

Industrial Court and within the general jurisdiction of the State High Court.

In conclusion therefore, the jurisdictional question in cases of defamation alleged to arise in an employment context must be resolved upon a careful examination of the pleadings to ascertain the true nature of the dispute. Where, upon such examination, the cause of action is found to be fundamentally rooted in employment within the purview of section 254C of the Constitution, jurisdiction lies with the National Industrial Court. Where it is not, jurisdiction lies with the State High Court.

In the final analysis, and in answer to Question Two, I hold that a claim for termination of employment constitutes a principal claim. Where such a claim is properly before the National Industrial Court, any ancillary claim for defamation arising from or connected with the termination may validly fall within its jurisdiction. However, in the present case, no claim relating to the termination of employment was brought before the Lagos State High Court. Consequently, the National Industrial Court lacked the vires to entertain the allegation of defamation said to have been committed by the former employee and her spouse. Question Two is accordingly answered in the negative.

Flowing from the foregoing, Question Three is answered in the affirmative.

From the foregoing therefore, my firm conclusion as captured in the judgment is as follows:

Question 1. Whether, by virtue of Section 254(c) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), the jurisdiction of the High Court of Lagos State is affected or excluded in respect of a claim in defamation arising from, relating to, or connected with labour and employment.

ANSWER - NO.

Question 2. Whether, having regard to Section 254C of the Constitution, the mere termination of an employment relationship is sufficient to vest the High Court of Lagos State with jurisdiction to entertain a claim in defamation arising from or connected with labour and employment.

ANSWER - NO.

Question 3. Whether an alleged defamatory publication emanating from an employee's work relationship, but made by a person who is not an employee, can properly be entertained by the High Court of Lagos State, having regard to Section 254C of the Constitution of the

Federal Republic of Nigeria, 1999 (as amended).

ANSWER – YES.

Before concluding this judgment, I place on record my appreciation to learned *amici curiae*, Messrs. Abimbola Akeredolu, SAN; Dr. Oladapo Olanipekun, SAN; Inam Wilson, SAN; Professor Emmanuel A. Kenen, Esq; and their respective teams of counsel, for their industry and the quality of the submissions placed before this Court. Their contributions have been of considerable and immense assistance to the Court in the just determination of the issues arising in this matter.

The parties are to bear their respective costs.


STEPHEN JONAH ADAH
JUSTICE, SUPREME COURT

COUNSEL:

Olajide Salami, Esq., with T.A. Bamisaye, Esq., Emeka Ananyi, Esq., and Adedeji O., Esq., **for the Appellants.**

Olabisi Mankonjuola, Esq., with Daniel Peter, Esq., Obed Soludo, Esq., and Omony E. Esq., **for the 1st – 3rd Respondents.**

Mustapha D. Ajenifuja, Esq., with Idris Ishola, Esq., O. Muritala, Esq., and Ibrahim Abubakar, Esq., **for the 4th Respondent.**

AMICI CURIAE:

Abimbola Akeredolu, SAN, with Johap Agbo, Esq., and Samson Obiora, Esq., **as Amicus.**

Dr. Oladapo Olanipekun, SAN, with Michael Akinleye, Esq., Chika Ikeh, Esq., and Ebube A., Esq., **as Amicus.**

Inam Wilson, SAN, with I. Adekunle, Esq., and I.O. Uwaifo, Esq., **as Amicus.**

Prof. Emmanuel A. Kenen, Esq., with Dr. Matthew Afonko, Esq., **as Amicus.**

IN THE SUPREME COURT OF NIGERIA
HOLDEN AT ABUJA
ON FRIDAY THE 20TH DAY OF FEBRUARY 2026
BEFORE THEIR LORDSHIPS

KUDIRAT MOTONMORI OLATOKUNBO KEKERE-EKUN
JOHN INYANG OKORO
HELEN MORONKEJI OGUNMUMIJI
ADAMU JAURO
HANNATU JUMMAL SANKEY
FESTUS OBANDE OGBUJNYA
STEPHEN JONAH ADAM

CHIEF JUSTICE OF NIGERIA
JUSTICE, SUPREME COURT
JUSTICE, SUPREME COURT
JUSTICE, SUPREME COURT
JUSTICE, SUPREME COURT
JUSTICE, SUPREME COURT
JUSTICE, SUPREME COURT
SC/CV/899/2025

BETWEEN

1. EMMANUEL ELEGBE
2. LOLU ELEGBE

APPELLANTS

AND

1. HP INTERNATIONAL SCHOOLS LTD
2. KEMI BALOGUN
3. LINDA ADEYEMI-MASTRUP
4. IYEFÉ OLUDOYI

RESPONDENTS

JUDGMENT
(DELIVERED BY KUDIRAT MOTONMORI
OLATOKUNBO KEKERE-EKUN, CJN)

This is a constitutional reference of a case stated from the Court of Appeal to this court pursuant to Section 295(3) of the Constitution of the Federal Republic of Nigeria 1999;

Hon. Justice K.M.O. Kekere-Ekun, CJN

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as amended, (hereafter referred to as the Constitution) which provides thus:

"Where any question as to the interpretation of application of this Constitution arises in any proceedings in the Court of Appeal and the court is of the opinion that the question involves a substantial question of law, the court may, and shall if any party to the proceedings so requests, refer the question to the Supreme Court, which shall give its decision upon the question and give such directions to the Court of Appeal as it deems appropriate."

The requirement for a reference to the Supreme Court is that the question must raise a substantial question of law and must have arisen from proceedings before the Court of Appeal. The question of law must also relate to the interpretation or application of the Constitution. In other words, a substantial issue of law without more will not suffice to warrant a reference to this court. The substantial issue of law must relate to the interpretation of the Constitution. See: **Justice F.O.M. Atake Vs Chief Nelson Asigboro Afejuku (1994) 9 NWLR (Pt. 368); (1994)**

Hon. Justice K. M. O. Adesina, CJN

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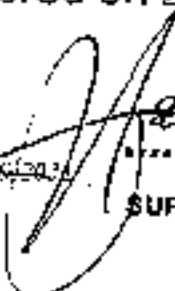
LPELR - 585 (SC) @ 17 - 18 G - E; Gamioha Vs Ezezi
II (1961) 2 SCCLR 237.

It is also settled that the court to which the substantial question of law is referred will apply the facts of the case which are usually undisputed to their interpretation of the Constitution. See: The Miscellaneous Offences Tribunal & Anor. Vs Okoroafor & Anor. (2001) LPELR - 3190 (SC) @ 69 - 70 E - E.

The facts that gave rise to the dispute before the High Court of Lagos State are uncontroverted. The 1st appellant was employed as the Head of School of the 1st Respondent while the 2nd appellant is her husband. Their children attended the 1st Respondent's school. The 2nd - 4th Respondents are members of the Board of Directors of the 1st appellant. The employment relationship between the 1st appellant and the 1st respondent deteriorated irretrievably. The 1st appellant eventually resigned her appointment. The 1st respondent, in a letter sent to parents to inform them of the resignation alleged that she hurriedly resigned as a

result of an ongoing investigation. The 1st appellant was aggrieved by what she considered to be a damaging insinuation against her character and proceeded to send an email to the parents explaining the circumstances of her resignation. The 2nd appellant being a parent, responded to inquiries from other parents via a WhatsApp message. The respondents equally felt aggrieved by the content of the email and WhatsApp message.

The respondents instituted an action before the High Court of Lagos State seeking among other reliefs, a declaration that the 1st appellant's letter (shared via email) and the 2nd appellant's WhatsApp message were defamatory. Upon being served, the appellants challenged the jurisdiction of the trial court on the ground that the entirety of the respondent's claim was rooted in and inseparable from the 1st appellant's employment relationship with the 1st respondent and therefore fell exclusively within the purview of Section 254C (1) of the Constitution. In its ruling delivered on 24th September 2024,


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the High Court dismissed the objection and assumed jurisdiction.

The appellants were dissatisfied with the ruling and appealed to the lower court. The lower court found itself in a quandary, as its attention was drawn to decisions of various Divisions of the Court in no less than 13 appeals on the issue as to whether the National Industrial Court (NIC) had jurisdiction to try the tort of defamation. In the following decisions: Akpan Vs UNICAL (2016) LPELR – 41242 (CA); Ecobank Nig. Ltd Vs Osu (2020) (unreported) CA/L/963/2016 delivered on 24/2/2020; Olushola & Anor Vs Andrew (2021) LPELR – 5601 (CA); Olushola & Anor. Vs Yakubu (2021) LPELR – 56015 (CA); Olushola & Anor. Vs Saliu (2021) LPELR – 56027 (CA); UBA & Ors. Vs Oladejo (2021) LPELR – 55320 (CA) and Ecobank Nig Ltd & Ors. Vs Idris (2021) LPELR – 52806 (CA), the court adopted a restrictive approach and held that being a court of limited jurisdiction, the National Industrial Court

Miss Justice R.M.O. Fajana-Elgija CJN

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lacked jurisdiction to entertain a claim in tort. It held that the tort of defamation stands on its own.

In the second line of decisions in: **(i) MHWUN Vs Ehigiegba (2018) LPELR – 44972 (CA); (ii) Nwagbo & Ors. Vs National Intelligence Agency (NIA) (2018) LPELR – 4620 (CA); (iii) Nassarawa State Specialist Hospital Management Board & Ors. Vs Mohammed (2018) LPERL – 44551 (CA) (iv) Omani Vs NSA (2021) 10 NWLR (Pt. 1783) 55; (v) CA/C/07/2016: and Okoro Vs Ecobank Nig. Ltd** (unreported) delivered on 16/7/21, the court adopted a liberal approach of interpretation and held that any claim factually arising from or connected to the workplace falls within the jurisdiction of the NIC, irrespective of its tortious or contractual character.

In view of these conflicting decisions, the appellant invoked Section 295(3) of the Constitution and applied to the lower court to refer the substantial question of law to this court in order to lay the controversy to rest and for the

Hon. Justice KMO Kehinde-Duro, CJN

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guidance of the courts. The lower court granted the application.

The questions submitted for determination are:

- (1) *Whether the jurisdiction of the High Court of Lagos State is impacted and excluded by Section 254C of the Constitution of the Federal Republic of Nigeria 1999 (as amended) in respect of a claim in defamation in circumstances related or connected with labour and employment.*
- (2) *Having regard to Section 254C of the Constitution, whether the termination of an employment relationship simpliciter will vest the High Court of Lagos State with the jurisdiction to entertain a claim in defamation in circumstances related or connected with labour and employment.*
- (3) *Whether a purportedly defamatory material arising from an employee's work relationship but made by non-employee can be countenanced by the High Court of Lagos State having regard to Section 254(c) of the Constitution.*

The respective parties duly filed their briefs of argument before this court. Four *amici curae* were also invited by the court to submit briefs of argument. The four *amici* are: Abimbola Akeredolu, SAN, Dr. Oladapo Olanipekun, SAN, Inam Wilson, SAN and Prof. Emmanuel Ayangarumun Kenen.

Hon. Justice K.M.O. Adesanya, CJN

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The appellants maintained their position that the High Court lacked jurisdiction to entertain the claim. Their contentions found support with Dr. Oladapo Olanipekun, SAN.

The 1st – 3rd and 4th respondents as well as Mrs. Akeredolu, SAN, Inam Wilson, SAN and Prof. Kenen were of the view that the NIC lacked jurisdiction to entertain the claim.

His Lordship, Hon. Justice Stephen Jonah Adah, JSC availed me with a copy of his lead judgment before now. I agree with the detailed reasoning and conclusion reached therein and concur with the resolution of the questions referred to this court. His Lordship has reproduced the submissions of the various learned counsel and the *amici curae in extenso*. I do not intend to repeat the exercise save where necessary in the process of adding a few words in support.

The law is quite well settled that the jurisdiction of a court is determined by the claim as endorsed on the

Hon. Justice K.M.D. Kelgus-Ekun, CJN

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Originating Process i.e. the Writ of Summons and Statement of Claim or Originating Summons and supporting affidavit. See: Tukur Vs Gov. Gongola State (1989) 4 NWLR (Pt. 117) 517; Onuorah Vs KPRC (2005) 6 NWLR (Pt. 921) 393; Inakoju Vs Adeleke (2007) 4 NWLR (Pt. 1025) 427; PDP & Anor. Vs Lawal & Anr. (2022) LPELR – 59169 (SC) @ 39 – 40 E – A.

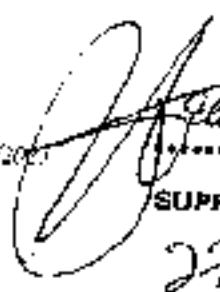
The courts are creations of the Constitution or Statutes and their jurisdiction is circumscribed by the laws that created them. See: Obiweubi Vs CBN (2011) 7 NWLR (Pt. 1247) 465; Onuorah Vs KRPC (supra); Skye Bank Vs Iwu (2017) LPELR – 4259 (SC) @ 163 – 164 G – A.

By virtue of Section 6(5) (cc) and (e) of the Constitution, the National Industrial Court and the High Court of a State are among the superior courts of record in which the judicial powers of the Federation are vested.

Section 272 (1) of the Constitution provides thus:

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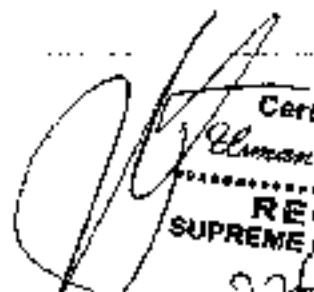
"Subject to the provisions of section 251 and other provisions of this Constitution, the High Court of a State shall have jurisdiction to hear and determine any civil proceedings in which the existence or extent of a legal right, power, duty, liability, privilege, interest, obligation or claim is in issue or to hear and determine any criminal proceedings involving or relating to any penalty, forfeiture, punishment or other liability in respect of an offence committed by any person"

Section 254C (1) (a) provides:

(1) Notwithstanding the provisions of sections 251, 257, 272 and anything contained in this Constitution and in addition to such other jurisdiction as may be conferred upon it by an Act of the National Assembly, the National Industrial Court shall have and exercise jurisdiction to the exclusion of any other court in civil causes and matters—

(a) relating to or connected with any labour, employment, trade unions, industrial relations and matters arising from workplace, the conditions of service, including health, safety, welfare of labour, employee, worker and matters incidental thereto or connected therewith;

Section 254C (1)(b) – (m) further expatiate on the jurisdiction of the NIC.


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The High Court of a State is generally described as court of unlimited jurisdiction. However, the Constitution itself places limitations on the said jurisdiction by the creation of certain courts with distinct areas of specialization. For instance, Section 251 provides for the exclusive jurisdiction of the Federal High Court in respect of matters set out in sub-paragraph (1) (a) – (s); Section 254 C provides for the jurisdiction of the National Industrial Court while Sections 275 and 280 provide for the establishment of the Sharia Court of Appeal of a State and the Customary Court of Appeal of a State respectively.

In spite of presumably clear constitutional provisions, the vexed questions as to which court has jurisdiction to entertain a particular cause or matter, continues to rear its head resulting in situations such as the instant reference where different divisions of the Court of Appeal have rendered divergent opinions. The resolution of the issue is paramount as it is well-settled that where a court acts without jurisdiction, the entire proceedings and any

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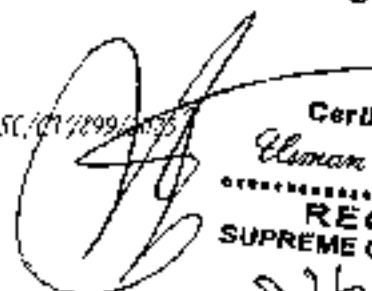
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decision reached therein will amount to a nullity. See: **Madukolu Vs Nkemdilim (1962) SCNLR 341; APGA & Anor. Vs Oye & Ors. (2024) LPELR – 63086(SC); SPDC (Nig) Ltd Vs Isaiah & Ors. (2001) LPELR – 3205(SC).**

It is pertinent to state that the rules that guide the interpretation of statutes are not the same as the rules that guide the interpretation of the Constitution. It has been held by this court that the Constitution, being the grundnorm is *sui generis* owing to the fact that it is the supreme law of the land. In the recent decision of this court in **FRN Vs Nwanjiwa (2022) LPELR – 58066(SC) @ 64 – 67 E – D**, per Agim, JSC, it was held that the Constitution must be interpreted in line with principles suitable to its spirit and character and not necessarily according to the general rules of interpretation of statutes and documents.

The general rule of constitutional interpretation is that the court should adopt a wide and liberal approach, giving words their ordinary grammatical meaning, unless there is



something in the text or in the rest of the Constitution to indicate that a narrower interpretation will best carry out its objects and purposes. See: **Dapianlong & Ors. Vs Dariye & Anor. (2007) LPELR – 928 (SC) @ 55 – 57 D – A; A.G. Lagos State Vs Eko Hotels Ltd & Anor. (2006) LPELR – 3161 (SC) @ 86 – 87 C – A; (2006) 9 SC 46; Fawehinmi Vs IGP & Ors. (2002) LPELR – 1258 (SC) @ 11 A – E; (2002) 7 NWLR (Pt. 767) 606.**

In determining the issues submitted to this court under reference, I am of the view that a brief history of the evolution of the National Industrial Court from an inferior court into a superior court of record is relevant.

By virtue of section 19 of the Trade Dispute Decree No. 7 of 1976 Cap. 22 LFN 1990 and subsequently paragraph 20 of the Trade Disputes Act 1976, the National Industrial Court was vested with jurisdiction in relation to the *“Settlement of trade disputes, the interpretation of collective agreements and matters connected therewith.”*

Section 2 of the Act conferred exclusive jurisdiction on the court in respect of any trade dispute or any intra union dispute. The court was, at the time an inferior court established for a restricted and specialized function, as rightly observed by learned counsel to the 1st - 3rd respondents. See: Skye Bank Vs Iwu (supra). The Trade Disputes (Amendment) Decree No. 47 of 1992 retained the exclusive jurisdiction of the court to hear and determine trade disputes. In Udoh Vs OHMB (1993) 7 NWLR (Pt. 304) 139 @ 148 A - B, the Supreme Court held that the exclusive jurisdiction of the National Industrial Court is to hear and entertain trade disputes, whether inter or intra union disputes. The jurisdiction of the court was somewhat enhanced by Section 7 of the National Industrial Court Act 2006 but still restricted to labour and employment matters. The said Act also sought to confer on the court the status of a superior court of record.

The attempt by the National Industrial Court Act to raise the status of the court to that of a superior court of

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record was not successful. In the case of N.U.E.E Vs BPE (2010) 7 NWLR (Pt. 1194) 538, this court held that without the inclusion of the National Industrial Court as one of the courts listed in Section 6 of the Constitution, it retained its status as an inferior court. Consequently, the court was designated a superior court of record by virtue of the Constitution of the Federal Republic of Nigeria (Third Alteration) Act No. 3 of 2010.

Learned counsel for the appellants and the learned *amicus* Oladapo Olanipekun, SAN have made reference to what obtains in other jurisdictions as regards a global trend towards employment related defamation. Such examples would only be of assistance where it is not possible to determine the mind of the Legislature. This is why the history of the NIC is of considerable importance. It was never in doubt that its jurisdiction was restricted to trade union, employment and labour related disputes. The effect of the Third Alteration to the Constitution was to properly situate the NIC as a superior court of record. It was not the

Yusuf J. A. O. Fagade-Edun C.J.

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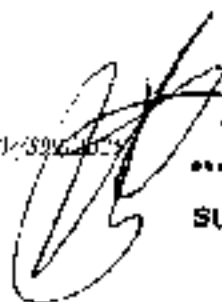
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intention of the legislature to expand its jurisdiction to include any civil wrong that can, however remotely, be related to or connected with labour, employment, industrial relations, trade unions, workplace discrimination or wages and associated rights.

At this stage it is pertinent to reproduce the entire provisions of Section 254C (1) (a) – (m) and (2) of the Constitution.

(1) Notwithstanding the provisions of sections 251, 257, 272 and anything contained in this Constitution and in addition to such other jurisdiction as may be conferred upon it by an Act of the National Assembly, the National Industrial Court shall have and exercise jurisdiction to the exclusion of any other court in civil causes and matters—

- (a) relating to or connected with any labour, employment, trade unions, industrial relations and matters arising from workplace, the conditions of service, including health, safety, welfare of labour, employee, worker and matters incidental thereto or connected therewith;*
- (b) relating to, connected with or arising from the Factories Act, Trade Disputes Act, Trade Unions Act, Labour Act, Employees' Compensation Act or any other Act or Law relating to labour, employment, industrial relations, workplace or any other enactment replacing the Acts or Laws;*
- (c) relating to or connected with the grant of any order to restraining any person or body from taking part in any strike, lock-out or any industrial action, or any conduct in contemplation or in furtherance of a strike, lock-out or any industrial action and matters connected therewith or related thereto;*




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- (d) relating to or connected with any dispute over the interpretation and application of the provisions of Chapter IV of this Constitution as it relates to any employment, labour, industrial relations, trade unionism, employer's association or any other matter which the Court has jurisdiction to hear and determine;
- (e) relating to or connected with any dispute arising from national minimum wage for the Federation or any part thereof and matters connected therewith or arising therefrom;
- (f) relating to or connected with unfair labour practice or international best practices in labour, employment and industrial relation matters;
- (g) relating to or connected with any dispute arising from discrimination or sexual harassment at workplace;
- (h) relating to, connected with or pertaining to the application or interpretation of international labour standards;
- (i) connected with or related to child labour, child abuse, human trafficking or any matter connected therewith or related thereto;
- (j) relating to the determination of any question as to the interpretation and application of any-
 - (i) collective agreement,
 - (ii) award or order made by an arbitral tribunal in respect of a trade dispute or a trade union dispute,
 - (iii) award or judgment of the Court,
 - (iv) term of settlement of any trade dispute,
 - (v) trade union dispute or employment dispute as may be recorded in a memorandum of settlement,
 - (vi) trade union constitution, the constitution of an association of employers or any association relating to employment labour, industrial relations or work place, or
 - (vii) dispute relating to or connected with any personnel matter arising from any free trade zone in the Federation or any part thereof;
- (k) relating to or connected with disputes arising from payment or non-payment of salaries, wages, pensions, gratuities, allowances, benefits and any other entitlement of any employee, worker, political or public

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office holder, judicial officer or any civil or public servant in any part of the Federation and matters incidental thereto;

(l) relating to-

(i) appeals from the decisions of the Registrar of Trade Unions, or matters relating thereto or connected therewith,

(ii) appeals from the decisions or recommendations of any administrative body or commission of enquiry, arising from or connected with employment, labour, trade unions or industrial relations, and

(iii) such other jurisdiction, civil or criminal and whether to the exclusion of any other court or not, as may be conferred upon it by an Act of the National Assembly;

(m) relating to or connected with the registration of collective agreements.

(2) Notwithstanding anything to the contrary in this Constitution, the National Industrial Court shall have the jurisdiction and power to deal with any matter connected with or pertaining to the application of any international convention, treaty or protocol of which Nigeria has ratified relating to labour, employment, workplace, industrial relations or matters connected therewith.

Learned counsel for the appellants placed considerable emphasis on the phrase "notwithstanding the provisions of Section 251, 257, 272 and anything contained in this Constitution..." and submitted that the intention of the lawmakers is to subject the individual and collective jurisdictions of the Federal High Court, High Court of the FCT and State High Courts to the jurisdiction of the National Industrial Court in so far as it pertains to civil causes and

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matters enumerated in Section 254C (1) (a) – (m) and (2) of the Constitution.

The learned *amicus*, Olabode Olanipekun, SAN is of a similar view and posits that the words "relating to" or "connected with" show a clear intention for an expansive jurisdiction.

The 1st - 3rd & 4th respondents argue that a literal interpretation of the provision would generate uncertainty and precipitate a floodgate of claims into the National Industrial Court.

Learned *amici* Abimbola Akeredolu, SAN, Inam Wilson, SAN and Prof. Kenen align with the position taken by the respondents. They all advocate for a purposive interpretation. Abimbola Akeredolu, SAN argues that the literal interpretation would vest very wide and almost limitless jurisdiction on the National Industrial Court in relation to any civil matter arising from the workplace, which would lead to severance of claims. It was also contended that the jurisdiction of the court is not a "catch

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all" net. It was further contended that for the National Industrial Court to assume jurisdiction over a subject matter, the main claim must fall within the matters expressly listed under Section 254C(1), or by reference to any international convention, treaty or protocol relating to labour, employment, workplace or industrial relations that Nigeria has ratified as contained in Section 254C (2) of the Constitution.

Learned *amicus*, Inam Wilson, SAN urges the court to employ the *ejusdem generis* rule, which requires the consideration of the entirety of the Section and not a restriction to sub paragraph 1 (a). He contends that sub paragraph (1) (b) – (m), (4), (5) and (6) amplify the general words used in sub paragraph 1 (a). He submitted that the mere existence of an employment relationship does not, without more, vest the National Industrial Court with jurisdiction over a claim in defamation.

Learned *amicus* Prof. Kenen contended that the historical background of the NIC gives an insight into the

intention of the legislature, noting that the National Industrial Court is a specialized court on labour and employment matters. He also advocates the employment of the *ejusdem generis* rule in interpreting the provision to align with core labour and employment matters, which cannot be determined without recourse to one or more labour or employment related statutes and/or principles.

As stated earlier, when construing constitutional provisions, they must be considered as a whole and with regard to the legislative intent. While at first glance it would appear that the words used in Section 254C (1) (a) are clear and unambiguous and deserve to be given their natural meaning, the conflict that has arisen from two opposing lines of decisions of the Court of Appeal suggests otherwise.

In order to distil the true meaning of Section 254C, subsection (1) (a) cannot be construed in isolation. I agree with the submissions on the application of the *ejusdem generis* rule of interpretation in the present circumstances.

The *ejusdem generis* rule is applied where, in an Act, there are strong reasons

- (a) from the history and circumstance connected with its passing; and
- (b) from the structure of the Act itself, to indicate the real intentions of the Legislature, that the rule is one which, not only can, but ought to be applied.

See: Nwobike Vs FRN (2022) 6 NWLR (Pt. 1826)

293 @ 342 B – E; 343 B – D; See also: Onasile Vs Sani

& Anor (1962) LPELR – 25040(SC); (1962) 1 SCNLR

415, where this court held, *inter alia*, that the rule cannot

be applied unless there is a category or class into which

things of "the same kind as those specified" can be fitted.

The rule is applied to confine the scope of general words

which follow special words used in a statute, document or

the Constitution within the genus of those general words.

Section 254C (1) (a) – (m) has been reproduced fully in the course of this opinion. In each sub-paragraph, the words "relating to" or "connected with" are followed by

specific items and conclude with words such as "and matters incidental thereto or connected therewith" "or any other enactment replacing the Act or Laws" "or any industrial action and matters connected therewith or related thereto"; "or any part thereof and matters connected therewith or arising therefrom" and so on.

I am in complete agreement with learned *amici* Inam Wilson, SAN and Prof. Kenen that the comprehensive list of items set out in sub-paragraphs (1)(b) – (m) as well as sub paragraphs (2), (3), (4), (5) and (6) provide the specifics of the jurisdiction of the National Industrial Court. The words in subsection (1) (a), to wit: labour, employment, trade unions, industrial relations and matters arising from workplace should be interpreted in the context of the entire provisions of the section. I also agree with the learned *amici* that the construction of these words should be limited to core labour and employment matters which can only be resolved by having recourse to labour or employment related statutes or principles.

The comprehensive nature of the varied subject matter set out in Section 254C, which includes issues of fundamental rights relating to employment, discrimination or sexual harassment at the workplace, child labour, child abuse, human trafficking, to name a few, suggests, as contended by Prof. Kenen, that if the legislature intended to include the tort of defamation as a distinct issue for the exercise of jurisdiction by the court, it would have done so.

The claim before the trial High Court is strictly premised on the tort of defamation. The essence of a claim in defamation is to protect an individual's reputation from false and injurious statement. See: Odikanwa Vs Ihenacho (2025) LPELR – 81165 (SC) Guardian Newspapers Ltd & Anor. Vs Ajele (2011) LPELR – 13431(SC).

The learned *amicus*, Akeredolu, SAN, has argued in paragraph 3.25 of her brief and I agree, that it was the intendment of the draftsmen that where the main claim falls squarely within the subject matter jurisdiction of the


Hon. Justice K.M.O. Kofe-Ekpo, CJN

SCJ 11/19/25

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SUPREME COURT OF NIGERIA
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National Industrial Court as set out in Section 254C(1), the court may assume jurisdiction over ancillary claims to the extent that they arise from, relate to or are connected with the main claim in a way that the ancillary claims are inextricably linked to the main claim. I also concur with the view that where the main claim does not fall within the subject matter jurisdiction of the National Industrial Court, the mere fact that it arises from or is connected with an employment or labour related matter is insufficient to confer jurisdiction on the National Industrial Court. See: Tukur Vs Govt. of Gongola State (1989) 4 NWLR (Pt. 117) 517@ 548; FGN Plc & Anor. Vs Ben-Segha Tech. Services Ltd & Anor. (2024) LPELR – 62998 (SC) @ 38 – 41 B – B; Egbuonu Vs Bornu Radio Television Corporation (1997) LPELR – 1040 (SC).

It must be reiterated that the National Industrial Court is a specialised court. It cannot be the intention of the legislature to transform the court into an all purpose court and to strip the High Courts of their unlimited jurisdiction in


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every case where a dispute may be however remotely, traceable to the workplace. That would lead to absurdity. It would also lead to uncertainty and forum shopping.

In the case under reference, the alleged publications had nothing to do with employment rights, the enforcement of any labour remedy nor international best practices. It is a claim for defamation *simpliciter* and does not fall within the specialised jurisdiction of the National Industrial Court.

For these and the more detailed reasoning in the lead judgment, I fully adopt the resolution of the questions under reference by my learned brother, Stephen Jonah Adah, JSC as follows:

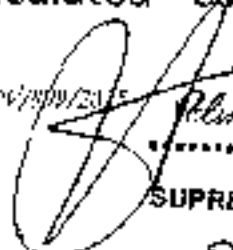
- Question 1 - Answered in the negative.
- Question 2 - Answered in the negative.
- Question 3 - Answered in the affirmative.

The parties shall bear their respective costs.

I thank the *amici curae* and their teams for their well researched and well articulated contributions to this

Hon. Justice N.M.D. Koko-Ekeji, C.J.N

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27/2/2016

Constitutional reference which have been of great assistance to the court. I also commend the industry exhibited and ably marshalled submissions of learned counsel to the parties.

Kudirat Motonmori Olatokunbo Kekere-Ekun, GCON
Chief Justice of Nigeria

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- Olabisi Makanjuola, Esq for the 1st, 2nd and 3rd Respondents with Daniel Peter Esq., Obed Soludo Esq., and Omonyegboja Esq.
- Mustapha O. Ajenifuja Esq for the 4th Respondent with Julius Ishola Esq., Olakunle Muritala Esq and Ibrahim Abubakar Esq.

AMICI CURAE

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- Inam Wilson, SAN with Igonikan Adekunle Esq. and I.O. Uwaifo Esq.
- Prof. E.A. Kenen with Dr. Mathew Atonko


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SUPREME COURT OF NIGERIA

27/2/26

IN THE SUPREME COURT OF NIGERIA
HOLDEN AT ABUJA
ON FRIDAY, THE 20TH DAY OF FEBRUARY, 2026
BEFORE THEIR LORDSHIPS

KUDIRAT M. OLATOKUNBO KEKERE-EKUN.
JOHN INYANG OKORO.
HELEN MORONKEJI OGUNWUMIJIL
ADAMU JAURO.
IUMMAI HANNATU SANKEY.
OBANDE FESTUS OGBUINYA.
STEPHEN JONAH ADAH

CHIEF JUSTICE OF NIGERIA
JUSTICE SUPREME COURT
JUSTICE SUPREME COURT
JUSTICE SUPREME COURT
JUSTICE SUPREME COURT
JUSTICE SUPREME COURT
JUSTICE SUPREME COURT

SC/CV/899/2025

BETWEEN:

1. EMMA ELEGBE
2. LOLU ELEGBE

} APPELLANT

AND

1. HP INTERNATIONAL SCHOOLS LIMITED
2. KEMI BALOGUN.
3. LINDA ADEYEMI-HASTRUP
4. IYEFÉ OLUDOYI


} RESPONDENT

JUDGMENT

(DELIVERED by JOHN INYANG OKORO, JSC.)

My learned brother, Stephen Jonah Adah, JSC obliged me in advance with a draft of the lead decision just delivered.

Having read it before now, I am entirely in agreement with his

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reasons and conclusion arrived therein. In support of the decision I shall offer a few comments.

Facts available in the record shows that the substance of the case which has occasioned this decision is the alleged defamatory material published by the Appellants vide email and whatsapp platforms on 2nd and 4th May, 2020 after the termination of the 1st Appellant's employment with the 1st Respondent. The cause of action is firmly in defamation and bears no grudge whatsoever with the contract of employment between the 1st Appellant and the 1st Respondent or its termination.

The arguments of both parties are well captured in the lead decision of my learned brother as well as in the opinion of the amici curiae invited to address the court on the questions canvassed. I need not recapitulate on those points. Now, the position of the law is well settled that jurisdiction is a threshold matter, as such where a court is lacking in jurisdiction to hear

and determine a matter, the entire proceedings and the decision reached thereon becomes a nullity ab initio no matter how well conducted. It is very fundamental and indeed the livewire which sustains the case. See *National Union of Road Transport Workers & Allied Vs. Road Transport Employers Association of Nigeria & Ors* (2012)10 NWLR (Pt.1307)170; *Chief Daniel Awodele Olofinjana Vs. Isaac Olubodun Akereja* (1988)3 NWLR (Pt.84)508.

A court is said to have jurisdiction and competence to hear and determine a suit when:

(a)- the court is properly constituted as regards members and qualifications of the members of the bench and no member is disqualified for one reason or another;

(b)- the subject matter of the case is within its jurisdiction, and there is no feature in the case which prevents the court from exercising its jurisdiction and

(c)- the case comes before the court initiated by due process of law, and upon fulfillment of any condition

precedent to the exercise of jurisdiction. See Madukolu Vs. Nkemdilim (1962)2 SCNLR 341; Rossek Vs. A. C. B. Limited (1993)8 NWLR (Pt.312)352.

It is equally well settled that the jurisdiction of the court is determined by the plaintiff's claims as endorsed in the writ of summons and statement of claim, and to that extent whether every requisite feature necessary for the court exercising its jurisdiction is satisfied. See *Goldmark (Nig.) Limited Vs. Ibafo Company Limited (2012)10 NWLR (Pt. 1308) 291; Abia State Transport Corporation & Ors. Vs. Quorum Consortium Limited (2009)9 NWLR (Pt.1145)1; Jev Vs. Iyortom & Ors. (2014) NWLR (Pt.1428) 575; Benilux (Nig.) Limited (2003)9 NWLR (Pt.825)416.*

That said, the question which must be addressed at this juncture is, from the totality of the pleadings filed at the trial court, what really is the core of the Respondents' claim. The answer as can be seen in the statement of claim is for a

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declaration that the publications made by these Appellants on 2nd and 4th day of May, 2020 vide email and whatsapp platforms were defamatory of the Respondents and an order directing the Appellants to retract the said publications on pages of newspapers with nationwide circulation.

The jurisdiction of State High Courts to hear and determine cases such as the instant suit is donated by section 272(i) of the 1999 constitution (as amended). The section provides that:

"subject to the provision of section 251 and other provisions of this constitution the High Court of a State shall have jurisdiction to hear and determine any civil proceedings in which the existence or extent of a legal right, power, duty, liability, privilege, interest, obligation or claim is in issue or to hear and determine any criminal proceeding involving or relating to any penalty, forfeiture, punishment or other liability in respect of an offence committed by any person".

Conversely, section 254C of the 1999 constitution (as amended) vests in the National Industrial Court the exclusive jurisdiction to

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SUPREME COURT OF NIGERIA
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determine all labour and employment related matters. By virtue of section 7(1)(a) (i) and (ii) of the National Industrial Court Act, 2006 the court (that is the National Industrial Court) ***“shall have and exercise exclusive jurisdiction in civil cases and matters relating to labour, including trades unions and industrial relations; and environment and conditions of work, health, safety and welfare of labour and matters incidental thereto”***.

It is the contention of the Appellants that in view of the provision of section 254C of the 1999 constitution and the fact that the alleged defamatory publications were made incidental to or connected with events surrounding the termination of the 1st Appellant's employment with the 1st Respondent, the jurisdiction to determine the matter rests with the National Industrial Court and not the High Court of Lagos State. I do not think so.

A careful look at the pleadings of these Respondents, in the light of earlier stated principle that it is the claim of the

plaintiff that determines jurisdiction, reveals that the cause of action is rooted exclusively in defamation and not labour or employment related grievance. I also need to state at this juncture that the jurisdiction of the State High Court donated pursuant to section 272 (i) of the 1999 constitution is clearly wider than the jurisdiction of the National Industrial Court. That is to say, that the State High Court would most often be the *forum conveniens* for a plaintiff to commence an action predicated on the tort of defamation, especially as in this case, where the cause of action is not directly related to or connected with labour or employment or any of the items covered by section 254 C (i) (a). See *Society BIC S.A. Vs. Charzin Industries Limited (2014)4 NWLR (Pt.1398) 497 at 541.*

Putting it plainly, section 254C (i) vests exclusive jurisdiction on the National Industrial Court over matters:

"(a)- relating to or connected with any labour, employment, trade unions, industrial relations and


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matters arising from workplace, the condition of service, including health, safety, welfare of labour, employee, worker and matters incidental thereto or connected therewith."

The list goes all the way to paragraph (m) without any mention of defamation. Nonetheless I agree with the views of the learned Amicus curiae, Oladapo Olanipekun, SAN that where defamation arises squarely from, connected with, incidental to labour, employment or workplace relations, jurisdiction should vest in the National Industrial Court.

I need to state that the justiciability of defamatory matters at the State High Court is not actionable Willy-nilly. It cannot be a straitjacket cause of action only justiciable at the State High Court due to its wide jurisdiction. By the clear wording of section 254C of the 1999 constitution, defamatory claims which arises squarely from labour or employment dispute, such that it cannot by any wit be divorced from other heads of claim, can be actionable before the National Industrial Court.

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27/2/26

Nonetheless, in the instant suit, I have stated earlier that the claims of the Respondents at the trial court were predicated independently on defamation without any connection whatsoever with the contract of employment between the 1st Appellant and the 1st Respondent, which had ceased to exist at the time of publication of the alleged defamatory material. The three (3) questions therefore referred to this court are rightly resolved in favour of the Respondents. In a nutshell, the High Court of Lagos State is properly seized of jurisdiction to entertain the matter.

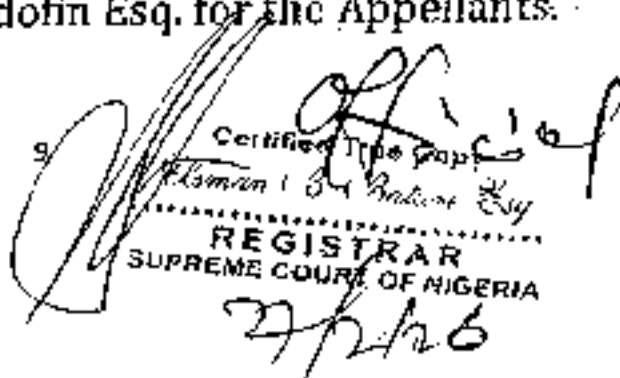
In conclusion, I wish to state that I am in total agreement with both the reasoning and conclusion reached in the lead decision of my learned brother, **Stephen Jonah Adah, JSC**. I adopt the said lead decision as mine and abide by all the resolutions therein.



JOHN INYANG OKORO
JUSTICE, SUPREME COURT

APPEARANCES:

Olajide Salami, Esq. with Tooni Augustine Bamisaye Esq., Emeka Ananyti Esq. and Adedeji Obadofin Esq. for the Appellants.



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Mustapha O. Ajenifuja Esq. with Julius Ishola Esq., Olakunle Muritala Esq. and Ibrahim Abubakar Esq. for the 4th Respondent.

Abimbola Akeredolu, SAN with Johap Agbo Esq. and Samson Obiora Esq. as (Amicus curiae).

Dr. Oladapo Olanipekun, SAN with Michael Akinleye Esq., Chika Ikeh Esq. and Ebube Abasili Esq. as (Amicus curiae).

Inam Wilson, SAN with Igonikan Adekunle Esq. and I. O. Uwaifo Esq. as (Amicus curiae).

Prof. Emmanuel A. Kenen Esq. with Dr. Mathew Atonko Esq. as (Amicus curiae).


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IN THE SUPREME COURT OF NIGERIA
HOLDEN AT ABUJA
ON FRIDAY, THE 20TH DAY OF FEBRUARY, 2026
BEFORE THEIR LORDSHIPS

KUDIRAT M. O. KEKERE-EKUN
JOHN INYANG OKORO
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CHIEF JUSTICE OF NIGERIA
JUSTICE, SUPREME COURT
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JUSTICE, SUPREME COURT
JUSTICE, SUPREME COURT
SC/CV/899/2025

BETWEEN:

1. EMMA ELEGBE
2. LOLU ELEGBE

} **APPELLANTS**

AND

1. HP INTERNATIONAL SCHOOLS LIMITED
2. KEMI BALOGUN
3. LINDA ADEYEMI-HASTRUP
4. IYEFÉ OLUDOYI

} **RESPONDENTS**

JUDGMENT

(DELIVERED BY HELEN MORONKEJI OGUNWUMIJU, JSC)

I have read the record of appeal, the briefs of counsel and the erudite judgment of my learned brother **STEPHEN JONAH ADAH, JSC**. I will add a few words. Constitutional reference was made to this Court by the Court below pursuant to Section 295(3) of the 1999 Constitution and Order 10 of the Supreme Court Rules 2024. Three questions were referred to this Court for resolution and couched as follows:

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SUPREME COURT OF NIGERIA

Helen Moronkeji Ogunwumi, JSC
HELEN MORONKEJI OGUNWUMIJU, JSC

27/2/26

- a. Whether the jurisdiction of the High Court of Lagos State is impacted and excluded by Section 254C of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) (the Constitution) in respect of a claim in defamation in circumstances related or connected with labour and employment?
- b. Having regard to Section 254C of the Constitution, whether the termination of an employment relationship, simpliciter, will vest the High Court of Lagos State with the jurisdiction to entertain a claim in defamation in circumstances related or connected with labour and employment?
- c. Whether a purportedly defamatory material arising from an employee's work relationship but made by a non-employee can be countenanced by the High Court of Lagos State having regard to Section 254C of the Constitution?

The background facts to this constitutional question is a claim in the tort of defamation preferred by the 1st - 4th Respondents against the Appellants at the High Court of Lagos State. The 1st Appellant was an employee of the 1st Respondent, while the 2nd Appellant is the husband of the 1st Appellant who was never in the employment of any of the Respondents. The 1st Respondent is a body corporate and an educational institution, while the 2nd - 4th Respondents are directors of the 1st Respondent. The 1st Appellant had written an email to parents whose children enrolled in the 1st Respondent's school explaining the

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HELEN MORONKEJI DESHIMUWU, JSC

circumstances surrounding her resignation from the school. The said email was purportedly to correct the impression created by an earlier email sent by the 1st Respondent. The Appellants claimed that they also sent WhatsApp messages to the parents of the pupils in the 1st Respondent's school to further clarify issues. It is those emails and WhatsApp messages that the Respondents felt were defamatory of the school and its Directors to push them to sue the Appellants in the tort of libel, claiming damages. The claim was filed at the High Court of Lagos State.

The Appellant brought a Preliminary Objection challenging the jurisdiction of the High Court of Lagos State to entertain a claim in defamation ostensibly connected to the 1st Appellant's employment. Naturally, the Respondents opposed this objection and insisted that the High Court of Lagos State has the jurisdiction to entertain their claim.

In a ruling on 24th September, 2024, the High Court of Lagos State dismissed the Appellants' objection and assumed jurisdiction to entertain the claim. Aggrieved, the Appellants activated the supervisory jurisdiction of the Court below over the High Court. Thereat, thirteen decisions of the Court below on the jurisdiction of the High Court *vis-à-vis* Section 254C of the Constitution was in issue. All thirteen of the decisions were from different Divisions of the Court below, with seven of them conflicting with the remaining six.

Aware that any decision by it would only contribute to the current state of judicial confusion, the Court below has escalated the constitutional issues arising from the appeal before it for the guidance and directive of this Court.

The High Court in deciding the Applicants' application in SUIT NO: LD/ADR/5052/2020 from which the Constitutional issue emanated, had to wade through several conflicting decisions of the Court below on similar facts and circumstances as regards the interpretation and the application of Section 254C of the Constitution.

In its ruling, the High Court adopted a restrictive approach to interpreting Section 254C of the Constitution.

The following decisions of the Court below support a restrictive interpretation of Section 254C of the Constitution:

- a) **AKPAN v. UNILAL (2020) LPELR-41242 (CA) delivered on 13th May, 2020.**
- b) **ECOBANK NIG LTD v. OSU (2020); Unreported CA/L/963/2020 delivered 24th February, 2020.**
- c) **OLUSHOLA & ANOR v. YAKUBU (2021) LPELR-56015(CA)**
- d) **OLUSHOLA & ANOR v. SALIU (2021) LPELR-56027 (CA)**
- e) **OLUSHOLA & ANOR v. ANDREW (2021) LPELR - 56017 (CA)**
- f) **UBA & ORS v. OLADEJO (2021) LPELR - 55320 (CA)**
- g) **ECOBANK NIG LTD & ORS v. IDRIS (2021) LPELR-52806.**

Conversely, the following decisions of the Court below support a more liberal interpretation of Section 254C of the Constitution:

- a) **COCA-COLA (NIG.) LTD. v. AKINSANYA (2013) 18 NWLR (Pt. 1386) 255.**
- b) **MHWUN v. EHEMIEGBA (2018) LPELR-44972 (CA).**
- c) **NWAGBO & ORS v. NATIONAL INTELLIGENCE AGENCY (NIA) (2018) LPELR-4620 (CA).**

- d) NASARAWA STATE SPECIALIST HOSPITAL MANAGEMENT BOARD & ORS v. MOHAMMED (2018) LPELR-44551 (CA).
- e) OMANG v. NSA (2021) 10 NWLR (Pt. 1783) 55.
- f) CA/C/07/2016 - OKORO v. ECOBANK NIG. LTD (2021) delivered 16th July, 2021 (unreported).

Section 254C of the 1999 Constitution provide as follows:

(1) Notwithstanding the provisions of sections 251, 257, 272 and anything contained in this Constitution and in addition to such other jurisdiction as may be conferred upon it by an Act of the National Assembly, the National Industrial Court shall have and exercise jurisdiction to the exclusion of any other court in civil causes and matters-

(a) relating to or connected with any labour, employment, trade unions, industrial relations and matters arising from workplace, the conditions of service, including health, safety, welfare of labour, employee, worker and matters incidental thereto or connected therewith;

(b) relating to, connected with or arising from Factories Act, Trade Disputes Act, Trade Unions Act, Labour Act, Employees' Compensation Act or any other Act or Law relating to labour, employment, industrial relations,

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HELEN MORONKEJI OGUNWIMBI, JSC

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workplace or any other enactment replacing the Acts or Laws;

(c) relating to or connected with the grant of any order restraining any person or body from taking part in any strike, lock-out or any industrial action, or any conduct in contemplation or in furtherance of a strike, lock-out or any industrial action and matters connected therewith or related thereto;

(d) relating to or connected with any dispute over the interpretation and application of the provisions of Chapter 2 of this Constitution as it relates to any employment, labour, industrial relations, trade unionism, employer's association or any other matter which the Court has jurisdiction to hear and determine;

(e) relating to or connected with any dispute arising from national minimum wage for the Federation or any part thereof and matters connected therewith or arising therefrom;

(f) relating to or connected with unfair labour practice or international best practices in labour, employment and industrial relation matters;

(g) relating to or connected with any dispute arising from discrimination or sexual harassment at workplace;

(h) relating to, connected with or pertaining to the application or interpretation of international labour standards;

(i) connected with or related to child labour, child abuse, human trafficking or any matter connected therewith or related thereto;

(j) relating to the determination of any question as to the interpretation and application of any-

- i. collective agreement,**
- ii. award or order made by an arbitral tribunal in respect of a trade dispute or a trade union dispute,**
- iii. award or judgment of the Court,**
- iv. term of settlement of any trade dispute,**
- v. trade union dispute or employment dispute which may be recorded in a memorandum of settlement,**
- vi. trade union constitution, the constitution of any association of employers or any association relating to employment, labour, industrial relations or work place,**

- vii. *dispute relating to or connected with any personnel matter arising from any free trade zone in the Federation or any part thereof;*
- (k) *relating to or connected with disputes arising from payment or non payment of salaries, wages, pensions, gratuities, allowances, benefits and any other entitlement of any employee, worker, political or public office holder, judicial officer or any civil or public servant in any part of the Federation and matters incidental thereto;*
- (l) *relating to-*
- (i) *appeals from the decisions of the Registrar of Trade Unions, or matters relating thereto or connected therewith,*
- (ii) *appeals from the decisions or recommendations of any administrative body or commission of enquiry, arising from or connected with employment, labour, trade unions or industrial relations, and*
- (iii) *such other jurisdiction, civil or criminal and whether to the exclusion of any other court or not, as may be conferred upon it by an Act of the National Assembly;*
- (m) *relating to or connected with the registration of collective agreements.*

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Constitution of Nigeria
Oluwalanbi O. Babalola Esq
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SUPREME COURT OF NIGERIA
27/2/26

MELAN MORONKEJI OGUNWEMIRI, JSC

There is no doubt that the National Industrial Court (the NIC) is a special Court created to determine master servant, employment and trade disputes. From the provisions of the Constitution it is obvious that the NIC is a Court with specific and exclusive jurisdiction in the special fields of all aspects of Labour law. In other words, the NIC is a specialized Court in relation to its subject matter jurisdiction and the subject matter expertise of its judges.

A foray into the history of the Court is germane at this point. The first attempt at specializing Trade Disputes came with the Trade Disputes Decree No. 7 of 1976, Cap 432 of the Laws of the Federation of Nigeria, 1990.

In Section 19 of the Decree, the National Industrial Court (NIC) was vested with powers regarding the settlement of trade disputes, interpretation of collective agreements and matters connected therewith. Section 20 of the Act delineated the National Industrial Court's jurisdiction, to the extent that it was given powers to the exclusion of any other Court to make award for the purpose of settling trade dispute and to determine questions as to the interpretation of any collective agreement, any award made by an arbitration tribunal or Court, terms of settlement of any trade dispute, *et al*.

In other words, there was a firm attempt by the powers that, by the promulgation of the Act, to derobe all other Courts of the subject-matter jurisdiction to deal with matters identified in the Act. Simply, the intention was that all such jurisdiction was automatically transferred to the NIC.

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SUPREME COURT OF NIGERIA
27/12/26

HELEN MORDONKEJI OGUNWUMI, JSC

The National Assembly attempted to resolve the problems faced by the National Industrial Court of Nigeria when it passed the National Industrial Court Act, 2006, and raised it to a superior Court of record with exclusive jurisdiction over issues relating to labour, trade unions and industrial relations and matters incidental thereto.

The Constitution of the Federal Republic of Nigeria (Third Alteration) Act No. 3 in 2010 added Sections 254A – 254F to the Constitution.

Under Section 254C (1) of the said Constitution, exclusive jurisdiction is conferred on the NIC with respect to all civil matters bordering on labour and employment, thereby elevating the NIC to the position of a specialized Court in respect of labour and employment matters. It is the interpretation of the nature and extent of the exclusive jurisdiction conferred on the NIC under Section 254C of the Constitution of the Federal Republic of Nigeria (CFRN) (as altered) that is the subject of this Constitutional reference.

The history of the Court and a holistic reading of all these legal instruments would disclose the legislative intent to have a specialized Court dedicated to the handling of labour and employment matters, *stricto sensu*.

My Lords, specialized Courts are defined as tribunals of narrowly focused jurisdiction to which all cases that fall within that jurisdiction are routed. Judges who serve in a specialized Court are considered specialists, even experts, in the fields of the law that fall within the Court's jurisdiction. Such specialized Court judges are to be contrasted with judges in general jurisdiction Courts whose caseloads span broad areas of the law and who are considered generalists. Three of the primary benefits

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HELEN MORONKEJI OGUNDUMUD, JSC

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associated with the creation of specialized Courts are (i) fostering improved decision-making by having experts decide complex cases; (ii) reducing pending case backlogs in generalist Courts by shifting select categories of factually and/or legally complex cases to specialized Courts more capable of dealing with them, thus generating fewer appeals and (iii) decreasing the number of judicial efforts and time required to process complex cases by having legal and subject-matter experts adjudicate them.

From the wordings of Section 254C of the CFRN, the literal interpretation of the phrases relating to, connected with, pertaining to, matters arising from etc narrows in its view the jurisdiction of the NIC. All these phrases mean linked to, aka allied, coupled with, associated with etc. Thus, Section 254C (1) (a) means that the NIC has jurisdiction in relation to matters that are directly linked to labour, employment, trade unions, industrial relations, and matters arising from workplace, including health, safety, welfare of labour, employee, worker and matters incidental or connected therewith. It is obvious that the framers of the Constitution expected the Courts to use the ejusdem generis rule of interpretation to guide them. This ensures that the Court would construe the relevant section of the Constitution as stated above to mean that the cause of action for which the specialist judge has been trained are core labour and employment matters, which cannot be determined without recourse to one or more labour or employment related principles.

The ejusdem generis is a rule of statutory interpretation used by Courts to clarify the meaning of general words that follow specific words in a legal text. It is a Latin expression meaning "of the same kind or nature."

Where general words follow specific words in a statute, the general words are restricted to things of the same class as the specific words.

General words are interpreted in light of the specific words that precede them. Classic example is "Cars, trucks, motorcycles, and other vehicles are prohibited."

Here, "other vehicles" would be interpreted to mean vehicles similar to cars, trucks, and motorcycles—that is, road motor vehicles. It would not usually include airplanes or boats. There are conditions for applying the ejusdem generis rule of interpretation. Courts will apply this rule only if all of the following are present:

1. A list of specific words (e.g., "dogs, cats, cows").
2. General words following the list (e.g., "and other animals").
3. The specific words form a recognizable class or category.
4. No clear legislative intention to give the general words a wider meaning.

If any of these elements is missing, the rule will not apply.

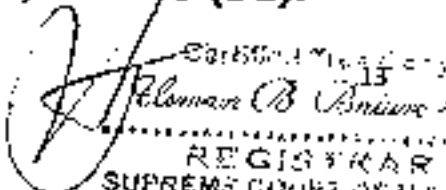
The purpose of the rule is to prevent overly broad interpretations of the law, it respects legislative intent and promotes certainty and consistency in statutory interpretation. See **BUHARI & ANOR v. YUSUF & ANOR**

(2003) LPELR-812(SC), **OJUKWU v. OBASANJO & ORS** (2004) LPELR-2400(SC), **KABIRIKIM & ANOR v. EMEFOR & ORS** (2009) LPELR-902(SC).

My Lords, while a literal interpretation has been urged on the one hand, a purposive interpretation is being urged on the other. The literal interpretation has been presented as the expansive view, while the purposive interpretation is urged as a restrictive view by most of the amici curiae in this matter. Indeed, the purposive approach, properly so-called, is only an expansive approach to the literal canon of interpretation. The purposive approach to interpretation necessarily involves advertence to the precise words used vis a vis the context and the purpose the enactment is meant to serve. Put simply, the objective of the purposive approach is to give effect to the legislative purpose expressed through the words of the Constitution. The purposive approach cannot be applied to defeat the express words of the Constitution, particularly where the words are unequivocal and unambiguous. See **ATTORNEY-GENERAL OF LAGOS STATE v. EKO HOTELS** (2006) 18 NWLR Pt. 1011 Pg. 378, 458 (SC).

The purposive approach does not involve a supplanting of otherwise clear words in the Constitution, it is pertinent to note that the duty of the Court under Section 6 of the 1999 Constitution is the interpretation of statutes made by the legislature pursuant to Section 4 (2) of the Constitution. The judicial power conferred on the Court is *jus dicere* and not *jus dare* – to interpret law and not to make law or give law. See **GLOBAL EXCELLENCE COMM. LTD v. DUKE** (2007) 16 NWLR Pt. 1059 Pg. 22, 42 – 43 (SC).

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The law is trite that words used in a statute are not mere surplusage. Every word is deemed to have been employed/deployed deliberately. See **TUKUR v. GOVT. OF GONGOLA STATE (1989) 4 NWLR Pt. 117 Pg. 517, 579 (SC); ORUBU v. N.E.C. (1988) 5 NWLR Pt. 94 Pg. 323, 382 (SC).**

My Lords are referred to Daniel Greenberg (ed), *Stroud's Judicial Dictionary of Words and Phrases*, Vol. 1 (9th edn, Sweet & Maxwell 2016) 478:

"The words 'connected with' are to be interpreted in the normal sense as synonymous with 'ancillary to.'"

"The phrase 'connected with', like 'in connection with', may be apt to denote things that are ancillary etc..."

In Vol. 3, at page 2180;

"There is no doubt that the phrase 'relating to' is flexible in its meaning. In Toohys Ltd v. Commissioner of Stamp Duties (NSW) (1961) 105 CLR 602, Kitto J. reviewed a number of English authorities which considered the phrase 'relating to'. Some adopted a narrow, others a wider view, each approach dictated by the purpose of the provision (at 617-8). Taylor J referred to the contract in which the phrase was used, and in the context there before the Court, it was clear that 'relating to' was not the equivalent to 'referring to'; the relationship had to be based on some more substantial ground....."

Daniel Greenberg's (ed), *Stroud's Judicial Dictionary of Words and Phrases*, Vol 2 (supra) 1221:

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Premised on the foregoing, where a tortious claim - such as defamation, which is the subject-matter of the suit that underlies this reference, constitutes the main claim of a case, the NIC is bereft of jurisdiction. The proper forum seized of jurisdiction in such circumstances is the High Court of a State.

Notably, defamation is neither one of the subject matter items enumerated in Section 254C (1) of the Constitution nor is it a claim determinable by reference to any of the Acts or Laws contemplated under Section 254C (1) (b). As such, the fact that the alleged defamation arose from, is related to, or connected with the workplace is, without more, not sufficient to confer jurisdiction on the NIC.

Put differently, the fact that a defamatory publication was made within the context of an employment relationship does not transform such a claim into a labour or employment matter. While the employment relationship may constitute the factual background against which the tort occurred, to characterize every defamatory publication made in an employment context as "employment-related" would defeat the purpose for which the NIC was established.

My Lords, questions one and two want us to determine the exclusiveness of either Court when there appears an overlap of causes of action. On Question One, and on the strength of the foregoing analysis that a liberal or expansive construction of Section 254C would yield ambiguity and distortion in the allocation of judicial powers, thereby muddling the carefully earmarked provinces of the superior Courts. Such an interpretation would suggest that the High Court's well-established jurisdiction over tortious claims could be curtailed, indeed ousted, merely

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because a defamation claim is alleged to have some nexus with employment.

Further, to adopt the liberal and expansive approach would generate a state of doctrinal uncertainty, whereby litigants and counsel could deliberately dress up ordinary tortious causes of action with the colouration of employment in order to divest the High Courts of jurisdiction. This would foster a climate of uncertainty in the administration of justice and incentivize jurisdictional gamesmanship rather than substantive adjudication. The consequence would be that parties and their counsel are compelled to wage preliminary jurisdictional battles on whether a claim "relates to" employment before reaching the merits, thereby occasioning needless delay and privileging form over substance. It is important to state that the state and level of legal practice in Nigeria cannot permit the adoption of certain interpretations which are viewed as more progressive in other jurisdictions. In other jurisdictions, where the main claim is a labour matter but the ancillary claim is in contract or tort, the labour Court would assume jurisdiction. However, where the main claim is in tort or contract and the ancillary claim or the facts show that labour issues are only a minor issue not calling for the extensive interpretation of the labour law, the High Court would assume jurisdiction. The history of legal jurisprudence in Nigeria has shown that any attempt by this Court or by statute to give concurrent jurisdiction to two Courts of coordinate jurisdiction over any subject matter or cause of action is a recipe for unbridled forum shopping and confusion. The policy decision of this Court has to be a case of all or nothing.

Finally, a liberal interpretation would inevitably precipitate a floodgate of claims into the NIC, eroding its specialized status as a Court

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Geoffrey Ibe Cony
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designed to resolve labour and employment disputes, and transforming it into a forum for general civil causes, an area constitutionally preserved for the High Courts of the States. Such an outcome would not only distort the federal judicial architecture but would also impose an unsustainable burden on the NIC.

My Lords, there is no attempt here to close ranks to perpetuate the old order. The important intention or policy of this Court would be to come up with an interpretation that fulfils the ends of speedy, efficient and learned dispensation of justice. If the flood gates of all manner of litigation were allowed into the NIC, it would defeat the specialist nature of the Court, it would encourage litigants to sue employees in vicarious liability for causes that did not arise directly from the terms of employment and dismissal. It would defeat the purpose of the enactment of Section 254C of the CFRN.

Therefore, it should not be the case that the jurisdiction of the High Court of States should be ousted by the mere fact that there is some link of a case to employment; the deciding factor should be whether the claims are subject matter of labour or not and whether the case could be decided without reference to labour statutes or principles. This Court had hitherto in general consistently applied the Proximate Jurisdictional Rule which postulates that the Court with the jurisdiction over the entirety of the claim rather than with just a part of the claim should assume jurisdiction. See **FBN PLC v. BEN SEGBA TECH. SERV. LTD (2024) 16 NWLR Pt. 1963 Pg. 1, 28, 29 (SC)**; **DAGAZAU v. BOKIR INTL CO. LTD (2011) 14 NWLR Pt. 1267 Pg. 261, 318-319, 319-320, 320 – 321 (CA)**.

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It is evident that tortious claims do not fall within the scope of labour matters and can be appropriately adjudicated by determining the alleged defamatory publication independently of labour statutes or principles.

Indeed, once the matters expressly assigned to the Federal High Court and the National Industrial Court under Sections 251(1) and 254C (1) of the Constitution (as amended) are excluded, all remaining matters not listed therein would fall within the jurisdiction of the State High Court. Thus, as between the NIC and the State High Court, where a Plaintiff's claim is not strictly related to labour or employment matters, it should not fall within the exclusive jurisdiction of the NIC.

Accordingly, the High Court does not need to await the termination of employment before assuming jurisdiction over a mainly tortious claim arising in that context. For example, where in escorting an employee who had just been dismissed from the company off the premises, the security personnel assaults the employee, that is a claim of damages for assault and the High Court would have jurisdiction independent of whatever claim at the NIC for wrongful termination. Where a manager assaults a former employee or vice versa when they met at a supermarket outside the company after the manager or employee's appointment had been terminated, that is also a matter for the High Court even though the remote cause of the incident may be related to the employment. While the employer might be vicariously liable in the first instance, for damages in assault, the employer is not liable in the second instance both cases having nothing to do with labour law and triable by the High Court.

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For instance where the employee's letter of dismissal contains flagrantly false and defamatory material, it cannot be part of the causes of action for damages in wrongful or unlawful dismissal and damages in tort so long as the defamatory letter was published only to the employee. The only occasion in which it can be relevant is when the employee claims that it would be impossible for him to get a job in view of the flagrantly false claims contained in the letter of termination. The defamatory description of the employee in the letter of termination would be a claim that would be inextricably linked to the terms of employment and the wrongdoing of the employee. The NIC in such a case can assume jurisdiction over the claim for wrongful dismissal and the deliberate besmirching of the employee's reputation capable of denying him the chance of future employment. There is no doubt that in such a case, the principal claim would be the wrongful or illegal termination of employment to which employment statutes would be applicable, and the secondary claim would be one of defamation of character, both being triable by the NIC.

However, if for any reason, after the termination of employment, the defamatory material is published by the former employer to a prospective employee, it becomes actionable for damages before the State High Court even though the defamatory letter was written in the process of disengaging the employee. We must understand that the tort of defamation has its own constraints, in that the most actionable ingredient of defamation is the communication of the defamatory words (libel or slander) to a third party outside the employer's orbit. That is what makes the question put to us particularly constricting and

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which can only be interpreted in the context of the facts of the case put forward by the parties.

The Courts can adopt an all or nothing approach in interpreting the provisions of Section 254C as the general jurisdiction of the High Court is primary and not residual in the case of matters outside the specific jurisdiction of the NIC and Federal High Court as enumerated in the CFRN. A cause of action in defamation arising after the termination of an employment relationship but not connected directly to the period of employment or terms of employment cannot properly be said to be connected with, or related to, the prior employment for purposes of invoking the NIC's exclusive jurisdiction.

In **COCA-COLA NIG. LTD v. AKINSANYA (2017) 17 NWLR Pt. 1593 Pg. 74**, although the employment relationship had ended by the time the suit was filed, the cause of action, being a claim for reimbursement, arose directly from expenses incurred during the subsistence of employment. The NIC's jurisdiction was therefore uncontentious.

By contrast, in the present case, the defamatory publication was made after the termination of employment and bears no connection with the 1st Appellant's conditions of service. Rather, it is claimed to be actuated purely by malice intended to discredit the Respondents in their trade. Consequently, the NIC lacks jurisdiction over a defamation claim where the cause of action arises post-termination, even if it references a prior employment.

On Question Three, a claim founded on a defamatory publication made by a third party, who is or was not in any employment relationship with the Appellant, cannot properly be characterized as a

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labour or employment matter so as to invoke the NIC's jurisdiction. Such a claim falls squarely outside the jurisdiction of the NIC. The claimant would have recourse to only the High Court.

In addition to the principle that jurisdiction is activated by the subject matter of the dispute, there is here no nexus between the third party and the Respondents that could trigger the NIC's competence. Save where public policy expressly intervenes, a third party who gratuitously tarnishes another's reputation, particularly where the subject matter concerns employment conditions but the parties share no employment relationship, cannot fall within the contemplation of employment disputes under the Constitution.

It is noteworthy that I commend the learned amici curiae, Messrs. Abimbola Akeredolu, SAN; Dr. Oladapo Olanipekun, SAN, Inam Wilson, SAN; Professor Emmanuel A. Kenen, Esq; and their teams of counsel. Their diligent efforts and contributions were enlightening and it has greatly assisted the Court in reaching a fair resolution of the issues canvassed in this matter.

It is my view that the questions posed were poorly couched and a direct answer or one word answer would not in the light of the question convey my opinion. I hold that by virtue of Section 254C of the CFRN, in respect of question one, the jurisdiction of the High Court of Lagos State is not excluded in respect of a principal claim in defamation even though arising from a place of employment. Question two is superfluous after an answer to question one. Question three is answered in the affirmative.

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For the above and fuller reasons well articulated in the lead judgment, I answer the questions put to this Court as stated above. I abide by the order as to costs in the lead judgment.

Helen Moronkeji Ogunwumi
HELEN MORONKEJI OGUNWUMI, CFR
JUSTICE, SUPREME COURT.

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Olabisi Makanjuola, Esq., with him Daniel Peter, Esq., Obed Soludo, Esq., and Omonyegboja, Esq., **for the 1st – 3rd Respondents**

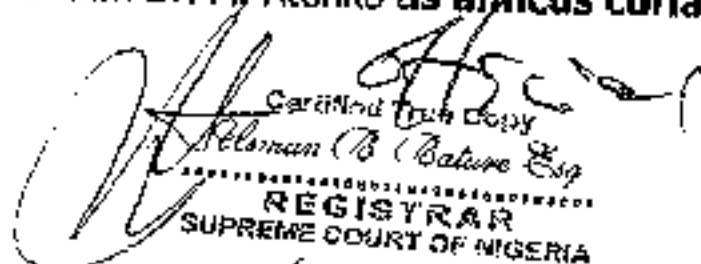
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Prof. E. A. Kenen, Esq., with him Dr. M. Atonko **as amicus curiae**


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IN THE SUPREME COURT OF NIGERIA
HOLDEN AT ABUJA
ON FRIDAY, THE 20TH DAY OF FEBRUARY, 2026
BEFORE THEIR LORDSHIPS:-

KUDIRAT MOTUNMORI OLATOKUNBO KEKERE-EKUN
JOHN INYANG OKORO
HELEN MORONKEJI OGUNWUMIJU
ADAMU JAURO
JUMMAI HANNATU SANKEY
OBANDE FESTUS OGBUINYA
STEPHEN JONAH ADAH

CHIEF JUSTICE OF NIGERIA
JUSTICE, SUPREME COURT
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JUSTICE, SUPREME COURT

SC/CV/899/2025

BETWEEN:-

1. EMMA ELEGBE
2. LOLU ELEGBE

.. .. . APPELLANTS

AND

1. HP INTERNATIONAL SCHOOLS LIMITED
2. KEMI BALOGUN
3. LINDA ADEYEMI-HASTRUP
4. IYEFÉ OLUDOYI

} RESPONDENTS

JUDGMENT
(DELIVERED BY ADAMU JAURO, JSC)

I have had the advantage of reading in advance the lead decision on the case stated delivered by my learned brother, Stephen Jonah Adah, JSC. I am in total agreement with the reasoning and conclusion contained in the said decision.

I wish to however by way of adumbration add a word or two in further support of the said decision. The facts culminating in the instant decision can be compressed as follows. The 1st Appellant

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was an employee of the 1st Respondent from 2nd January, 2017 to 1st May, 2020 as Head of school. The 2nd Appellant is the husband of the 1st Appellant and their children attend the 1st Respondent's school. The 1st Appellant resigned from the employment of the 1st Respondent on the 1st May, 2020. Upon resignation of the 1st Appellant, the 2nd to 4th Respondents as directors of the 1st Respondent (the school) circulated a message to the parents of the children that the 1st appellant resigned while under investigation.

Based upon the information circulated by the 2nd to 4th Respondents to the parents of the students, the 1st Appellant also circulated some information to the same parents via email on the 4th May, 2020, which the Respondents felt were defamatory and not verifiable. The 2nd Appellant also circulated some whatsapp messages on the 2nd May, 2020, which were considered defamatory by the Respondents.

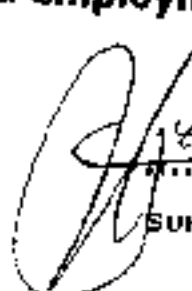
Consequent upon the foregoing, Hampton Preparatory International Schools Limited and its 3 directors (now respondents) instituted a suit for defamation in the High Court of Lagos State against the appellants. In response to the Suit, the appellants challenged the jurisdiction of the High Court of Lagos State contending that the defamation related to workplace and relying on Section 254C of the Constitution, that it is the National Industrial Court that has jurisdiction.

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In its ruling the High Court of Lagos State held that it had jurisdiction to try the Suit, hence the appellants appealed against the ruling to the Court of Appeal Lagos Division. While the appeal was pending the appellants filed a motion on notice before the lower Court, for a referral of some questions by way of case stated, in view of the conflicting decisions of the lower Court as to the jurisdiction of the National Industrial Court. The application was granted pursuant to Section 295(3) of the Constitution and Order 10 of the Rules of Court. Consequently three questions were referred to this court as follows:

"1. Whether the jurisdiction of the High Court of Lagos State is impacted and excluded by Section 254(c) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) in respect of a claim in defamation in this suit?

2. Having regard to Section 254(c) of the Constitution, whether the termination of an employment relationship simpliciter, will vest the High Court of Lagos State with the jurisdiction to entertain a claim in defamation in circumstances related or connected with labour and employment?


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3. Whether a purportedly defamatory material arising from an employee's work relationship but made by a non-employee can be countenanced by the High Court of Lagos State, having regard to Section 254(c) of the Constitution"?

The Appellants and the Respondents filed their respective briefs, while the three learned Senior Advocates and a Professor of Law invited as amici curiae also filed their briefs of argument.

The issues referred to this court for interpretation are clearly on the jurisdiction of the High Court or National Industrial Court vis a vis the claims of the Respondent. The essential requirements that constitute jurisdiction of a court have been spelt out in the famous case of **MADUKOLU VS. NKEMDILIM (1961) NSCC (Vol.2) 314 at 379** per Bairamian F. J. where his lordship stated.

"Put briefly, a court is competent when -

1. It is properly constituted as regards numbers and qualifications of the members of the bench, and no member is disqualified for one reason or another; and
2. the subject matter of the case is within its jurisdiction, and there is no feature in the case


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which prevents the court from exercising its jurisdiction; and

3. the case comes before the court initiated by due process of law, and upon fulfilment of any condition precedent to the exercise of jurisdiction.

Any defect in competence is fatal, for the proceedings are a nullity however well conducted and decided; the defect is extrinsic to the adjudication. If the court is competent, the proceedings are not a nullity."

See also **TUKUR VS TARABA STATE (1997) 6 SCNJ 81**,
ZARANDA VS TILDE (2008) 10 NWLR (PT.1094) 184,
YONGO & ORS VS HAANONGON & ORS. (2022) LCER 46535 (SC).

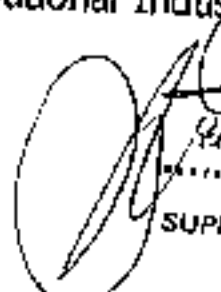
As earlier stated in this judgment, the quarrel of the two contending parties is as to which court is seized with jurisdiction over the claim of the Respondents. The claim of the respondents is based on defamation. See pages 10 to 20 of the record of appeal. The appellants are of the view that it is the National Industrial Court that has jurisdiction and anchored their arguments on Section 254(C) of the 1999 Constitution to the effect that the defamatory publications are related to the termination of the 1st

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Appellant's employment. The respondents on the other side of the divide, are of the view that it is the state High Court that has jurisdiction over suit by dint of Section 272(C) of the 1999 Constitution (as amended).

A consideration of the provisions of the Constitution will be made, in order to determine which of the two courts is seized with jurisdiction. A careful perusal of Section 254C (1) of the constitution, is to the effect that for NICN to validly assume jurisdiction over a subject matter, the main claim must fall within the subject matters listed under the section or must be determinable by reference to any of the Acts or Laws specified in Section 254(C) (1) (b) of the same Constitution. Consequently, where the main claim falls within the subject matter jurisdiction of NICN as contained in Section 254C (1), the court may assume jurisdiction over the ancillary claim to the extent that they are connected to the main claim. Conversely where the main claim does not fall within the subject matter jurisdiction of NICN, the mere fact that it arises or is connected to workplace cannot confer jurisdiction.

In view of the foregoing the main claim in this suit being defamation, does not fall within the subject matter jurisdiction of NICN under Section 254(C) (1) and is not a claim determinable by reference to any of the Acts or Laws under Section 254(1)(b). Consequently the National Industrial Court has no jurisdiction over


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the instant suit. Accordingly I answer questions 1 and 2 in the negative and question 3 in the affirmative.

I adopt the lead Judgment as mine and abide by all resolutions made therein.



**ADAMU JAURO,
JUSTICE, SUPREME COURT**

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Olabisi Mankonjuola, Esq, with Daniel Peter Esq, Obed Soludo, Esq, and Omony E. Esq, for the 1st - 3rd Respondents.

Mustapha D. Ajenifuja, Esq, with Idris Ishola, Esq, O. Muritala, Esq, and Ibrahim Abubakar, Esq, for the 4th Respondent.

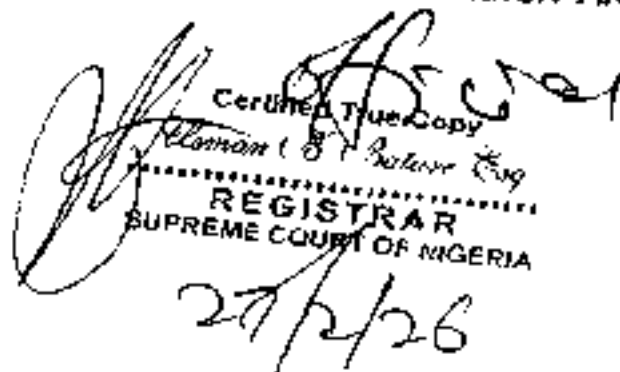
AMICI CURIAE:

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Dr. Oladipo Olanipekun, (SAN), with Michael Akinfeye, Esq, Chika Ikeh, Esq, and Ebube A., Esq, as **Amicus**.

Inam Wilson, (SAN), with I. Adekunle, Esq, and I. O. Uwaifo, Esq, as **Amicus**.

Prof. Emmanuel A. Kenen, Esq., with Dr. Matthew Afonko, Esq, as **Amicus**.



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IN THE SUPREME COURT OF NIGERIA
HOLDEN AT ABUJA
ON FRIDAY THE 20TH DAY OF FEBRUARY, 2026

BEFORE THEIR LORDSHIPS:

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SC/CV/899/2025

BETWEEN:

- 1. EMMA ELEGBE**
- 2. LOLU ELEGBE**

APPELLANTS

AND

- 1. HP INTERNATIONAL SCHOOLS LIMITED RESPONDENTS**
- 2. KEMI BALOGUN**
- 3. LINDA ADEYEMI-HASTRUP**
- 4. IYEFÉ OLUDOYI**


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JUDGMENT

(DELIVERED BY JUMMAI HANNATU SANKEY, J.S.C.)

I had the privilege of reading before now the judgment in respect of the constitutional reference set out in the 'Case Stated' just delivered by my learned brother **Stephen Jonah Adah, J.S.C.** I align myself with his lordship's adroit reasoning and the conclusion arrived at.

The facts leading to the appeal has been aptly captured in the lead judgment, and so does not bear repeating here. Suffice is to state that the Plaintiffs, now Respondents in this Court, commenced civil proceedings at the High Court of Lagos State claiming five reliefs from the Appellants/Defendants. The first and second reliefs were for declarations stating that the Respondents published defamatory material against the appellant; while the third, fourth and fifth reliefs sought for orders mandating the Respondents to publish retractions of the defamatory materials and a perpetual injunction against

publishing the defamation, as well as the costs of the action. In the appellants' statement of claim, the averments therein disclosed a prior underlying employment relationship between the 1st Appellant and the 1st Respondent School. However, at the time the action was filed, the employment had been terminated by the 1st Appellant *vide* her resignation letter to the 1st Respondent School.

The Respondents contended that after the 1st Appellant's employment had ceased, the 1st Appellant sent a letter *via* an Email and the 2nd Appellant, (being the husband of the 1st Appellant), posted a WhatsApp message to the Platform of the Parents and Teachers of the 1st Respondent wherein they made the defamatory statements complained of.

Aggrieved by the contents of the Appellants' correspondences, the Respondents filed the action at the Lagos State High Court contending that they contained materials that were defamatory and harmful to the reputation

of the 1st Respondent School. However, before the matter could proceed to hearing, the Appellants' Counsel filed a motion on notice dated 27th July, 2020 wherein the jurisdiction of the State High Court to entertain the claim was challenged. The crux of the objection to the hearing of the case by the State High Court was that Section 254C of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) (Third Alteration), vests jurisdiction of matters in respect of claims related or connected with labour and employment exclusively on the National Industrial Court of Nigeria (NICN). Therefore, that the jurisdiction of the Lagos State High Court was ousted and hence, it could not entertain or proceed with the hearing of the case.

After taking arguments from learned Counsel for the two sets of parties on this threshold issue of jurisdiction, the learned trial Judge in a considered ruling, dismissed the jurisdictional challenge, and affirmed the jurisdiction of the

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Lagos State High Court to entertain the suit. The issue for determination considered by the learned trial Judge in determining the crucial issue of jurisdiction he was confronted with, is contained at page 128 of the record of appeal, thus:

"The question now is whether an alleged defamation made in the course of or after the resignation of employment qualifies as labour and employment matters within the exclusive jurisdictional competence of the NIC?"

In resolving this issue, the trial Judge considered an array of decisions of the Court of Appeal which he identified as conflicting. At pages 128-132 of the record, the learned trial Judge went to great lengths to considered the following decisions emanating from the Court of appeal which adopted a restrictive approach to interpreting Section 254(C) of the Constitution (*supra*), to wit: that the NICN being a court of limited jurisdiction, it lacked the jurisdiction to entertain a

claim in tort, such as the tort of defamation. The decisions are as contained in the following cases -

1. Akpan V UniCal (2016) LPELR-41242(CA);
2. Ecobank Nig. Ltd V Osu (2020) (Unreported) CA/L/963/2016 delivered on 24/02/2020;
3. Olushola & Anor. C Andrew (2021) LPELR-5601(CA);
Olushola & Anor. V Sallu (2021) LPELR-56027(CA);
4. UBA & Ors. V Oladejo (2021) LPELR-5530(CA);
5. Ecobank Nig. Ltd & Ors V Idris (2021) LPELR-52806(CA).

The trial Court also considered other decisions which emanated from the Court of Appeal wherein it adopted a liberal approach of interpretation and basically held that claims factually arising from or connected to the workplace falls within the jurisdiction of the NICN, regardless of whether the claim is founded in tort or contract. The decisions referred to are -

1. MHWUN V Ehigiegba (2018) LPELR-44972(CA);
2. Nwagbo & Ors V National Intelligence Agency (NIA) (2018) LPELR-4620(CA);

3. **Nasarawa State Specialist Hospital Management Board & Ors V Mohammed (2018) LPELR-44551(CA);**
4. **Omang V NSA (2021) 10 NWLR (Pt. 1783) 55;**
5. **Okporo V Ecobank Nig. Ltd (Unreported) Appeal No: CA/C/07/2016 delivered on 16/07/2021.**

Thereafter, the learned trial Judge drew the following cautious conclusion:

"The foregoing wide interpretation of Section 254C by the Court of Appeal makes no distinction between acts done while the employment was on and after the termination of the employment, provided the act in question was related to or incidental to or connected with employment. Furthermore, this reasoning is applicable whether or not, the act, subject of the suit, is a tort or a contract, as in this case."

This conclusion suggests that the relevant question is one that turns on the peculiar facts of each case. Relying in particular on **SCC (Nig.) Ltd & Anor V Joseph & Anor (2020) LPELR-49764(CA)** on the importance of considering the facts

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of each case in determining jurisdiction, the trial Judge further held (at page 135 of the printed record) as follows –

“Furthermore, it must be noted here that the alleged defamation complained of by the claimants in this case against the defendants even occurred after the 1st defendant had resigned her employment with the 1st claimant, and therefore the cause of action cannot be said to have accrued in the course of employment or is related or incidental to or connected with the employment of the 1st defendant in the 1st claimant.”

The trial Judge thus dismissed the appellant’s motion challenging the jurisdiction of the Lagos State High Court to entertain the claim, and held that the Court is vested with jurisdiction, the case not being one that was squarely in respect of, connected with or incidental to labour and employment matters. Rather, the complaint was principally centred on the complaint of defamation by the Appellants against the Respondents.


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Dissatisfied with the ruling of the trial Court the Appellants approached the Court of Appeal, Lagos Division with a motion on notice dated 30-12-2024, seeking the reference of certain constitutional questions to this Court pursuant to **Section 295(3) of the Constitution**. Upon hearing the motion the Court below, in its ruling delivered on 04-08-2025, granted the application and referred the following questions to this Court for interpretation:

1. **“Whether the jurisdiction of the High Court of Lagos State is impacted and excluded by Section 254C of the Constitution of the FRN, 1999 (as amended) (the Constitution) in respect of a claim in defamation in circumstances related or connected with labour and employment.**
2. **Having regard to Section 254C of the Constitution, whether the termination of an employment relationship, *simpliciter*, will vest the High Court of Lagos State with the jurisdiction to entertain a claim in defamation in circumstances related or connected with labour and employment.**

3. Whether a purportedly defamatory material arising from an employees' work relationship but made by a non-employee can be countenanced by the High Court of Lagos State having regard to Section 254C of the Constitution."

Question one

1. Whether the jurisdiction of the High Court of Lagos State is impacted and excluded by Section 254C of the Constitution of the FRN, 1999 (as amended) (the Constitution) in respect of a claim in defamation in circumstances related or connected with labour and employment.

The first question calls for a deliberation in respect of the interpretation of Section 254C of the Constitution as it pertains to the jurisdiction of the NICN *vis-à-vis* that of the State High Court (SHC). On the one hand, the appellants urged a liberal/expansive interpretation of the provision, while on the other hand, the respondents pushed for a purposive/restrictive construction. Their extensive


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submissions have been aptly captured in the lead judgment, and so it would be superfluous to repeat them here.

In addition to the submissions of learned Counsel for the respective parties, the Court is indebted to learned *Amici curiae*, namely, Messrs Abimbola Akeredolu, SAN; Dr. Oladapo Olanipekun, SAN; Inam Wilson, SAN; Professor Emmanuel A. Kenen, Esq., and their separate teams of Counsel who devoted their time and resources to address the Court *vide* their well-researched written and oral addresses for their in-depth and insightful submissions into this crucial Constitutional provision that is key to defining/interpreting the extent and/or scope of the jurisdiction of the NICN *vis-à-vis* the jurisdiction of the State High Court, in particular the High Court of Lagos State.

Section 254(C) of the Constitution (Third Alteration) provides *inter alia* thus –

"254(C). Jurisdiction


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(1) Notwithstanding the provisions of sections 251, 257, 272 and anything contained in this Constitution and in addition to such other jurisdiction as may be conferred upon it by an Act of the National Assembly, the National Industrial Court shall have and exercise jurisdiction to the exclusion of any other court in civil causes and matters -

(a) relating to or connected with any labour, employment, trade unions, industrial relations and matters arising from the workplace, the conditions of service, including health, safety, welfare of labour, employee, worker and matters incidental thereto or connected therewith;

(b) relating to, connected with or arising from Factories Act, Trade Disputes Act, Trade Unions Act, Labour Act, Employees' Compensation Act or any other Act or Law relating to labour, employment, industrial relations, workplace or any other enactment replacing the Acts or Laws;

... ..

(f) relating to or connected with unfair labour practice or international best practices in labour, employment and industrial relation matters;

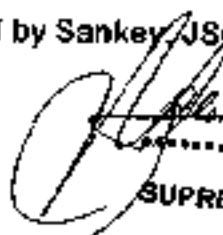
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... ..

(g) relating to or connected with any dispute arising from discrimination or sexual harassment at workplace;
(h) relating to, connected with or pertaining to the application or interpretation of international labour standards."

The constitutional reference of this matter to this Court as a case-stated, seeks the proper interpretation of the above provision of the Constitution, to wit: Section 254(C) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). This is against the backdrop of the pleadings of the Respondents (as Claimants before the trial High Court) where the Court is called upon to determine whether claims founded on defamation, which arose in an employment setting, falls within the exclusive jurisdiction of the National Industrial Court of Nigeria.

The law is settled that jurisdiction is determined solely by the claimant's claim as disclosed in the writ of summons and statement of claim, and not by any defence raised in the


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statement of defence. From a close scrutiny of the Respondents' claim, it is self-evident that their cause of action at the High Court of Lagos State is directly founded on the tort of defamation, and not based on labour, employment, collective agreement or conditions of service, and the like, notwithstanding the fact that the alleged defamatory publication contained references to the 1st Appellant's resignation from the 1st Respondent's employment. As aforesaid, of the five reliefs sought by the Respondents in their Statement of Claim, the first two reliefs sought declarations from the trial Court that the Respondents published defamatory material against the appellant; while the third, fourth and fifth reliefs sought a published retraction of the alleged defamatory material, a perpetual injunction against publishing the alleged defamation and the costs of the action. It is thus apparent that the principal claims of the


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Respondents/Claimants rested on the publication of defamatory material against them by the Appellants.

The law is long settled that it is the Court that is vested with jurisdiction to entertain the principal claim(s), as against the ancillary claim(s), that will rightly determine the matter. Thus, a court of law cannot adjudicate over a claim where the ancillary claims are inextricably bound to the principal claims, if it lacks the jurisdiction to entertain the principal claims. See **Egbuonu V Bornu Radio Television Corp. (1997) LPELR-1041(SC) per Iguh, JSC; Adenuga & Ors. V Odumeru & Ors (2001) 2 NWLR (Pt. 696) 184, per Karibi-Whyte, JSC.**

I am of the view that it is neither the intendment of the draftsman of the Third Alteration Act of the Constitution (supra) nor is it within his contemplation that the elevation of the National Industrial Court (NIC) to a superior court of record enlarges its jurisdiction such as to oust the jurisdiction of the High Court of a State over tortious claims.

Rather, it is plain that the intendment of the draftsman is that, where the principal or primary claim falls squarely within the subject matter jurisdiction of the NICN as circumscribed in Section 254C(1) of the Constitution, then the NICN would assume jurisdiction over both the principal/primary claim which falls directly within the jurisdiction of the NICN, as well as any other ancillary claims therein, such as defamation, a claim of a tortious nature, in circumstances related or connected with labour and employment. Where the primary claim does not fall fully within the subject-matter jurisdiction of the NICN, the mere fact that it arises from or is connected with a workplace or labour matrix, does not suffice to confer jurisdiction on the NICN.

An objective assessment that can be carried out by courts faced with such a dilemma as to which court is vested with jurisdiction to entertain a matter by virtue of Section 254(C)


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of the Constitution (supra), is to examine the facts on a case-by-case basis, and apply the following tests:

- a) What is the dominant or substantive cause of action?
- b) Do the averments in the Statement of Claim and the Reliefs sought by the Claimant substantially relate to defamation, contract or any other cause of action, independent of any employment right or obligation?
- c) If so, then it goes without saying that the claim falls within the general jurisdiction of the regular High Court.

It is only where the alleged defamation or other cause of action is inseparably intertwined with the interpretation, enforcement, or violation of the claimant's employment rights, such that the tort cannot be adjudicated upon without first determining core employment issues as enumerated in Section 254C of the Constitution, that the NICN may assume jurisdiction.

Thus, for the application or otherwise of Section 254C of the Constitution (supra) to the case under consideration, a dispassionate fact-finding test must be carried out by the

court to discover whether or not the allegation of the tort of defamation or other such complaint, is connected with, incidental to, related to, or has arisen from employment or the workplace. This is a question of fact to be determined on a case-by-case basis. This underscores and accentuates the principle espoused by this Court that questions of jurisdiction must be determined by juxtaposing the relevant provisions of the Constitution with the averments contained in the Statement of Claim – **FBN Plc V Abraham (2008) 18 NWLR (Pt. 1118) 172, 189 (SC); Adeyemi V Opeyori (1978) 9-10 SC 18, 31.**

That is to say, if upon a proper evaluation of the statement of claim it is shown that the dispute is labour-centred and/or employment-related in substance, jurisdiction is solely reserved for the National Industrial Court to the exclusion of other courts. However, where the dispute does not have as its crux, heart or core, issues relating to or connected with

labour or employment matters as circumscribed or bounded by Section 254C of the Constitution (supra), then the relevant High Court, other than the NIC, will be seised with jurisdiction to entertain the matter.

The basis or rationale behind this is simple. If the argument is to be extended to include any and all matters (such as contract or tort), which merely make an allusion to labour or employment matters ancillary to the primary or principal complaint, as matters which fall under the jurisdiction of the NIC, it will inevitably lead to the over-burdening of the NICN, a specialised court, and thus, will defeat the very purpose for which the court was created by the Constitution. If the liberal interpretation is accepted, as advocated by the appellants, as opposed to the restrictive interpretation, the NIC will undoubtedly be inundated, swamped and even overwhelmed by an unwarranted and needless flood of all manner of civil causes that should rightly be handled by State High Courts

by virtue of the jurisdiction vested in them by Section 272 of the Constitution (supra); thereby diluting the character of the NIC and converting it into a court of general civil jurisdiction, contrary to the intendment and purpose for its establishment.

In consequence of this calm reasoning and introspection, I take the view that, in view of the fact that the principal claim and reliefs sought in the Respondents'/Claimants' Statement of Claim is defamation, the jurisdiction of the High Court of Lagos State is neither negatively impacted nor excluded by the provision of Section 254C of the Constitution. The State High Court still retains its jurisdiction to handle matters such as those disclosed in this case, whose principal claim is the tort of defamation, as opposed to a claim principally involving labour and employment, etc., as enumerated under Section 254C of the Constitution. In consequence, I answer question one in the negative.

Questions two & three together

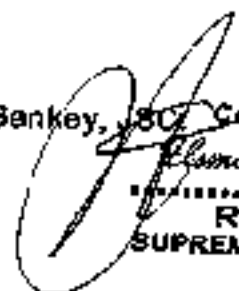

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2. Having regard to Section 254C of the Constitution, whether the termination of an employment relationship, *simpliciter*, will vest the High Court of Lagos State with the jurisdiction to entertain a claim in defamation in circumstances related or connected with labour and employment.

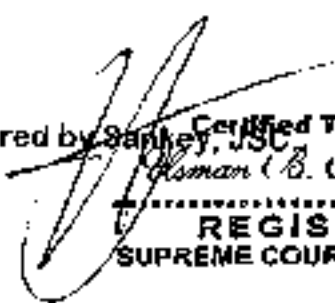
AND

3. Whether a purportedly defamatory material arising from an employees (sic) work relationship but made by a non-employee can be countenanced by the High Court of Lagos State having regard to Section 254C of the Constitution.

As a natural progression from my view expressed in respect of question one referenced to this Court, the termination of an employment *simpliciter* will not, without more, vest the High Court of Lagos State with jurisdiction to entertain a claim in defamation in circumstances related to and connected with labour and employment. The fact that an employment has been terminated should not negatively impact the exclusive jurisdiction of the NICN. This is evidently


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because, in many instances, it is actually the termination of an employment relationship that triggers a dispute which leads aggrieved parties to approach the NICN for redress. To therefore suggest that upon the termination of an employment relationship, the jurisdiction of the NICN is automatically revoked, would be absurd, given the express provision of Section 254C of the Constitution. If this were to be the case, it would suggest that the NIC was set up to entertain disputes that arise only in the course of a subsisting employment relationship. However, by the express wordings of Section 254C, the Constitution vests on the NICN exclusive jurisdiction even where the cause of action is **incidental** to an employment contract. The word '**incidental**' is analogous to the phrase '**linked to**'. Thus, it is immaterial that the employment has been terminated. Rather, the emphasis is on whether the cause of action is related to, connected with, incidental to or has arisen from employment or the


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workplace. This is a question of fact that is not necessarily dependent on the subsistence of an employment relationship. Based on these, I take the considered view that issue two is also answered in the negative.

For the sake of clarity, the mere termination of an employment relationship will not automatically divest the NICN of jurisdiction and vest jurisdiction in the State High Court to entertain a claim except it is shown, as in this case, that the principal claim is in respect of a subject matter other than a labour and employment matter, (which in the instant case is firmly and unquestionably defamation), while the issue of labour/employment is merely be ancillary to it. This is indubitably the purport, import and meaning of Section 254C of the Constitution.

On Issue three, at the risk of repetition, it is my considered opinion that this question is also a fact-dependent determination. An allegedly defamatory material arising from


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a work relationship but made by a non-employee, may be countenanced by the State High Court if, in the peculiar factual circumstances, the cause of action is not related to, connected with, incidental to, or arising from labour, employment, the workplace, etc. See **Skypower Exp. Airways Ltd V UBA Plc (2022) 6 NWLR (PL 1826) 203, 242 (SC); Radiographers Reg'd, Bd, Nig. V M. & HWUN (2021) 8 NWLR (PL 1777) 149, 203 (SC)**. Thus, for the State High Court to be vested jurisdiction, an inspection of the claim must reveal a complete disconnection from the jurisdictional field and/or range covered by Section 254C of the Constitution.

An inspection of the claim herein reveals a complete schism from the jurisdictional sphere or domain covered by Section 254C of the Constitution. Consequently, the answer to the third question relating to the facts of this case, is in the affirmative.

I endorse the order on costs in the lead judgment.

**JUMMAI HANNATU SANKEY,
JUSTICE, SUPREME COURT.**

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Omony E. Esq,
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Ibrahim Abubakar, Esq.
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IN THE SUPREME COURT OF NIGERIA
HOLDEN AT ABUJA

ON FRIDAY, THE 20TH DAY OF FEBRUARY, 2026

BEFORE THEIR LORDSHIPS

<u>KUDIRAT M. O. KEKERE-EKUN</u>	<u>CHIEF JUSTICE OF NIGERIA</u>
<u>JOHN INYANG OKORO</u>	<u>JUSTICE, SUPREME COURT</u>
<u>HELEN MORONKEJI OGUNWUMIJI</u>	<u>JUSTICE, SUPREME COURT</u>
<u>ADAMU JAURO</u>	<u>JUSTICE, SUPREME COURT</u>
<u>JUMMAI HANNATU SANKEY</u>	<u>JUSTICE, SUPREME COURT</u>
<u>OBANDE FESTUS OGBUINYA</u>	<u>JUSTICE, SUPREME COURT</u>
<u>STEPHEN JONAH ADAH</u>	<u>JUSTICE, SUPREME COURT</u>
	<u>SC/CV/899/2025</u>

BETWEEN:

- 1. EMMA ELEGBE
- 2. LOLU ELEGBE

APPELLANTS

VS.

- 1. HP INTERNATIONAL SCHOOLS LTD.
- 2. KEMI BALOGUN
- 3. LINDA ADEYEMI-HASTRUP
- 4. IYEFÉ OLUDOYI

RESPONDENTS

JUDGMENT

[DELIVERED BY OBANDE FESTUS OGBUINYA, JSC]

I had, in advance, the singular opportunity to preview the leading decision delivered by my learned brother: **Stephen Jonah**

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REGISTRAR
SUPREME COURT OF NIGERIA
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Adah, JSC. I concur fully with the judicial reasoning and conclusion therein.

There is no gainsaying the fact that the gravamen of constitutional reference, which ignited the jurisdiction of this court, is erected on the interpretation of the provision of section 254(1) (a) of the Constitution, as amended. Being the epicentre of the reference/case stated, it is important, at the risk of repetition and verbosity, but borne of necessity, to pluck it out, *verbatim ac litteratim*, from its quiet premises in the Constitution, thusly:

254C-(1) Notwithstanding the provisions of section 251, 255, 252 and anything contained in this Constitution and in addition to such other jurisdiction as may be conferred upon it by an Act of the National Assembly, the National Industrial Court shall have and exercise jurisdiction to the exclusion of any other court in civil cases and matters-

(a) relating to or connected with any labour, employment, trade unions, industrial relations and matters arising from workplace, the conditions of service, including health, safety, welfare of labour,

employee, worker and matters incidental thereto or connected therewith.

Interestingly, the budding provision in our jurisprudence has fallen for interpretation in favour of the National Industrial Court of Nigeria in an avalanche of *ex cathedra* authorities, *Skye Bank Plc v. Iwu* (2017) 16 NWLR (Pt. 1590) 24; *Coca-cola (Nig.) Ltd. v. Akinsanya* (2017) 17 NWLR (Pt. 1593) 74; *Maigana v. I.F.F.* (2021) 8 NWLR (Pt. 1777) 1; *CBN v. Dinnah* (2021) 15 NWLR (Pt. 1798) 91.

In this constitutional reference, the *casus belli inter parties* is circumscribed within the perimeter of a narrow compass. The bone of contention is: which court, the High Court of a State (Lagos State herein) and the National Industrial Court of Nigeria (NICN), is clothed with the jurisdiction to entertain a claim pegged on the tortious claim of defamation *vis a-vis* the provision of section 254C-(1)(a) of the Constitution, as amended, catalogued above? The burning controversy, which propelled the lower court to grant the constitutional conference, to my mind, germinated from the draftsman's slavish employment of the words related, connected with and incidental thereto in the provision. The toxic legal consequence of the deployment of such suffixes was captured by this court in *A.D.H. Ltd v. A. T. Ltd.* (2006) 10 NWLR (Pt. 989) 635 at 649, wherein Pat -Acholonu, JSC, incisively declared:

Statutes which from their verbosity their endless tautologies, their involutions of case within parenthesis, and their multiplied efforts at certainty by *said*s, *afore-said*s, *by or and*, and to make them more plain, do really render them incomprehensible not only to common readers but to the lawyers themselves.

Indubitably, it is imperative to harvest the significances of those words, which generate the confusion in the application of the provision, from the vineyard of the case law. In the legal hemisphere, "incidental", an adjective, connotes "a thing that follows naturally, appertains to or as a matter of course from the primary matter or depends upon the primary matter", see *Akapo v. Hakeem-Habeeb* (1992) 6 NWLR (Pt. 217) 266, per Karibi-Whyte, JSC; *A. – G., Fed. v. A. – G., Lagos State* (2013) 16 NWLR (Pt. 1380) 249. The term "connect", a verb, traces its lexical paternity to a Latin phrase, *connectere connesum* - which signifies to fasten together; to establish a relationship between two associates, see *NUEE v. BPE* (2010) 7 NWLR (Pt. 903) 538; *BCE Consulting Engineers v. NNPC* (2019) 14 NWLR (Pt.1691) 136. *SCC (Nig.) Ltd. v. George* (2024) 18 NWLR (Pt. 1971) 421. The settled posture of the law is that once a word or a phrase, provided in an enactment, has been judicially or statutorily defined, it bears that meaning assigned to it and sheds/drops its ordinary or technical

meaning. Put simply, the moment a word or phrase has received a judicial explanation or definition, a *fortiori* from the apex court, the courts are bound to kowtow to that meaning in subsequent proceedings, see *Daplanlong v. Dariye* (2007) 8 NWLR (Pt. 1036) 332; *Shettima v. Goni* (2011) 8 NWLR (Pt. 1279) 413; *Ardo v. Nyako* (2014) 10 NWLR (pt. 1416) 591; *A.-G., Lagos State* (2013) 16 NWLR (Pt. 1380) 249; *Utomudo v. Mil. Gov., Bendel State* (2014) 11 NWLR (Pt. 1417) 97.

In order to actualise the intendment of this provision, under the canopy of this all-important constitutional reference, I will be compelled to patronise the purposive canon of interpretation of statutes, *videlicet*: that the law tasks the court not to construe a constitutional provision in a manner that will defeat its evident purpose. The import of it is that, the court, nay, the apex court, in interpreting a constitutional provision must bear in mind, like an emblem on its judicial shoulder, that its goals are conserved and accomplished for the benefit of the citizenry. In other words, a court, whilst exercising its interpretative jurisdiction over a constitutional provision, must distance itself from any act that owns the potency to castrate its clearly tailored purpose. This is moulded in the Latin maxim: *Ut res magis valeat quam valeat*- that a matter may have effect rather than fail, see *F.C.S.C. v. Laoye* (1989) 2 NWLR (Pt. 106) 652; *Onochie v. Odogwu* (2006) 6 NWLR (Pt. 106) 652.

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Obande Festus Ogburnya, SC

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975) 65; *Elebanjo v. Dawodu* (2006) 15 NWLR (Pt. 1001) 76; *Olalomi Ind. Ltd. v. N.I.D.B. Ltd.* (2009) 16 NWLR (Pt. 1167) 263; *A.- G., Fed., v. A-G, Lagos* (2013) 16 NWLR (Pt. 1380) 249; *A.- G., Nasarawa State v. A.-G., Plateau State* (2012) 10 NWLR (Pt. 730) 1309) 419; *Abegunde v. O.S.H.A* (supra); *Gov., Kwara State v. Dada* (2011) 14 NWLR (Pt. 1267) 384; *Amadi v. INEC* (2013) 4 NWLR (Pt. 1345) 595; *Dickson v. Sylva* (2017) 8 NWLR (Pt. 1567) 167; *Skye Bank Plc v. Iwu* (2017) 16 NWLR (Pt. 1590) 24. In *Nafiu Rabiu v. Kano State* (1989) 8 – 11 SC. 130, at 148 – 149, Udo Udoma, JSC, proclaimed incisively:

I do not conceive it to be the duty of this court so to construe any of the provision of the Constitution as to defeat the obvious ends the Constitution was designed to serve where another construction equally in accord and consistent with the words and sense of such provision will serve to enforce and protect such ends.

I will honour this canon of interpretation *in solidum*.

It is the rudimentary law, in the days of the yore, that the case law has endorsed a statement of claim as a major/macro-process that serves as the judicial thermometer for the measurement of the presence or absence of jurisdiction of the courts, see *F. U. T., Minna v. Olutayo* (2018) 7 NWLR (Pt. 1617) 176; *A. G. Lagos*

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State v. Eko Hotels (2008) 7 NWLR (Pt. 1619) 518. In the same vein, a party's reliefs, which are usually domiciled at the *terminus ad quem* of a statement of claim, bequeath jurisdiction to the court, see *Coca Cola (Nig.) Ltd v. Akinsanya* (2017) 17 NWLR (Pt. 1593) 74; *Dec Oil & Gas Ltd v. Shell (Nig.) Gas Ltd* (2019) 14 NWLR (Pt. 1692) 273. Hence, the law mandates the court, where a suit is instituted, to accord a microscopic and global examination, possibly with the finery of a toothcomb, to a statement of claim. The *raison d'être* for the injunction is plain. It is to enable the court garner/collate the flowing story and thrust of a party's case. A statement of claim, which in deserving circumstances, supercedes a writ of summons, warehouses a party's cause of action and where it is specifically propagated in law. It stems from the kingly position of the statement of claim in our accusatorial system of justice, which was imported from the Anglo-American legal system, that a lawyer, who advocates for a party, usually a plaintiff/claimant, must craft a cause of action and its accompanying reliefs in a manner that their connotations will be comprehension-friendly even by the laity.

It admits of no argument, in my, humble, view, that where a party's cause of action is rooted and planted within the sphere of labour and employment, then it is indisputable that the NICN will be showered with the exclusive jurisdiction to adjudicate over it. Ditto


for the reliefs attendant thereto. At once, where a defamatory act is incidental or linked to a cause of action that is founded on employment, the NICN will still be vested with the jurisdiction to entertain the suit. That is to say, where the alleged defamatory act in a suit is dependent on a party's employment such that it is inextricably tied to the apron strings of his employment and appurtenant thereto, the NICN will be invested with the *vires* to entertain it. This second arm is analogous to the hallowed principle of law on main and ancillary claims. The inelastic posture of the law is that a court which is equipped with the jurisdiction to hear a main/principal claim is bestowed with the *vires* to try an auxiliary/tributary claim that is parasitic thereon. This must be so as there is no half jurisdiction in our *corpus juris*. Jurisdiction of a court to entertain a matter is either present or absent. It is either total or none at all, see *Oni v. Cadbury Nig. Plc.* (2016) 9 NWLR (Pt. 1516) 80. This cardinal principle of law owes its pedigree to the Latin maxim: *Accessorium nonducit, sed sequitur, suum principale, id est*, an accessory does not lead, but follows, its principal, see *Tukur v. Govt of Gongola State* (1989) 4 NWLR (Pt. 117) 517.

By the same token, where a party's claim solely orbits around the universe of tort of defamation, then the High court is armed with the jurisdiction to entertain the suit that hosts it. In that wise, it will be the *forum competens* for the determination of the suit. In the

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premises of the foregoing, this brief juridical survey of the provision, the nomenclature of claim and the reliefs, as disclosed in a statement of claim, will constitute the paramount parameter that will guide a party, a plaintiff/claimant, on the appropriate court, the High Court of a State or the NICN, to beseech and ventilate his nursed and perceived grievances against his adversary in an action erected on the tort of defamation. This lean legal exposition, to my mind, aligns with the intention and purpose of the provision the drafter of the of section 254C-(1) of the Constitution, as amended.

Flowing from this brief *addendum*, coupled with the legal dissections assembled in the leading decision, I, too, return negative, negative and affirmative answers to questions 1, 2 and 3 respectively. Similarly, I commend all the learned counsel in this constitutional reference, especially the learned *amici curiae*: Abimbola Akeredolu, SAN, Dr. Oladapo Olanipeku, SAN, Inam Wilson, SAN and Prof. Emmanuel A. Kenem, alongside a galaxy of learned counsel in their teams, for the great diligence and dexterity invested in their dazzling submissions which demystified the thorny questions housed in the constitutional reference. I abide by the consequential order on costs as decreed in the leading decision.

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[Handwritten Signature]

OBANDE FESTUS OGBUINYA,
JUSTICE, SUPREME COURT.

[Handwritten Signature]

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JUDGMENT

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SC/CV/899/2025

Obande Festus Ogbuinya, SC

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