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## **INSTITUTING FUNDAMENTAL RIGHTS ACTIONS IN NIGERIA: UNRESOLVED ISSUES**

**Collins Obioma Chijioke**

*Ph.D., Assoc. Prof. H.O.D, Dept. of PPL, Faculty of Law, Abia State University, Uturu, Nigeria.  
Dean, College of Law, Gregory University, Uturu, Nigeria  
[collinschijioke@yahoo.com](mailto:collinschijioke@yahoo.com)*

**Boma Geoffrey Toby**

*Senior Lecturer, Dept. of Jurisprudence and International Law, Faculty of Law, Rivers State  
University, Port Harcourt, Rivers State, Nigeria  
[tobybomag@yahoo.co.uk](mailto:tobybomag@yahoo.co.uk)*

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### **Abstract**

*Instituting fundamental Right actions has become one of the most popular forms of litigations in Nigeria; and for this credit must be given to the very liberal Fundamental Rights (Enforcement Procedure) Rules, 2009 (FREPELR) as against the FREPELR Rules, 1979 which is repealed. One cannot boldly say, without fear of contradiction that our courts are as proactive in their approach to some basic issues in fundamental rights litigation as the FREPELR Rules intends. This paper set out to re-visit the issue of jurisdiction in respect of fundamental rights litigations and required number of applicants permitted to institute to such actions; reviewing some authorities in the course and finally resolving that there is need for the apex court to finally distinguish between its decisions in *Turkur v. Government of Gongola State* (1988) All NLR 42 and *Grace Jack v. University of Agriculture Makurdi* (2004) LPELR – 1587 SC, (2004); 5NWLR (Pt. 865) 208 and to pronounce on the issue of the number of applicants that may present fundamental rights' cause in court; at any*

*time it is called upon to do so. The paper also recommended in the alternative, a tinkering of the FREP Rules to specifically handle the issues.*

## **Keywords**

Fundamental Rights, Litigation, Court, Jurisdiction, Applicants

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## **1. Introduction**

Fundamental Rights are God-given rights; human beings are born with the rights to certain liberties and freedom inherent in them and hence these rights as regarded natural. The State has the duty of ensuring that fundamental rights are guaranteed and protected from invasion either by the State or Private citizens. The scope of these rights is expanded as the society grows and the need arises, however, enforcement of violated rights in the courts is often fraught with technicalities that have the propensity of inhibiting the enjoyment of fundamental rights.

Two major unresolved issues in fundamental rights litigation in Nigeria have become subjects of discussion. The first, is the question of whether the jurisdiction of the Federal High Court and State High Court in fundamental rights actions is dependent on the nature of the subject matter and the party alleged to have violated or threatened the violation of the fundamental right of a citizen? The second issue bothers on the propriety of multiple applicants to institute a fundamental rights action.

It is beyond doubt that rigid application of the letters of the laws would return the society to the era of absolutism; which was the bane of human rights; as against constitutionalism. The approach of the Supreme Court in interpreting the issue of jurisdiction on fundamental right actions suggests that much. These issues need to be finally resolved by the apex court, to make certain. The said issues are likely to remain unresolved in the courts. Adopt the "Rationality and Proportionality test" in interpreting the extant provisions on jurisdiction and locus standi to institute fundamental rights actions in Nigeria.

## **2. Methodology of Paper**

This paper will adopt the doctrinal methodology in discussing the key issues in this work for ease of understanding. They are fundamental rights and jurisdiction.

### **2.1 Fundamental Rights**

This topic is not basically on Human Rights, Fundamental Human Rights or Fundamental Rights which are distinguishable concepts, but centers on the procedure for enforcement of the

Fundamental Rights contained in Chapter iv of the Constitution of the Federal Republic of Nigeria, 1999 as amended; therefore reference would be made to the relevant provisions of both the constitution and FREP Rules; 2009 as against the Repealed FREP Rules, 1979.

## **2.2 Jurisdiction**

The Supreme Court (2016) in the case of *Saraki v. F.R.N. (2016)* defined the word "jurisdiction" as; "the authority a court or a tribunal has to decide matters presented in a formal way for its decision. It also means the authority which a court or a tribunal has to decide matters contested before it or the authority to take cognizance of matters presented in a formal way for its decision. And the limits of the authority may be prescribed in a statute under which the court or tribunal was created"

What is certain from the above intonement of the apex court is that jurisdiction as a power of a court to adjudicate over matters presented to it may be curtailed by the statute creating the court. In a loose term; jurisdiction means the power or authority which a court is empowered to by law to exercise concerning matters brought before it.

The Legal framework for instituting fundamental rights actions in Nigeria is the Constitution of the Federal Republic of Nigeria, 1999 as amended and the Fundamental Rights (Enforcement Procedure) Rules, 2009 made pursuant thereto. These two legal instruments donate both the adjectival and procedural jurisdiction in respect of fundamental rights actions. The other aspects of jurisdiction which are relevant to this work are the forum, subject matter, and locus standi.

## **2.3 Forum Jurisdiction**

By forum jurisdiction, it is meant the appropriate court to which a matter is to be instituted and this by extension takes into consideration "territorial jurisdiction"; which has been defined as jurisdiction over cases arising in or involving persons residing within a defined jurisdiction.

## **2.4 Subject Matter Jurisdiction**

Subject matter jurisdiction is the subjects particularly stipulated by the enabling statute; as areas over which a court of law can adjudicate upon. In his book, *Chijioko (2018)* stresses that the concept of subject matter jurisdiction is derived from the substantive law.

Courts are created by the constitution or other statutes with their areas of jurisdiction specifically prescribed. No court can assume jurisdiction except it is statutorily so empowered, as jurisdiction cannot be implied or conferred by the willingness of parties.

### **3. Research Issues**

The issues under consideration in this research are centered around the procedure for enforcing the fundamental rights as contained in Chapter IV of the Constitution of the Federal Republic of Nigeria, 1999 as amended (CFRN) with reference to the relevant provisions of both the CFRN and FREP Rules; 2009 as against the Repealed FREP Rules, 1979. In doing this, this paper will be considering whether the State High courts and Federal High courts - two courts mentioned above, enjoy the liberty to entertain actions seeking to enforce violation or threatened violation of any of the constitutional rights in chapter IV CFRN and if so, to what extent to avoid the inconsistency is the judicial circle. Also, the issue of multiple applicants on the issue of fundamental rights will be examined.

#### **3.1 Objectives of the FREP Rules, 2009**

The copious objectives of the FREP Rules are clearly stated in clause 3 of the preamble to the rule to include among other others; in the following words:

A. The overriding objectives of these Rules are as follows:

- (i). The constitution especially Chapter IV, as well as the African Charter, shall be expansively and purposely interpreted and applied, to advance and realize the rights and freedoms contained in them and affording the protections intended by them
- (ii). To advance but never to restrict the applicant's rights and freedoms, the court shall respect municipal, regional and international bills of rights cited to it or brought to its attention or of which the court is aware, whether these bills constitute instruments in themselves or form parts of larger documents like constitutions. Such bills include;
- (iii). The African Charter on Human Rights and Peoples' Rights and other instruments (including protocols) in the African regional human rights system,
- (iv). The Universal Declaration of Human Rights and other instruments (including protocols) in the United Nations human rights systems(v). The court shall proactively pursue enhanced access to justice for all classes of litigants, especially the poor, the illiterate, the uninformed, the vulnerable, the incarcerated, and the unrepresented.
- (vi). The Court shall encourage and welcome public interest litigations in the human rights field and no human rights case may be dismissed or struck out for want of locus standi. In particular, human rights activists, advocates or groups as well as any non-governmental organizations, may institute

human rights application on behalf of any potential applicant. In human rights litigation, the applicant may include any of the following:

- (i). Anyone acting in his interest;
- (ii). Anyone acting on behalf of another person;
- (iii). Anyone acting as a member of, or in the interest of a group or class of persons;
- (iv). Anyone acting in the public interest; and
- (v). Association acting in the interest of its members or other individuals or groups...

The cause of action is stipulated at Order 11 Rule 1 of the FREP Rules, and it is available to any person who alleges that any of the Fundamental Rights provided for in the Constitution or African Charter on Human and People's Rights (Ratification Enforcement) Act and to which he is entitled, has been, is being, or is likely to be infringed, may apply to the court in the State where the infringement occurs is likely to occur, for redress. The forum jurisdiction is conferred on both the State High Court and the Federal High Court under Order 1 Rule 1 of the FREP Rules, which expresses the word "court" to mean the Federal High Court or the High Court of a State or the High Court of the Federal Capital Territory.

#### **4. Analysis of the Issues**

Below is the legal analysis of the issues raised in 3. above. Over the Years the Courts have shown some inconsistency in resolving issues of fundamental rights violations as it is been discussed in this work. The following detailed analysis reveals the inconsistency in the application of the rules of jurisdiction in fundamental right enforcement actions in Nigeria. First, the authors examine;

##### **4.1. The Jurisdictional Debacle**

The debate has been raging on; as to whether the State High Court and Federal High Court have concurrent or mutual jurisdiction on all the matters about Fundamental Rights actions irrespective of their separate constitutionally prescribed subject matter jurisdiction. In other words, whether the two courts mentioned above enjoy the liberty to entertain actions seeking to enforce violation or threatened violation of any of the constitutional rights stipulated in Chapter IV of the Constitution of the Federal Republic of Nigeria 1999 as amended. The case which presented an acid test to the apex court on this issue was the case of *Tukur v. Government of Gongola State (1988)*, the facts of which show that the Appellant was removed by the Military Governor of Gongola State as the emir of Muri and ordered to be detained at Muri. He applied for the enforcement of his

fundamental rights at Federal High Court, Kano; seeking for his deposition to be quashed as he was not accorded a fair hearing in the process resulting in his deposition. The proceedings went through the three tiers of the trial court (Federal High Court, Kano), Court of Appeal, and the Supreme Court; the pivotal issue of jurisdiction being the fundamental issue to be resolved. It was the view of the Federal High Court that it had concurrent jurisdiction with the State High Court. The Supreme Court held that section 42 (3) of the 1979 Constitution has by the opening phrase; "subject to the provision of the Constitution" limited the jurisdiction of the Federal High Court to enforce fundamental rights provisions to matters in respect of which the constitution has vested it with jurisdiction. The Supreme Court thus applied the test of subject matter; also known as the transaction test, to deny the Federal High Court the jurisdiction to entertain the matter. The Supreme Court was of the view that the subject matter of the action could only be justiciable at the High Court of Gongola State. This decision implies that the jurisdiction of the Federal High Court over fundamental right action is subscribed to the subject matters constitutionally donated to it, concluding that since the main plank of the action was a chieftaincy question, it was beyond the jurisdiction of the Federal High Court.

Similarly, the case of *Alhaji Gafar v. Government of Kwara State (2017)* pertained to an action instituted by the appellant as an applicant at the Federal High Court, Ilorin challenging the Government directive for him to pay the sum of N2, 000,000.00 (Two Million Naira) or, on the failure to do so, to forfeit his assets; having been indicted by a Commission of Inquiry. His application before the Federal High Court was by way of fundamental rights enforcement action wherein, he claimed inter alia; that the respondent had no right to in law to try and find guilty of gave criminal offenses without affording him a right to a fair hearing. The respondent being served with the originating process filed a preliminary objection challenging the jurisdiction of the Federal High Court to hear the matter. The trial court dismissed the preliminary objection on the jurisdiction, holding that it had jurisdiction. The Respondent was dissatisfied and appealed to the Court of Appeal, which allowed the appeal on the lone issue of jurisdiction.

Upon appeal to the Supreme Court, the apex court dismissed the appeal holding inter alia that both the State High Court and Federal High Court has concurrent jurisdiction in all matters dealing with enforcement of fundamental rights and that an application may be made either to the Judicial Division of the Federal High Court in the State or the High Court of the State in which the breach occurs. The apex court cited its decision in *Tukur (1989)* without distinguishing the two decisions as if they were on all fours. ONNOGHEN, J. S. C., most instructional pointed out that "as

found earlier in this judgment, the case of the appellant is grounded on the recommendations of the Commission of Inquiry set up by the 1st respondent – Government of Kwara State and under State law and the reliefs claimed in the action arose from the actions of the said Commission of Inquiry. It follows therefore that the enforcement of the appellant's fundamental human rights is interwoven with the proceeding and recommendations of the Commission of Inquiry as there is no way by which the alleged rights can be enforced without a determination of how the rights were allegedly infringed by the Commission of Inquiry. That will surely call for a complete examination or overhaul of the proceedings and or activities of the said Commission of Inquiry and it will be impossible to do that without stepping outside the limits of the jurisdiction statutorily on the trial court of Decree N0. 107 of 1993".

The link between this decision and that in *Tukur (1989)* can be deciphered by the court's pronouncement to the effect that:

Federal High Court cannot adjudicate on matter or matters concerning a State Government. This is because the Federal High Court has limited jurisdiction while by Section 236(1) of the 1979 Constitution a State High Court has unlimited jurisdiction to hear and determine any civil proceedings in which the existence or extent of legal rights, power, duty, liability privilege, interest, obligation or claim is in the issue.

One agrees that the apex court showed consistency but its decision 15 years after the decision in the *University of Agriculture* is one of the main planks of this paper. In the case of *Grace Jack (2004)*, the Appellant sued a Federal Agency (University of Agriculture, Makurdi) to enforce her violated Fundamental Rights at the High Court of Benue State. The reliefs are not the major issue of this course but for ease of reference, they are as follow:

- (A) An order for the quashing of the letters of suspension and dismissal;
- (B) An order reinstating her;
- (C) Payment of accrued salaries and allowances; and
- (D) General damages for breach of contract or employment.

It is obvious that none of the reliefs was justiciable under the FREP Rules but the trial court granted her reliefs. The Court of Appeal following the test and reasoning of the apex court in *Tukur (1989)* overturned the judgment holding that the State High Court had no jurisdiction over the matter since the subject matter was an act of a federal agency and the suit was equally against a federal agency, stating clearly that since the respondent was a Federal Government Agency it could not be sued in the High Court but in the Federal High Court. On Appeal to the Supreme Court, one

of the statutory provisions considered by the apex court was section 230 (1) (s) of the 1999 Constitution which provides that:

The Federal High Court shall have and exercise jurisdiction to the exclusion of any other court in civil causes or matters arising from-

(s) any action or proceeding for a declaration or injunction affecting the validity of any executive or administrative action or decision by the Federal Government or any of its agencies.

The apex court went ahead to hold that Section 251 (1) of the Constitution is a general provision which confers exclusive jurisdiction on the Federal High Court in civil cases arising from any action or proceedings for a declaration or injunction affecting the validity of any executive or administrative action or decision by the Federal Government or any of its agencies. If the court had stopped at this, it would have been obvious that the proper forum for the action would have been the Federal High Court, which has exclusive jurisdiction to entertain that cause of action. But the apex court anchoring its final findings on the genre of the cause of action concluded that "both the Federal High Court and the High Court of the State have concurrent jurisdiction in matters of the enforcement of a person's fundamental rights. An application may therefore be made to the either to the Judicial Division of the Federal High Court in which a breach of fundamental right occurred, is occurring or about to occur".

#### **4.1.1 The Inconsistency and Implication**

The court was in effect saying that even if the action had been brought before the Federal High Court it would have been proper, so long as the cause of action was hinged on enforcement of a fundamental right. Drawing the reasoning a bit further, it would also suggest that both the subject matter and the nature of party whose conduct contributed to the complaint hinged on fundamental right action are inconsequential in the reckoning of jurisdiction; in other words, Sections 230 and 251 of the Constitution which delineate the subject matter and party jurisdiction or jurisdiction in the person of both Federal High Court and State High court are not reckoned with; but Section 46 of the Constitution which is the special Jurisdiction. If this is the true interpretation adopted by the apex court, why then, did it rely on subject matter jurisdiction in its decision in *Tukur (1989)*

The inconsistency in the application of the rules of jurisdiction in fundamental right enforcement actions continued after the above-discussed decisions. Though the case of *Adetona v. Igele General Enterprises Ltd (2011)*, was not an action founded on enforcement of a fundamental right. The cause of action arose following an exercise of the powers of a receiver/manager in which the respondent's office and warehouse were forcefully taken over by the 1st appellant as a result of



which the respondent filed an action against the appellants at the High Court of Lagos State and made some claims. Upon being served the appellants raised a preliminary objection contending that the cause of action arose from the Companies and Allied Matters Act, which is under the exclusive jurisdiction of the Federal High Court. After hearing arguments, the trial court overruled it and assumed jurisdiction. The appellants appealed to the Court of Appeal which dismissed the appeal, as a result of which the appellants further appealed to the Supreme Court. In unanimously dismissing the appeal, the apex court held that the action was one founded on tort over which the High Court of a State can exercise jurisdiction, stating further that the matter of jurisdiction is generally approached from three dimensions viz:

- Territorial;
- Subject matter; and
- Jurisdiction on persons

Instructively, the apex court stated the rule for the determination of the jurisdiction of Federal High Court and State High Court over action for enforcement of fundamental rights in the following word "a High Court of a State lacks the jurisdiction to entertain matters on fundamental rights, although brought according to section 46 (2) of the Constitution, where the alleged breach arose from a transaction or subject matter which falls within the exclusive jurisdiction of the Federal High Court as provided by section 251 of the Constitution".

Although, this dictum was an obiter; having not been submitted as a live issue in the matter, what is certain, is that the apex court by implication visited and retained its reasoning in *Tukur*(1989), while leaving in the cold, the decision in *Grace* (2004), which affected Section 251 (d) and (g) of the Constitution. Which decision was also silent as to whether the High Court of State; in entertaining fundamental rights action can venture into the subject matter jurisdiction constitutionally assigned to Federal High Court? Be that as it may, the case of *Adetona* (2011) answered that question in the negative.

#### **4.2 Recent Decisions on Jurisdiction of Fundamental Rights Actions**

It is instructional at this stage to consider two recently decided cases. The first is the case of *EFCC v. Wolfgang Reinl* (2020) where the respondent in an action to enforce his fundamental rights violated by the appellant, alleged among other things that the appellant detained for five weeks him on an allegation of money laundering, following its investigation into ill-fated arms deal by the office of the National Security Adviser. He denied any fraudulent dealing and further averred that investigations did not show that he committed any offence yet, he was kept in custody without being

charged in court till February 5, 2016. His action was filed at the High Court of the Federal Capital Territory. Upon being served with the originating processes, the appellant filed a preliminary objection challenging the jurisdiction of the High Court to entertain the suit. The preliminary objection was dismissed and judgment was entered in favour of the respondent. Being dissatisfied, the appellant's appeal to the Court of Appeal was unsuccessful and it appealed to the Supreme Court. The appellant contended that being a Federal Agency, action against it can only lie to the Federal High Court, notwithstanding Section 46 (1) and (2) and Section 272 (1) of the Constitution. It was submitted for the respondent that the cause of action is the detention of the respondent and not the management and control of EFCC, submitting that the appellant's counsel misconstrued the decision in *Grace (2004)*. The Supreme Court held that the appellant's conception of Section 46 (1) of the Constitution is erroneous. It went ahead to hold that the case of *Grace Jack v. University of Agriculture, Makurdi* interpreted Section 46 (1) of the 1999 Constitution to the effect that where both the State High Court exists in a State, they have concurrent jurisdiction in matters about fundamental rights. And, it was an error to hold that when a suit in respect of matters of fundamental right was brought against the Federal Government or any of its agencies, Section 230(1) (s) of the 1979 Constitution prevailed over Section 42 (1). Making it clearer, the apex court explained its view in *Grace Jack v. the University of Agriculture, Makurdi* to be that so long as the enforcement of the applicant's fundamental right is the main claim in the suit, the Federal High COURT and the State High Courts, including the High Court of the FCT, have concurrent jurisdiction to entertain it. The court did not mention the limitation on Federal High Court; which is applied as the distinguishing factor in *Tukur (1989)*.

In EFCC (2020), the Court of Appeal, Port Harcourt Division relying on the decision of the Supreme Court in *Grace Jack v. University of Agriculture, Makurdi* stated that where both the State High Court and the Federal High Court exist in a state, they have concurrent jurisdiction. Thus, the jurisdiction of the Federal High Court and State High Court in fundamental rights matters is concurrent, regardless of whether any of the parties is a federal agency but, if the test in *Tukur* and *Adetona* is applied; the jurisdiction of Federal High Court and that of State High Court would be interpreted subject their various subject matter jurisdiction.

It is thus, submitted that since all the Supreme Court authorities discussed are still good law, they must be applied conjunctively till the apex court makes further clarifications.

#### **4.3 Unresolved Issue of Multiple Applicants**

Another crucial and unresolved issue in fundamental rights litigation is that of the number of applicants that may bring an action. In other words, whether more than one applicant can bring an action for enforcement of fundamental rights. Some authorities answer the question in the negative. In *Kporharor & Anor. v. Yedi & Ors (2017)* the Court of Appeal held that more than one applicant cannot bring an application for enforcement of fundamental rights under the FREP Rules, 1979.

In *Okechukwu v. Etukokwu (1998)*, some of the issues that were determined by the Court of Appeal, Enugu Judicial Division included:

Whether the right or rights alleged by the respondents to be in danger of being infringed by the "Ime –Obi" proceeding are civil rights and obligations as envisaged by section 33 (1) of the Constitution of Nigeria, 1979

Assuming that the right or rights allegedly threatened are civil rights and obligations, whether the Fundamental Rights (Enforcement Procedure) Rules can properly be invoked to challenge the proceeding before the "Ime-Obi". In finding that the cause of action was not justiciable under the FREP Rules and that the action was commenced by three applicants, the Court further held that a family as a unit cannot commence an action on infringement or contravention of fundamental rights.

There is a case reported online where the Federal High Court impliedly overruled all the above-cited decisions of the Court of Appeal. The case is reported as *Gifted Hands (2020)*. The learned judge reasoned that the FREP Rules under which *Kporharor (2017)* was decided was restrictive, while FREP Rules 2009 brought changes that de-emphasized technicalities in favour of substantial justice. The reasoning is liable to be faulted in the sense that neither the FREP Rules 1979 nor the FREP Rules, 2009 expressly prohibited more than an applicant from commencing a fundamental rights action. Again, the issue is one of locus standi and not mere technicality. The problem stems from the interpretation of the words "any person" as used in Section 46(1) of the Constitution. It is submitted that if the said words are subjected to their ordinary and literal meaning, they cannot mean more than referring to a person and that is why Order VI Rule 1 of the FREP Rules allows for consolidation of applications relating to the same infringement. This by extensor means, that where several people or two persons have the same cause of action aptly founded within the purview of Chapter of IV of the Constitution, they must of legal necessity file different applications which they later seek to consolidate.

#### **4.3.1 A Critique of the Decisions on Multiple Applicants**

It is submitted that the decisions ousting the locus standi of more than an applicant to bring fundamental right actions did not take the philosophy of the FREP Rules into cognition, because, there lies the real intention of the legislature that made the rules. Given this fact, therefore, nothing short of the golden rule of interpretation will bring out the intendment. There is no doubt, that it would be absurd to argue that in some situations; it is only the right of a single individual that can be violated. The rights of family members may be violated at the same time, so also are the rights of friends and neighbours.

The learned trial judge in the case of Gifted Hands could be said to be right if he had anchored his reasoning on the interpretation of the said words instead of outrightly rejecting the decisions of the Court of Appeal. It is in time like this, that one recalls with nostalgia the exposition of Lord Denning (As he then was) in *Seaford* (1949) when he said:" It would certainly save judges trouble if Acts of Parliament were drafted with divine prescience and perfect clarity. In the absence of it, when a defect appears, a judge cannot simply fold his hands and blame the draftsman. He must set to work on the constructive task of finding the intention of the Parliament...Put into a homely metaphor, it is this: A judge should ask himself the question. If the makers of the Act had themselves come across these rucks in the texture of it, how would they strengthen it out? He must then do as they would have done.

## **5. Conclusion of the Paper**

In conclusion, the authors have been able to define fundamental rights action as human rights and those rights inherent in humans which allow for certain liberties and freedom inherent in them and hence regarded as natural. They are also rights that the State has the duty to guarantee and protect. Unfortunately, the issues bordering on which court has the jurisdiction to enforce these rights have led to many unresolved judicial issues as adumbrated in the legal cases discussed above.

It is hoped that the supreme court which represents the highest court would purposely interpret and apply the law to advance and realize the rights and freedoms of the citizenry as contained in Chapter IV of the CFRN as amended, thus afford the protections intended by them; and also resolve others as soon as the opportunity calls.

It is also recommended that the alternative that the first time of Section 46(1) of the CFRN (1999) should be amended to include the words "or persons", immediately after the words "Any person".

### **5.1 Future Scope of Research**

It is the anticipation of the researchers that the following words be inserted at the last time of Section 46(2) of the 1999 CFRN; "irrespective of the party sued or the subject matter of the cause of action". This amendment would remove the existing confusion in irrespective of the unresolved issues in fundamental rights litigation in Nigeria.

## **5.2 Research Limitation**

This research paper is restricted to the issues of instituting fundamental rights action in Nigerian courts such as the State High Courts and Federal High Court respectively. With the unresolved issue of jurisdiction in respect of fundamental rights litigations and the required number of applicants permitted to institute to such actions. The Research also reviewed some legal authorities and finally resolves that there is a need for the Supreme court to finally distinguish between its decisions in *Turkur v. Government of Gongola State* (1988) All NLR 42 and *Grace Jack v. University of Agriculture Makurdi* (2004) LPELR – 1587 SC, (2004); 5NWLR (Pt. 865) 208 and to pronounce on the issue of the number of applicants that may present fundamental rights' actions in court.

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