister of Justice, Prince Lateef Fagbemi, SAN, the Federal Government is seeking full autonomy for all Local Government Areas in the country to function as the real third tier of government. The Federal Government is praying the Supreme Court to issue an order, prohibiting State Governors from embarking on unilateral, arbitrary and unlawful dissolution of democratically elected Local Government leaders as well as allowing the funds standing in the credits of Local Government Councils to be directly channeled to them from the Federation Account in line with the provisions of the Constitution as against the alleged unlawful joint accounts created by governors. The FG is also praying the Supreme Court for an order stopping State Governors from further constituting Caretaker Committees to run the affairs of Local Governments as against the Constitutionally recognized and guaranteed democratic system. It specifically urged the apex Court to grant an Order of injunction restraining the governors, their agents and privies, from receiving, spending or tampering with funds released from the Federation Account for the benefits of Local Governments when no democratically elected Local Government system is put in place in the states. The Governors of the 36 States were sued through their respective Attorneys General. In the 27 grounds listed in support of the suit, the Federal Government argued that Nigeria, as a federation, was a creation of the 1999 Constitution (as amended), with the President, as Head of the Federal Executive Arm, swearing on oath to uphold and give effects to the provisions of the Constitution. The Federal Government further averred in the suit; "That the governors represent the component states of the Federation with Executive Governors who have also sworn to uphold the Constitution and to at all times, give effect to the Constitution and that the Constitution, being the supreme law, has binding force all over the Federation of Nigeria.

"That the Constitution of Nigeria recognizes Federal, States and Local Governments as three tiers of government and that the three recognized tiers of government draw funds for their operation and functioning from the Federation Account created by the Constitution. "That by the provisions of the Constitution, there must be a democratically elected Local Government system and that the Constitution has not made provisions for any other systems of governance at the Local Government level other than democratically elected Local Government system.

"That in the face of the clear provisions of the Constitution, the governors have failed and refused to put in place a

democratically elected Local Government system even where no state of emergency has been declared to warrant the suspension of democratic institutions in the state. "That the failure of the governors to put democratically elected Local Government system in place, is a deliberate subversion of the 1999 Constitution which they and the President have sworn to uphold. "That all efforts to make the governors comply with the dictates of the 1999 Constitution in terms of putting in place, a democratically elected Local Government system, has not yielded any result and that to continue to disburse funds from the Federation Account to governors for non-existing democratically elected Local Government is to undermine the sanctity of the 1999 Constitution. "That in the face of the violations of the 1999 Constitution, the Federal Government is not obligated under section 162 of the Constitution to pay any State, funds standing to the credit of Local Governments where no democratically elected Local Government is in place," it said. Accordingly, the Federal Government prayed the Supreme Court to invoke sections 1, 4, 5, 7 and 14 of the Constitution to declare that the State Governors and State Houses of Assembly are under obligation to ensure a democratic system at the third tier of government in Nigeria and to also invoke the same sections to hold that the governors cannot lawfully dissolve democratically elected Local Government councils.

The FG also prayed for the invocation of sections 1, 4, 5, 7 and 14 of the Constitution to declare that dissolution of democratically elected Local Government Councils by the Governors or anyone using the state powers derivable from laws enacted by the State Houses of Assembly or any Executive Order, is unlawful, unconstitutional, null and void. The Attorney General of the Federation in a 13 paragraph affidavit deposed to by one Kelechi Ohaeri from the Federal Ministry of Justice, said he filed the suit under the original jurisdiction of the Supreme Court, on behalf of the FG. The deponent averred that Local Government system recognized by the Constitution is a democratically elected Local Government councils, stressing that the amount due to Local Government Councils from the Federation Account is to be paid to Local Government system recognized by the Constitution. Towards this end, the Federal Government said it would in the course of the hearing tender, Daily Post online publication of January 29, 2024 titled "LG Administration; 15 Governors under scrutiny over Constitutional breach", Vanguard online special report of September 12, 2023, Guardian editorial of January 23, 2024, Premium Times online publication of December 1, 2023, Vanguard online publication of December 1, 2023 and Arise online news of December 2, 2023, to justify the national importance and the public interest on the issue of granting autonomy to LGAs in the country. Already, the Supreme Court has fixed May 30, 2024 to hear the suit.