

# The Nigerian Society of Engineers

To: NSE Council  
Through: The President, NSE  
From: NSE Election Appeal Panel  
Date: 22<sup>nd</sup> September 2021

Subject: **REPORT/VERDICT OF THE ELECTION APPEAL PANEL ON THE PETITIONS FILED BY DISQUALIFIED ASPIRANTS/PETITIONERS FOR THE 2021 ELECTION INTO THE 2022 EXECUTIVE COMMITTEE OF THE NIGERIAN SOCIETY OF ENGINEERS.**

Council will recall that the Election Appeal Panel was constituted by the President on behalf of the Council of the Nigerian Society of Engineers via a letter dated 25<sup>th</sup> August 2021, which was ratified by Council at its meeting of 16<sup>th</sup> September 2021, to consider pre and post-election matters.

The Members of the Election Appeal Panel are as follows:

- |   |   |          |
|---|---|----------|
| 1. Past President Engr. Dr. E.J.S. Uujamhan, KSG, FNSE, FAEng | - | Chairman |
| 2. Past President Engr. C.A. Mbanefo, FNSE                    | - | Member   |
| 3. Past President Engr. H.A. Gumel, OON, NSE, FAEng, FNMI     | - | “        |
| 4. Engr. Christy Adelowo, FNSE, FAEng                         | - | “        |
| 5. Engr. Dr. Binta Usman, MNSE                                | - | “        |

The Panel received petitions from the following Petitioners challenging their disqualification from contesting the 2021 election into the 2022 Executive Committee:

1. Engr. Mayen Adetiba, FNSE
2. Engr. Felix Obiora Nwankwo, FNSE
3. Engr. Danladi Ushiki Adamu, FNSE
4. Engr. Ugochukwu P. Nzurumike, FNSE
5. Engr. Ademola Isaac Agoro, FNSE
6. Engr. Musa Dauda, FNSE
7. Engr. Dr. Olumide Moses Ogundipe, FNSE
8. Engr. Benjamin Ozobeme, MNSE
9. Engr. Sam Echedom, FNSE

The Panel also received petition from **Engr. Bulus Abegye, MNSE**, (a non-aspirant/candidate) challenging the clearance of Engr. Aishatu Aliyu Umar, FNSE for the position of Vice President.




The Panel had its sitting on 20<sup>th</sup>, 21<sup>st</sup> and 22<sup>nd</sup> September 2021, and considered the petitions received from the above listed Petitioners.



The summary and the full report/verdict of the Panel, which are based strictly on the provisions of our MemArt, the byelaws of the Branches and Divisions, the Electoral Guidelines and the requirements stated in the 2021 Nomination Form are here presented for necessary action.

The Election Appeal Panel is grateful to the President and Council for the opportunity given to serve the Society.

1. Past President Engr. Dr. E.J.S. Uujamhan, KSG, FNSE, FAEng
2. Past President Engr. C.A. Mbanefo, FNSE
3. Past President Engr. H.A. Gumel, OON, FNSE, FAEng, FNIM
4. Engr. Christy Adelowo, FNSE, FAEng
5. Engr. Dr. Binta Usman, MNSE

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## CONSIDERATION OF THE PETITIONS & THE PANEL'S VERDICT

### A. PETITION FROM ENGR. MRS. MAYEN ADETIBA, FNSE

Engr. Mrs. Adetiba's petition was dated 6<sup>th</sup> September 2021, challenging her disqualification to contest for the post of Deputy President of the Nigerian Society of Engineers on the ground of incomplete submission of forms, and no evidence of financial records provided, including that of her sponsors.

#### A1. PETITIONER'S ARGUMENTS WERE THAT

- i. The required financial records were uploaded with the application documents, but were apparently NOT delivered at "your end".
- ii. She is a Life member of the Nigerian Society of Engineers and she had deposited funds with NSE to settle levies and other incidental expenses that usually crop up.
- iii. As at 2020/2021 financial year of NSE, she had a surplus of N1,500.00 in her account with NSE, and in the same final year, she clocked 70 years of age and thus automatically exempted from all dues and levies in 2021/2022 financial year as per Council decision.
- iv. Besides, when the amount deposited for sundry NSE levies and charges was exhausted, there was no demand note or alert to enable her replenish, though by her records, she actually had surplus. (Attached to her petition were the financial records of her sponsors, Council decision on non-payment of dues and levies on clocking 70 years).


#### A2. PETITIONER'S PRAYER

- i. Appealed to the Panel to reconsider the decision on her disqualification as she and her proposers are financially up-to-date.

#### A3. THE PANEL'S DETERMINATION

- i. The Panel took cognizance of the requirement stated in the 2021 NSE Nomination Form to the effect that "**Aspirants stood a chance of instant disqualification on the basis of false testimony, fraud and incomplete forms**".
- ii. The Panel also took cognizance of the certification section of the Nomination Form, where the Petitioner *certified that all the information given therein is the truth and that she had read and fully understood the Election Guidelines and agreed to abide by it.*
- iii. The Panel noted that contrary to the requirements stated in the Nomination Form on item A1, and A2, there were no evidence of the financial records of the Petitioner and her sponsors to show that they were financially up to date as at the date of her nomination.

#### A4. THE PANEL'S VERDICT

The Panel **UPHOLDS** the decision of the Election Committee, on the ground that the Petitioner submitted incomplete forms, as there was no evidence to show her financial records and that of her proposers. 



## CONSIDERATION OF THE PETITIONS & THE PANEL'S VERDICT

### B. PETITION FROM ENGR. FELIX OBIORA NWANKWO, FNSE

Engr. Nwankwo's petition was dated 3<sup>rd</sup> September 2021, challenging his disqualification to contest for the post of Deputy President of the Nigerian Society of Engineers on the ground of late submission of his Nomination Form.

#### B1. PETITIONER'S ARGUMENTS WERE THAT

- i. His email address is nwankwobiora@yahoo.co.uk
- ii. He has been receiving all the NSE mails sent to him through the above email address.
- iii. He received the election guidelines, 2021, sent to his email, but was not aware of any call for nomination or received such an email through his email address.
- iv. He became aware of the deadline of the nomination through discussion with a colleague of his.
- v. He had health challenges with his BP and heart palpitation and attached his health check documents from the hospital. The health challenges pre-occupied his mind, which affected him and made it not possible for him to submit his form as at 17<sup>th</sup> August 2021 after which his pressure stabilized.
- vi. He submitted his document on 18<sup>th</sup> August 2021, not minding the health challenges.

#### B2. PETITIONER'S PRAYER

- i. Appealed to the Panel to look at his complaints passionately and allow him to participate in the coming election, as it was still his intention to continue to serve the Society.

#### B3. THE PANEL'S DETERMINATION

- i. The Panel in considering the argument of the Petitioner took cognizance of the admission of the Petitioner of late submission of his Nomination Form, which he said was submitted on 18<sup>th</sup> August 2021 as against the 17<sup>th</sup> August 2021 which was the deadline for the submission as advertised in the Election Guidelines that was released.
- ii. The Panel sympathized with the Petitioner for his health challenges, but notes that the law does not operate based on emotions and sentiments.
- iii. The Panel also sympathized with the Petitioner for not being aware of the call for nomination, but again notes that ignorance of the law is not an excuse.

#### B4. THE PANEL'S VERDICT

The Panel **UPHOLDS** the decision of the Election Committee on the ground that the Petitioner submitted his Nomination Form outside the stipulated time, which is a clear violation of the Electoral Guidelines.





## CONSIDERATION OF THE PETITIONS & THE PANEL'S VERDICT

### C. PETITION FROM ENGR. DANLADI USHIKI ADAMU, FNSE

Engr. Adamu's petition was dated 3<sup>rd</sup> September 2021, challenging his disqualification to contest for the post of Vice President representing the North-East Zone in the 2021 election into the 2022 Executive Committee of the Nigerian Society of Engineers, on the ground that his Nomination Form was endorsed by the Division **Chapter** Chairman, rather than either the Branch or Division Chairman as stated in the Nomination Form.

#### C1. PETITIONER'S ARGUMENTS WERE THAT

- i. The letter was forwarded to the Branch Chairman for his comment and action.
- ii. At the time of completing and submitting the Nomination Form, the Branch Chairman was away on official duty at Nairobi, Kenya, hence, he was not available to endorse the form. (Attached to his petition were the endorsed pages of the Branch Chairman's International passport as evidence).
- iii. The Chairman of the Division, Nigerian Institution of Civil Engineers (NICE), was in Enugu, his official place of work while he, the Petitioner resides in Taraba State. Due to the distance apart and limitation of time, the Division Chairman, too could not endorse the Nomination Form.
- iv. The **Chapter** Chairman of NICE endorsed the form on the request of the Branch Chairman via a phone call from Nairobi, Kenya.
- v. The Branch Chairman copied him (the petitioner), the appeal he made to the Panel pleading for the reconsideration of his case. (Attached to his petition was the Branch Chairman's appeal to the Panel).

#### C2. PETITIONER'S PRAYER

- i. Appealed to the Panel to note the reasons given in paragraph C1 above, and requested the Panel to kindly consider and approve the eligibility of his candidature to contest the 2021 NSE election into the office of Vice President, North-East Zone.

#### C3. THE PANEL'S DETERMINATION

- i. The Panel took cognizance of the requirements stated in the 2021 NSE Nomination Form to the effect that "**Aspirants stood a chance of instant disqualification on the basis of false testimony, fraud and incomplete forms**".
- ii. The Panel also took cognizance of the certification section of the Nomination Form, **where the Petitioner certified that all the information given therein is the truth and that he had read and fully understood the Election Guidelines and agreed to abide by it.**
- iii. The Panel further acknowledged the admission of the Petitioner that his Nomination Form was endorsed by the Jalingo **Chapter** Chairman of the NICE Division, rather than the Branch or Division Chairman as stated in the Nomination Form.





## CONSIDERATION OF THE PETITIONS & THE PANEL'S VERDICT

- iv. The Panel in considering the argument of the Petitioner and the evidence attached, came to the conclusion that they were not basis to have violated the requirements stated in the Nomination Form. The Panel noted that with the advancement of technology, the Petitioner had enough time to have electronically sent and received the Nomination Form to his Branch Chairman who he claimed was in Nairobi, Kenya, or his Division Chairman, who he claimed was at Enugu.
- v. The Panel further noted that the Guidelines released for the election had made it possible for Aspirants to submit soft copies of their Nomination Forms electronically, and therefore saw no reason why an Engineer who should be knowledgeable in Information Communication Technology could not transmit his form electronically for the endorsement of his Branch or Division Chairman.
- vi. The Panel took cognizance of the fact that the wisdom behind the Guidelines, which provides that the Nomination Form **Must** be endorsed by the Branch or Division Chairman is to the effect that the Branch and Division Chairmen report directly to the Council of the Nigerian Society of Engineers, which is the governing body of the Society, while the **Chapter** Chairmen report to the Division Chairmen or the Branch Chairmen.


### C4. THE PANEL'S VERDICT

The Panel **UPHOLDS** the decision of the Election Committee, taking into cognizance that the endorsement of the Nomination Form of the Petitioner by the Jalingo **Chapter** Chairman of the National Institution of Civil Engineers was a clear violation of the requirements, which provides that the Nomination Form **Must** be endorsed by the Branch or Division Chairman.

### D. ENGR. UGOCHUKWU PASCHAL NZURUMIKE, FNSE

Engr. Nzurumike's petition was dated 3<sup>rd</sup> September 2021, challenging his disqualification to contest for the post of Vice President of the Nigerian Society of Engineers on the ground of not completely filling his form, because the Division Chairman who endorsed his form did not sign.

### D1. PETITIONER'S ARGUMENTS WERE THAT

- i. From "my submitted nomination form, the Election Committee were not very wrong in their judgment".
  - ii. He mistakenly attached the copy of his form, which he had earlier sent to the National Chairman of his Division online to sign.
  - iii. The National Chairman of his Division duly signed his form on the 11<sup>th</sup> day of August 2021 and forwarded it to him on the 12<sup>th</sup> day of August 2021.
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## CONSIDERATION OF THE PETITIONS & THE PANEL'S VERDICT

### D2. PETITIONER'S PRAYER

- i. Appealed to the Panel for reconsideration on the ground that he met other conditions.

### D3. THE PANEL'S DETERMINATION

- i. The Panel took cognizance of the certification section of the Nomination Form, where the Petitioner certified that all the information given therein is the truth and that he had read and fully understood the Election Guidelines and agreed to abide by it.
- ii. The Panel further acknowledged the admission of the Petitioner that he submitted a wrong form, instead of the one signed by the National Chairman of his Division.
- iii. The Panel sympathized with the Petitioner for his erroneous action, as the law does not operate based on emotions, sentiments and negligence.
- iv. The Panel notes that ignorance of the law is not an excuse.

### D4. THE PANEL'S VERDICT

The Panel **UPHOLDS** the decision of the Election Committee on the ground that the Petitioner failed to completely fill his nomination form, which is a clear violation of the requirements provided on the Nomination Form.

### E. PETITION FROM ENGR. ADEMOLA ISAAC AGORO, FNSE

Engr. Agoro's petition was dated 4<sup>th</sup> September 2021, challenging his disqualification to contest for the post of Vice President representing the South-West Zone in the 2021 election into the 2022 Executive Committee of the Nigerian Society of Engineers based on the provisions of Article 18 (9) of the MemArt (revised February 2021).

### E1. PETITIONER'S ARGUMENTS WERE THAT

- i. He was conferred with the distinguished Fellowship Grade of the Society on 30<sup>th</sup> August 2018, which invariably meant that his Fellowship of the Society would meet the statutory requirement for a candidate of three (3) years on 30<sup>th</sup> August 2021.
- ii. As at when he submitted his application, he was an **aspirant** to the position of Vice President and will be a **candidate** upon due clearance by the Election Committee.
- iii. The provision of the MemArt contained in Article 18 (9) becomes applicable upon being cleared as a **candidate** for the elections, and as at the date of clearance, he was qualified and properly a Fellow of the Society for three (3) years.
- iv. The applicable date for his candidature to be considered was 31<sup>st</sup> August to 1<sup>st</sup> September 2021, as contained in the Election Time Table, and hence, he completed and signed the nomination form in good faith being factually aware that his Fellowship of the Society will be three (3) years as at the relevant date of approval.





## CONSIDERATION OF THE PETITIONS & THE PANEL'S VERDICT

### E2. PETITIONER'S PRAYER

- i. Requested the Panel to overturn the decision of the Election Committee and declare him a candidate for the Post of Vice President, South-West in the 2021 Elections of the Society.

### E3. THE PANEL'S DETERMINATION

- i. The Panel took cognizance of the provision of Article 18 (9) of the MemArt, which provides that:

***“Candidates for the Post of Vice Presidents should have been Corporate Members of the Society for at least 10 years, and Fellow for at least 3 years, who are Nigerians, and whose subscriptions are not in arrears”.***

- ii. The Panel observed that as at the date of screening, the aspirant was qualified to stand for election going by the date of his conferment as a Fellow of the Society, which was on 30<sup>th</sup> August 2018, being three (3) years and one day as a Fellow.
- iii. Based on the above provision of the MemArt, the Panel submits that the Petitioner having being a Fellow of the Society for three years as at 31<sup>st</sup> August, 2021, is qualified to be a Candidate, if he has satisfied other provisions of the MemArt and the NSE Electoral Guidelines.

### E4. THE PANEL'S VERDICT

The Panel considered the Petitioner qualified to contest the 2021 election into the 2022 Executive Committee for the Post of Vice President, and **UPTURNS** the decision of the Election Committee disqualifying the Petitioner from contesting the 2021 election into the 2022 Executive Committee.

The Panel therefore clears the Petitioner to contest the 2021 election into the 2022 National Executive Committee.

### F. PETITIONS RECEIVED FROM:

1. Engr. Musa Dauda, FNSE
2. Engr. Dr. Olumide Moses Ogundipe, FNSE
3. Engr. Benjamin Ozobeme, MNSE
4. Engr. Bulus Abegye, MNSE (Not an Aspirant/Candidate, but a Concerned Member)

The petitions received from the four petitioners listed above were consolidated by the Panel and taken together, noting that the facts of the petitions all centered on the decisions of the Election Committee relying on the provisions of ***Article 18 (15) of the Memorandum and Articles of Association of the Society (revised February, 2021), Article 5.1 (10) of the Branch Bye Law, Chapter 4, 4.1 of the Harmonized Operational Guidelines for Divisions, and the Memorandum and Articles of Association of the Nigerian Institution of Civil Engineers (NICE).***





## CONSIDERATION OF THE PETITIONS & THE PANEL'S VERDICT

### F1. THE ARGUMENTS OF THE FOUR PETITIONERS ARE SUMMARIZED BELOW:

#### F1-a PETITION FROM ENGR. MUSA DAUDA, FNSE

Engr. Dauda's petition was dated 6<sup>th</sup> September 2021, challenging his disqualification to contest for the post of Executive Committee Member representing the North-Central Zone in the 2021 election to elect officers into the 2022 National Executive Committee of the Nigerian Society of Engineers.

#### F1-aa THE PETITIONER'S ARGUMENTS WERE THAT

- i. The reason for his disqualification contravenes the provision of Article 18 (15) of the MenArt. He stated that the rule should be applied to all the contestants for the positions listed in Article 16 (1) (c) and (d) of the MemArt, rather than selected candidates, in order to have free and fair judgment.
- ii. The Screening Committee was selective in their judgment as some aspirants who are currently serving in the Executive Committee as Immediate Past National Chairman (IPNC) of a Division and Immediate Past Chairmen of Branches (IPC) were cleared to contest the election, while he was disqualified on the basis of the same provision of Article 18 (15) of the MenArt, citing the names of **Engr. Chinasaokwu Innocent Okolie, FNSE, and Engr. Aishatu Aliyu Umar, FNSE** who were cleared to contest for the post of Vice Presidents from the South-East and North-East Zones respectively.

#### F1-ab THE PETITIONER'S PRAYER

- i. If the above listed candidates were cleared to contest for the election, then there was no basis for his disqualification from contesting the 2021 election into the 2022 Executive Committee of NSE.
- ii. He called on the Panel for redress over his disqualification from contesting the election.
- iii. Urged the Panel to critically look into the oversight of the Election Committee and ensure that same rules apply to all aspirants across board; to disqualify all IPNC and IPC of Divisions/Branches or clear all the aspirants to contest for the forthcoming election in the interest of fairness to all.

#### F1-b PETITION FROM ENGR. DR OLUMIDE MOSES OGUNDIPE, FNSE

Engr. Ogundipe's petition was dated 3<sup>rd</sup> September 2021, challenging his disqualification to contest for the post of Executive Committee Member representing the South-West Zone in the 2021 election to elect officers into the 2022 National Executive Committee of the Nigerian Society of Engineers.

#### F1-ba THE PETITIONER'S ARGUMENTS WERE THAT

- i. Article 18 (15) of the MemArt was wrongly interpreted by the Election Committee, as it was not an eligibility condition to contest election, rather, it meant that an elected/serving Vice President and Elected/Serving Member cannot serve in the Executive Committee of the Branch or Division.



## CONSIDERATION OF THE PETITIONS & THE PANEL'S VERDICT

- ii. The Immediate Past Chairman of a Branch is not an elected member of the Executive Committee of the Branch, (citing Article 5.1 (10) of the Branch Bye Laws), but on the Committee playing advisory role as an Ex-officio, hence, the interpretation of Article 18 (15) of the MemArt is that an elected Vice President or elected Member who is Immediate Past Chairman of a Branch will relinquish the role (Ex-officio) at the Branch or Division, as the MemArt supersedes the Bye Laws.
- iii. Two of the candidates for the position of Vice President: **Engr. OKOLIE Chinasaokwu Innocent, FNSE** (South-East) and **Engr. UMAR Ashitu Aliyu, FNSE** (North-East) should have been disqualified erroneously too, as they are Immediate Past Chairmen of Abuja Branch and Nigerian Institution of Civil Engineers respectively, and are on the Executive Committee of their Branch and Division.

### F1-bb THE PETITIONER'S PRAYER

- i. That the decision of the Election Committee to disqualify him from participating in the 2021 be reversed, noting that the MemArt of our great Society supersedes the Branch Bye Laws and Resolutions of Council.


### F1-c PETITION FROM ENGR. BENJAMIN UCHEBIKE OZOBEME, MNSE

Engr. Ozobeme's petition was dated 5<sup>th</sup> September 2021, challenging his disqualification to contest for the post of Executive Committee Member representing the South-South Zone in the 2021 election to elect officers into the 2022 Executive Committee of the Nigerian Society of Engineers.

### F1-ca. THE PETITIONER'S ARGUMENTS WERE THAT

- i. Article 18 (15) of the MemArt and the 2021 NSE Electoral Guidelines make him eligible to contest, but when elected, he will have to relinquish the EXCO position at his Warri Branch.
- ii. His role as Immediate Past Chairman is partly advisory and supportive.
- iii. Where there is clash in activities, the national activity takes priority, which is partly what Article 18 (15) refers to.
- iv. There are some serving Executive Committee Members who for the past two years or three years have played dual roles in the Executive Committee of NSE and in their Divisions/Branches, but were not disqualified.

### F1-cb. THE PETITIONER'S PRAYERS

- i. That he should be given the chance to compete like others who fall in the same category with him, but were cleared for this election and also cleared in the past.
  - ii. If he was disqualified, then those who had faulted on this ground (serving in the NSE EXCO and Branch/Division EXCO) in the past should have their services to NSE considered null and void and erased from the history of those who have served in those positions.
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## CONSIDERATION OF THE PETITIONS & THE PANEL'S VERDICT

### F1-d PETITION FROM ENGR. BULUS ABEGYE, MNSE

Engr. Abegye's petition was dated 4<sup>th</sup> September 2021, challenging the clearance of **Engr. Aishatu Aliyu Umar, FNSE** to contest for the post of Vice President, representing the North-East Zone in the 2021 election into the 2022 Executive Committee of the Nigerian Society of Engineers. He also sent an addendum dated 5<sup>th</sup> September 2021.

The Panel noted that the Petitioner who is not an Aspirant/Candidate to any post is a Financial Member of the Nigerian Society of Engineers, and therefore, has the right and privilege to lodge any complaints.

### F1-da PETITIONER'S ARGUMENTS WERE THAT

- i. The candidate, **Engr. Aishatu Aliyu Umar, FNSE**, is a serving Executive Committee Member of the Nigerian Institution of Civil Engineers (NICE), as the Immediate Past National Chairman.
- ii. He attached copies of year 2020 NICE Annual Report of Council and MemArt.
- iii. The attached documents showed that the candidate's clearance to contest for the 2021 election **contravenes** Article 18 (15) of the NSE MemArt.

### F1-db PETITIONER'S PRAYER

- i. He prayed the Panel to consider his petition for necessary action.

## F2. THE PANEL'S DETERMINATION ON THE CONSOLIDATED PETITIONS

- i. The Panel in considering the consolidated petitions, took cognizance of the provisions of Articles 18 (15) and 16 (1) (c) and (d) of the Memorandum and Articles of Association of the Society, (revised February 2021). The Panel also took note of the provisions of Article 5.1 (10) of the Branch Bye Laws, Chapter 4, 4.1 of the Harmonized Operational Guidelines for Divisions, and Article 20.1 (b) of the Memorandum and Articles of Association of the Nigerian Institution of Civil Engineers.

For the purpose of emphasis, we have reproduced the said provisions:

### Article 18 (15) of the NSE MemArt (revised February 2021)

*"Executive Members referred to in Article 16 (1) (c) and (d) shall not be eligible to serve in the Executive Committee of their various Divisions and Branches during their tenure as National Executive Members".*

### Article 16 (1) (c) and (d)

*"There shall be an Executive Committee (EXCO) of the Society, responsible to Council, which shall have responsibility for over-seeing the management and administration of the Society affairs and shall consist of":*

- (c) The six Vice Presidents
- (d) The six Elected Members





## CONSIDERATION OF THE PETITIONS & THE PANEL'S VERDICT

### Article 5.1 (10) of the Branch Bye Laws

*"The Branch Executive Committee shall consist of all elected member, the Immediate Past Chairman and all Chairman of Divisions Chapters within the Branch. Audit Committee shall not be members of the EXCO. The Executive Arms of the Branch is the main ruling and shall comprise the following Officers subject to review by the Council of NSE".*

*(10) Two (2) Ex-Officio Members one of which must be Immediate Past Chairman.*

### Article 20.1 (b) of the Memorandum and Articles of Association of the Nigerian Institution of Civil Engineers.

*"There shall be an Executive Council of the Institution (in these Articles referred to as the Council), which shall be the governing body of the Institution and shall consist of corporate members and compose":*

#### *(b) The Immediate Past National Chairman*

- ii. The Panel having carefully considered the above provisions noted that:
  1. The provision of Article 18 (15) of the NSE MemArt talks of eligibility **to serve** and not eligibility **to contest**.
  2. The provision of Article 5.1 (10) of the Branch Bye Laws makes it a **Must** for the Immediate Past Chairman to be a member (Ex-officio) of the Executive Committee of the Branch.
  3. The provision of Article 20.1 (b) of the NICE MemArt makes the Immediate National Chairman as a member of the Executive Committee.
- iii. The Panel further noted that though the provision of the NSE MemArt in Article 18 (15) does not prevent candidates for the post of Vice Presidents and Executive Committee Members from **contesting election**, it does however prevent them to **serve** at the Division/Branch and National level at the same time. It also took cognizance of the fact that the Branch Bye Laws in Article 5.1 (10) makes it a **Must** for the Immediate Past Chairman to be an Ex-Officio of the Branch Executive Committee, while Article 20.1 (b) of the NICE MemArt makes the Immediate Past National Chairman a **member** of the Executive Council, which is the governing body.

### F.3 THE PANEL'S VERDICT

- i. From the above, the Panel concludes that, **since the provision of Article 18 (15) does not prevent candidates from contesting election, Immediate Past Chairmen of Branches and Divisions whose tenure as Ex-Officio will elapse on or before 31 December 2021, can contest the 2021 election into the 2022 National Executive Committee, while those whose tenure will exceed 31 December 2021 are not qualified to contest the election.**





## CONSIDERATION OF THE PETITIONS & THE PANEL'S VERDICT

ii. The Panel found that:

1. **Engr. Musa Dauda, FNSE**, shall serve as IPC till 18<sup>th</sup> August, 2022, and hence, not eligible to contest the 2021 election into the 2022 National Executive Committee.
2. **Engr. Dr. Olumide Moses Ogundipe, FNSE** shall serve as IPC till 27<sup>th</sup> August, 2022, and hence, not eligible to contest the election into the 2022 National Executive Committee.
3. **Engr. Benjamin Uchebike Ozobeme, MNSE**, shall serve till 31<sup>st</sup> August 2022, and hence, not eligible to contest the election into the 2022 National Executive Committee.

### G. PETITIONS AGAINST THE FOLLOWING CLEARED CANDIDATES

1. Engr. Aishatu Aliyu Umar, FNSE
2. Engr. Chinasakwu Innocent Okolie, FNSE
3. Engr. Rose Madaki, FNSE

### G1. PETITIONER'S ARGUMENTS WERE THAT

- i. The above named Candidates were erroneously cleared by the Election Committee, even though they are currently serving as IPCN/IPC at their respective Division/Branches, thereby contravening Article 18 (15) of the NSE MemArt, Article 5.1 (10) of the Branch Bye Laws, Chapter 4, 4.1 of the Harmonized Operational Guidelines for NSE Divisions and Article 20.1 (b) of the NICE MemArt.

For the purpose of emphasis, we again reproduce the above-mentioned provisions:

#### Article 18 (15) of the NSE MemArt (revised February 2021)

*“Executive Members referred to in Article 16 (1) (c) and (d) shall not be eligible to serve in the Executive Committee of their various Divisions and Branches during their tenure as National Executive Members”.*

#### Article 5.1 (10) of the Branch Bye Laws

*“The Branch Executive Committee shall consist of all elected member, the Immediate Past Chairman and all Chairman of Divisions Chapters within the Branch. Audit Committee shall not be members of the EXCO. The Executive Arms of the Branch is the main ruling and shall comprise the following Officers subject to review by the Council of NSE”.*

*(10) Two (2) Ex-Officio Members one of which must be Immediate Past Chairman.*

#### Article 20.1 (b) of the Memorandum and Articles of Association of the Nigerian Institution of Civil Engineers.



## CONSIDERATION OF THE PETITIONS & THE PANEL'S VERDICT

*“There shall be an Executive Council of the Institution (in these Articles referred to as the Council), which shall be the governing body of the Institution and shall consist of corporate members and compose”:*

*(b) The Immediate Past National Chairman*

### G2. PETITIONERS' PRAYERS

The Petitioners prayed that the above-named persons be disqualified from contesting the election, or those that have been disqualified from contesting on the same provisions be allowed to contest for the sake of fairness.

### G3. THE PANEL'S DETERMINATION

The Panel took cognizance of the conclusions drawn from the consolidated petitions on the same subject matter and noted that these three candidates cleared by the Election Committee were serving on the Executive Committee of their respective Branches/Divisions as IPC/IPNC.

### G4. THE PANEL'S VERDICT

The Panel found that:

1. The tenure of Engr. Aishatu Aliyu Umar, FNSE, as IPNC will expire on 31<sup>st</sup> of December 2022, and therefore, not eligible to contest the 2021 election into the 2022 National Executive Committee.
2. The tenure Engr. Chinasaokwu Innocent Okolie, FNSE as IPC Abuja Branch will expire on 31<sup>st</sup> August 2022, and therefore, not eligible to contest the 2021 election into the 2022 National Executive Committee.
3. The tenure of Engr. Rose Madaki, FNSE, as IPC, Victoria Island Branch expired on 31<sup>st</sup> August 2021, and therefore, is eligible to contest the 2021 election into the 2022 National Executive Committee.

### H. PETITION FROM ENGR. HON. SIR. SAM ECHEDOM, FNSE

Engr. Hon. Sir. Echedom's petition was dated 4<sup>th</sup> September 2021, challenging his non-inclusion in the list of candidates that were screened to contest the 2021 election into the 2022 National Executive Committee as an Executive Committee Member.

#### H.1 PETITIONER'S ARGUMENTS WERE THAT:

- i. He submitted his nomination form on 16 August 2021, which was before the deadline for the submission of Nomination Form. However, his Nomination Form was not considered for screening.

#### H2. PETITIONER'S PRAYER

- i. Appealed to the Panel to review his appeal for him to contest the 2021 election into the 2022 National Executive Committee. 



## CONSIDERATION OF THE PETITIONS & THE PANEL'S VERDICT

### H.3 THE PANEL'S DETERMINATION

- i. It was established that the Petitioner submitted his Nomination Form on 16<sup>th</sup> August, 2021, before the deadline of 17<sup>th</sup> August 2021, but went into the junk box of the Executive Secretary's email.
- ii. The Panel observed that the petition was not properly before the Panel on the basis that it did not emanate from the appeals, which arose from the decisions of the Election Committee.

### H.4 THE PANEL'S VERDICT

- i. The Panel recommends that the Secretariat should forward the Nomination Form of the Petitioner to the Election Committee for screening and necessary action.

### GENERAL RECOMMENDATIONS ON ELECTION MATTERS

1. Aspirants are to note that election to positions is purely service to the Nigerian Society of Engineers.
2. Aspirants should adequately avail themselves of the provisions of the NSE MemArt, the Bye Laws of the Branches/Divisions, as well as the requirements listed in the Nomination Form, and abide by the rules set out in them to avoid disqualification from contesting.
3. The Election Nomination Form should be further streamlined to capture election provisions in the MemArt and the Branch/Division Bye Laws.

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