

**IN THE FEDERAL HIGH COURT OF NIGERIA  
HOLDEN IN LAGOS**

**SUIT NO. FHC/L/CS/1254/18**

**IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW BY  
INCORPORATED TRUSTEES OF LAWS AND RIGHTS AWARENESS  
INITIATIVE**

**BETWEEN:**

**INCORPORATED TRUSTEES OF  
LAWS AND RIGHTS AWARENESS INITIATIVE - APPLICANT**

**AND**

**NATIONAL PENSION COMMISSION - RESPONDENT**

**ORIGINATING MOTION**

**BROUGHT PURSUANT TO SECTIONS 1, 2, AND 20 OF THE FREEDOM  
OF INFORMATION ACT 2011 AND UNDER THE INHERENT  
JURISDICTION OF THIS HONOURABLE COURT**

**TAKE NOTICE** that this honourable Court will be moved on the  
..... day of ..... 2018 as Counsel may be heard on  
behalf of the Applicant for the following orders:

1. **A DECLARATION** that the failure and/or refusal of the Respondent to disclose or make available to the Applicant the information requested by the Applicant in letter dated 5<sup>th</sup> July 2018 amounts to a violation of the Applicant's right of access to information as guaranteed by Section 1(1), & 4 of the Freedom of Information Act, 2011.
2. **A DECLARATION** that the failure and/or refusal of the Respondent to disclose or make available to the Applicant the information requested by the Applicant in letter dated 5<sup>th</sup> July 2018 amounts to wrongful denial of access to information under section 7(5) of the Freedom of Information Act, 2011.
3. **AN ORDER OF MANDAMUS** compelling the Respondent to disclose or make the following available to the Applicant:
  - i. The sum total of the entire pension funds and assets in the custody of the Pension Funds Custodians as at the 30<sup>th</sup> day of June 2018;

- ii. Information on investments strategy, market returns and other performance indicators as provided to Respondent by all the Pension Funds Administrators at 30<sup>th</sup> day June 2018 under section 55(d) of the Pension Reform Act 2014.
- iii. Statistical analysis on the investments and returns on investment with respect to pension funds in the custody of the Pension Funds Custodians as at 30<sup>th</sup> day of June 2018 under section 57 (f) of the pension Reform Act 2014.

4. **AND FOR SUCH CONSEQUENTIAL ORDER (S)** as this Honourable Court may deem fit to make in the circumstance.

#### **Grounds of application**

1. The Applicant is a non-governmental organization registered under the Companies and Allied Matters Act with the mission of promoting Nigerian laws and citizens' rights.
2. The Respondent is a public institution under the Freedom of Information Act.
3. The Applicant wrote a letter dated 5<sup>th</sup> day of July 2018 to the Respondent requesting for information under the Freedom of Information Act.
4. The Respondent received the letter on the 6<sup>th</sup> day of July 2018 but refused to provide the information requested.
5. The Respondent did not provide the information as stated on the Applicant's letter.
6. The Respondent is deemed to have denied the Applicant's request under the Freedom of Information Act.
7. The honourable court is seised with the requisite jurisdiction to review the Respondents' illegal acts or omissions.

Dated this 8<sup>th</sup> day of October 2018.

**O. E. Emehige, Esq.**

Applicant's Counsel  
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- ii. Information on investments strategy, market returns and other performance indicators as provided to Respondent by all the Pension Funds Administrators at 30<sup>th</sup> day June 2018 under section 55(d) of the Pension Reform Act 2014.
- iii. Statistical analysis on the investments and returns on investment with respect to pension funds in the custody of the Pension Funds Custodians as at 30<sup>th</sup> day of June 2018 under section 57 (f) of the pension Reform Act 2014.

4. **AND FOR SUCH CONSEQUENTIAL ORDER (S)** as this Honourable Court may deem fit to make in the circumstance.

**Grounds of application**

1. The Applicant is a non-governmental organization registered under the Companies and Allied Matters Act with the mission of promoting Nigerian laws and citizens' rights.
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4. The Respondent received the letter on the 6<sup>th</sup> day of July 2018 but refused to provide the information requested.
5. The Respondent did not provide the information as stated on the Applicant's letter.
6. The Respondent is deemed to have denied the Applicant's request under the Freedom of Information Act.
7. The honourable court is seised with the requisite jurisdiction to review the Respondents' illegal acts or omissions.

Dated this 8<sup>th</sup> day of October 2018.

**O. E. Emehige, Esq.**

Applicant's Counsel  
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**INITIATIVE**

**BETWEEN:**

**INCORPORATED TRUSTEES OF**  
**LAWS AND RIGHTS AWARENESS INITIATIVE - APPLICANT**

**AND**

**NATIONAL PENSION COMMISSION - RESPONDENT**

**AFFIDAVIT IN SUPPORT**

I, **DANIEL J. DANIEL** Male, Adult, Nigerian citizen of 49, Lawson Street, Lagos-Island, Lagos do hereby make oath and state as follows:

1. That I am the Applicant's litigation officer and therefore very conversant with the facts leading to this deposition.
2. That I have the consent authority of the Applicant to depose to this affidavit.
3. That the facts deposed to herein are facts within my personal knowledge except otherwise stated.
4. The Applicant is a non-governmental organization registered under the Companies and Allied Matters Act with the mission of promoting Nigerian laws and citizens' rights. Pleaded and marked "Exhibit 1" is the certificate of incorporation.
5. The Respondent is a public institution under the Freedom of Information Act.
6. The Applicant wrote a letter dated 5<sup>th</sup> July 2018 to the Respondent requesting for information under the Freedom of Information Act. Pleaded and marked Exhibits 2 is the letter.
7. The Respondent received the letter on the 6<sup>th</sup> day of July 2018 but refused to provide the information requested.
8. That I believe the Respondent is deemed to have denied the Applicant's request under the Freedom of Information Act.
9. That I believe the honourable court is seised with the requisite jurisdiction to review the Respondents' illegal acts or omissions.

10. That this application be granted in the interest of justice.

11. That I depose to this affidavit in good faith, believing same to be true and in accordance with the Oaths Act.

  
**DEPONENT**

Sworn to at the Federal High Court Registry,  
This 9<sup>th</sup> day of October 2018

**BEFORE ME**

*Original Signature*  
M. J. PILLAYARI (MRS)  
**COMMISSIONER FOR OATHS**

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**NATIONAL PENSION COMMISSION - RESPONDENT**

**WRITTEN ADDRESS**

**INTRODUCTION**

1. This written address is in support of the application before this Honourable Court filed by the Applicant pursuant to Section 1, 2, & 20 of the Freedom of Information Act 2011.
2. The Applicant seeks the reliefs stated on the Motion paper, which are supported by an affidavit therein. The Applicant seeks to adopt all the depositions contained therein.

**BACKGROUND FACTS**

3. The facts to be relied on by the Applicant are as contained in the affidavit. We urge your lordship to adopt same as our depositions.

**ISSUES FOR DETERMINATION**

4. My Lord, we respectfully submit that the sole issue for the determination is:

Whether on the materials placed before the Court, the Applicant has made out a case to be entitled for the reliefs sought?

**SUBMISSION**

5. My Lord, judicial review is regulated by Order 34 of the civil procedure rules of this honourable court and from the facts contained in the affidavit in support, we respectfully submit that the Applicant has placed