

IN THE FEDERAL HIGH COURT  
HOLDEN AT ABUJA NIGERIA  
ON TUESDAY THE 3<sup>RD</sup> DAY OF FEBRUARY, 2015  
BEFORE THE HONOURABLE  
JUSTICE A. ABDU-KAFARATI  
JUDGE

SUIT NO.FHC/ABJ/CS/336/2013

BETWEEN

LEGAL DEFENCE AND ASSISTANCE  
PROJECT LTD/GTE

} ..... PLAINTIFF

AND

CLERK OF NATIONAL ASSEMBLY

..... DEFENDANT

JUDGMENT

By Originating Summons dated 16<sup>th</sup> May, 2013 the plaintiff claims the following reliefs against the defendant.

- (1) A declaration that the defendant is under obligation to furnish the plaintiff with the information requested pursuant to section 2 of the Freedom of Information Act, 2011
- (2) An Order compelling the defendant to forward to the plaintiff within 7 days of the order, detailed information as requested in the plaintiff's letter to the defendant dated 8<sup>th</sup> March, 2013

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ABUJA  
CASHIER

Signature *[Signature]*  
ate *6/2/15*  
*200385068*

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*6/2/15*  
*Saeed-m. Abba*  
*(AG) for Registrar*

acknowledged by the defendant on 26<sup>th</sup> April, 2013, made pursuant to section 2 of the Freedom of Information Act 2011 requesting detailed information on the budgetary allocations on constituency projects from 2011 – 2013 particularly:-

- a. The details of National Assembly constituencies in Nigeria
- b. The details of every project earned for each constituency from 2011 – 2013
- c. The details of all budgetary allocations made in respect of each constituency project.
- d. The details of stages of each project.

The plaintiff is praying the court to determine two questions to wit;

- (a) Whether by the provisions of the Freedom of Information Act 2011 the defendant is under obligation to furnish the plaintiff with the information sought in its letter to the defendant dated 8<sup>th</sup> March, 2013 received by the defendant on 26<sup>th</sup> April, 2013.
- (b) Whether this court can issue an order compelling the disclosure of the said information.

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In support of the originating summons is an affidavit of eleven (11) paragraphs. Attached to the affidavit in support are Exhibits A and B. Also in support is a written address dated the same 16<sup>th</sup> May, 2013.

In opposing the originating summons the defendant filed a counter-affidavit of six paragraphs and a written address. The defendant also filed a further counter-affidavit of eight paragraphs.

The plaintiff filed a reply affidavit of nine paragraphs. It also filed a written reply on points of law.

I have considered the facts of this case, the submissions of learned counsel and the authorities cited by them.

The action is brought pursuant to the Freedom of Information Act 2011.

By section 2 of the above said Act (1) A public Institution shall ensure that it records and keeps information about all its activities, operations and business.

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Section 1 of the Act has given right to access to information to any person upon request and if denied such a person can approach the court.

The said section 1 provides:

**“(a) Notwithstanding anything contained in any other Act law or regulation, the right of any person to access or request information, whether or not contained in any written form which is in the custody or possession of any public official, agency or institution howsoever described as established.**

**(b) An Applicant under this Act needs not demonstrate any specific interest in the information being applied for**

**(c) Any person entitled to the right to information under this Act shall have the right to institute proceedings in the court to compel any public institution to comply with the provisions of this Act”.**

From the originating summons the plaintiff is asking for an order compelling the defendant to forward to the plaintiff within 7 days of the

order detailed information as requested in the plaintiff's letter to the defendant dated 8<sup>th</sup> March, 2013, acknowledged by the Defendant on 26<sup>th</sup> April, 2013.

The information required is as per paragraphs 5(a) – (d) are as follows:

- (a) The details of all National Assembly constituencies in Nigeria
- (b) The details of every project marked for each constituency from 2011 to 2013
- (c) The details of all budgetary allocations made in respect of each constituency project.
- (d) The details of the stages of each project.

In his defence the defendant through his counsel denied that the information requested for is not within his knowledge or power. That the request is directed to a wrong person.

In paragraph 4 (b) (c) (d) and (e) of the defendants counter-affidavit it was deposed to as follows

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