

EIE

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE LAGOS JUDICIAL DIVISION
HOLDEN AT LAGOS

SUIT NO: FHC/L/CS/ 943/2019

BETWEEN

1. THE REGISTERED TRUSTEES OF THE SOCIO-ECONOMIC RIGHTS AND ACCOUNTABILITY PROJECT [SERAP]
2. THE INCORPORATED TRUSTEES OF BUDGIT FOUNDATION FOR PROMOTION OF INFORMATION TECHNOLOGY IN NIGERIA [BUDGIT] PLAINTIFFS
3. THE EIE PROJECT LTD/GTE [EIE]
[Suing for themselves and on behalf of 1,522 concerned Nigerians]

AND

1. THE SENATE PRESIDENT, SENATE NATIONAL ASSEMBLY OF THE FEDERAL REPUBLIC OF NIGERIA
[For himself and on behalf of all members of the Senate of the Federal Republic of Nigeria]
2. THE SPEAKER, HOUSE OF REPRESENTATIVES NATIONAL ASSEMBLY OF THE FEDERAL REPUBLIC OF NIGERIA DEFENDANTS
[For himself and on behalf of all members of the House of Representatives of the Federal Republic of Nigeria]
3. NATIONAL ASSEMBLY SERVICE COMMISSION
4. REVENUE MOBILISATION ALLOCATION AND FISCAL COMMISSION [RMAFC]

ORIGINATING SUMMONS

LET the Defendants, The Senate President, Senate of the National Assembly, Federal Republic of Nigeria of Abuja, FCT, The Speaker, House of Representatives of the National Assembly, Federal Republic of Nigeria of Abuja, FCT, National Assembly Service Commission and Revenue Mobilization Allocation and Fiscal Commission of Plot 210, Tafawa Balewa Way, Abuja, FCT within thirty days after service of this summons on them, inclusive of the day of such service, cause an appearance to be entered for them to this summons which is issued upon the application of the Registered Trustees of the Socio-Economic Rights and Accountability Project [SERAP] of 2B, Oyetola Street, off Ajanaku Street, Salvation Bus-Stop, Opebi, Ikeja, Lagos and two others who claims the following reliefs set below and seeks the determination of the following questions:

QUESTIONS FOR DETERMINATION:

1. Whether the sum of ₦10,132,000:00 and ₦9,926,062.5 [totaling the sum of ₦4.68 billion] prescribed for payment to each Senator and member of the House of Representatives respectively as furniture and accommodation allowance is not in breach of the Code of Conduct for Public Officers [Fifth Schedule Part 1] of the Constitution of the Federal Republic of Nigeria 1999[as amended], Oath of office [Seventh Schedule] of the Constitution of the Federal Republic of Nigeria 1999 and Section 6[1] of the Revenue Mobilization Allocation and Fiscal Commission Act 2004.

2. Whether the prescription of the sum of ₦10,132,000:00 and ₦9,926,062.5 for each Senator and member of the House of Representatives respectively as furniture and accommodation allowance by the Revenue Mobilization Allocation and Fiscal Commission is not in breach of Section 70 of the Constitution of the Federal Republic of Nigeria 1999 and Section 6[1][b][c][d] of the Revenue Mobilization Allocation and Fiscal Commission Act 2004.

RELIEFS SOUGHT BY THE PLAINTIFFS:

1. A DECLARATION that the sum of ₦10,132,000:00 and ₦9,926,062.5 [totaling the sum of ₦4.68 billion] allotted to each Senator and Member of the House of Representatives respectively as furniture and accommodation allowance is in breach of the Code of Conduct for Public Officers [Fifth Schedule Part 1] of the Constitution of the Federal Republic of Nigeria 1999, oath of office [Seventh Schedule] of the Constitution of the Federal Republic of Nigeria 1999 and Section 6[1] of the Revenue Mobilization Allocation and Fiscal Commission Act 2004.
2. A DECLARATION that the prescription of the sum of ₦10,132,000:00 and ₦9,926,062.5 for each Senator and Member of the House of Representatives respectively as furniture and accommodation allowance by the Revenue Allocation Mobilization and Fiscal Commission is in breach of Section 70 of the Constitution of the Federal Republic of Nigeria 1999 and Section 6[1][b][c][d] of the Revenue Mobilization Allocation and Fiscal Commission Act 2004.

3. AN ORDER OF THE HONOURABLE COURT compelling the Revenue Mobilization Allocation and Fiscal Commission to review and reduce the amount prescribed for each Senator and Member of the House of Representatives respectively as furniture and accommodation allowance in accordance with Section 6[1] of the Revenue Mobilization Allocation and Fiscal Commission Act 2004.

4. AN ORDER OF THE HONOURABLE COURT restraining, preventing and stopping the National Assembly Service Commission from paying the sum of ₦10,132,000:00 and ₦9,926,062.5 to each Senator and Member of the House of Representatives respectively as furniture and accommodation allowance until the downward review of the pay and allowances of the members of the 1st and 2nd Defendants by the Revenue Mobilization Allocation and Fiscal Commission.

5. AN ORDER OF THE HONOURABLE COURT restraining, preventing and stopping all members of the Senate and the House of Representatives from collecting or demanding the sum of ₦10,132,000:00 and ₦9,926,062.5 as furniture and accommodation allowance due to each Senator and Member of the House of Representatives respectively until the downward review of the pay and allowances of the members of the 1st and 2nd Defendants by the Revenue Mobilization Allocation and Fiscal Commission.

6. ANY ORDER(S) that the Honourable Court may deem fit to make in the circumstance of this suit.

Dated the 7th day of JUNE 2019

THIS ORIGINATING SUMMONS IS TO BE SERVED OUTSIDE LAGOS STATE
AND IN ABUJA, THE FEDERAL CAPITAL TERRITORY