

MONITORING POLITICAL PARTIES & JURISDICTIONAL LIMITS

INEC Oversight and Court Intervention under the Electoral Act 2026



This Factsheet:

- Examines INEC's monitoring powers over political parties;
- Analyses the sweeping jurisdictional ouster introduced in the law i.e. shutting out of the courts from many internal party disputes;
- Assesses its interaction with pre-election jurisdiction;
- Examines how this change may affect party leadership conflicts, party primaries, and access to justice;
- Considers the wider democratic effect and systemic implications for internal party disputes, particularly in light of ongoing litigation involving major political parties.

Executive Summary

Section 83 of the Electoral Act 2026 represents one of the most structural changes in the Act. While subsections (1) – (4) largely retain INEC's monitoring and inquiry powers from the 2022 framework, subsections (5) and (6) introduce a sweeping jurisdictional exclusion clause and a statutory litigation deterrence mechanism unprecedented in Nigeria's electoral law.

The Act now provides that no court shall entertain suits relating to the internal affairs of a political party and imposes mandatory cost sanctions of not less than N10 million against both counsel and litigants who bring such suits.

This is a major shift in the law. It is clearly aimed at reducing the growing number of court cases over party leadership, congresses, and internal fights. That concern is real. Major parties such as the PDP, Labour Party, and NNPP have all recently been involved in repeated internal court battles. While the policy aim of discouraging multiple lawsuits and dependence on the courts to resolve party matters

is clear, the provision could shield powerful groups inside parties, weaken accountability, and make it harder for weaker members and smaller parties to challenge unfair treatment.

Overall, **section 83** signals a legislative attempt to codify and significantly harden the legal doctrine of **non-justiciability of internal party affairs**. However, its breadth raises profound systemic questions.

This provision is analysed against:

- Established Supreme Court jurisprudence on non-justiciability of internal party affairs;
- Statutory pre-election rights of aspirants under **sections 29(5) and 88(8)** of the 2026 Act;
- The ongoing wave of intra-party litigation across Nigeria’s political landscape.

I. Introduction: Why this Provision Matters

Political parties are meant to be private associations, but they perform a public democratic role. They choose candidates, shape political competition, and control access to elected office. Because of that, there is always a tension between two ideas:

- parties should be free to manage themselves; and
- party decisions should still be subject to some legal checks, especially where they affect democratic rights.

Section 83 sits right at the centre of that tension. It deals with INEC’s power to monitor parties. In the 2022 Act, it was mainly an oversight provision. In the 2026 Act, it becomes something more serious: a rule about when the courts can – and cannot – step into party disputes. That is why Section 83 is one of the most sensitive changes in the new Act.

Quick-Glance Comparison: Section 83 (2022 vs 2026)

Issue	Electoral Act 2022	Electoral Act 2026	Impact
INEC keeps records of party activities.	Yes	Yes	No change
INEC may seek information or clarification. Enquiries directed to party officers	Yes	Yes	No change
Fine for non-compliance with enquiries.	Up to N1,000,000	Up to N1,000,000	No change
Court jurisdiction over internal party affairs	Not stated	Courts barred from hearing such matters	Major change
Penalty for filing such suits	None	Heavy mandatory/punitive costs	Major change
Interim injunctions in such suits	Not addressed	Not allowed	Major change

2. Section 83 Before the Amendment: Monitoring Framework

Under the 2022 Act, Section 83 provided that:

- INEC shall keep records of the activities of political parties;
- INEC may seek clarification where activities appear contrary to law;
- Enquiries may be directed to party officers at various levels;
- Non-compliance attracts a fine of up to N1,000,000.

The 2026 Act retains all of these provisions, therefore the monitoring architecture remains intact.

3. The Big Change: Section 83(5) – (6)

The 2026 Act introduces two new subsections as follows:

Section 83(5): No Court in Nigeria shall entertain jurisdiction over any suit or matter pertaining to the internal affairs of a political party.¹

Section 83(6): Where such action is brought:

- No interim or temporary orders shall be granted by the court;
- the court must wait until final judgment before ruling on that issue;
- accelerated hearing is mandated; and
- at the end, the court must impose at least N10,000,000 (10 million naira) against the lawyer and at least N10,000,000 against the person who filed the case, plus additional costs to INEC if it was joined.

These provisions go beyond monitoring. They attempt to reshape the litigation landscape of party disputes.

What is an “Ouster Clause”?

An ouster clause is a rule that tries to stop courts from hearing a certain kind of case. In simple terms, it is the legislature saying: “Courts should stay out of this area.”

Section 83(5) is an ouster clause because it tries to shut the court door to disputes about the internal affairs of political parties.

4. Constitutional Context: Internal Affairs & Judicial Precedent

The doctrine that courts do not interfere in the internal affairs of political parties is not new. The Supreme Court has long established the principle that matters concerning party nomination and internal management are non-justiciable, i.e. cannot be tried in court.²

¹ Section 83(5) begins with the words: “subject to subsection (3)”. But subsection (3) only says that INEC may direct its enquiries to the Chairman or Secretary of the party at different levels. It is an administrative point and has nothing to do with court jurisdiction. This looks like a drafting mistake.

² See *Onuoha v. Okafor* (1983) 2 SCNLR 244

Recent decisions have reaffirmed this doctrine, including Supreme Court rulings from the 2023 post-election cases³ where it was held that:

- Party congresses for executive officers are internal matters;
- Courts lack jurisdiction over party administration;
- Only primary elections are justiciable as pre-election matters.

It appears **Section 83(5)** attempts to codify this boundary.

5. Examining the Scope of Section 83(5)

Section 83(5) is partly declaratory (that is, it affirms what is already a judicial position). It takes a court-made doctrine and places it in statutory text.

However, read alone, it seems to go further. This is because the phrase: “*any suit or matter pertaining to the internal affairs of a political party*” is extremely broad. If interpreted literally, it could go beyond executive committee disputes, party leadership crises, membership disputes and Congress conduct to aspects of primary election preparation and nominations.

However, the law already allows some court cases from inside party processes, especially where a party primary is involved. So Section 83(5) cannot be read in isolation. It must be read alongside the Constitution and other parts of the Electoral Act. This distinction matters because the Constitution itself, in **section 285(14)(a)–(c)**, recognises categories of pre-election matters, including complaints by an aspirant that the Electoral Act or the party’s primary guidelines were not complied with in the selection or nomination of a candidate. Likewise, the Electoral Act has long preserved a statutory cause of action for aspirants challenging defects in the conduct of primaries.

If read narrowly, **section 83(5)** only bars suits about party administration in the strict sense, not suits involving primaries, nomination rights, false qualification documents, or other statutorily recognised pre-election claims. Furthermore, courts generally construe ouster clauses strictly, especially where a broad reading would undermine constitutional access to justice.

Key Distinction between Justiciable and Non-Justiciable Party Matters

Not for the courts	Still potentially for the courts
<ul style="list-style-type: none">▪ leadership struggles▪ congresses for electing party officers▪ internal discipline▪ ordinary party administration	<ul style="list-style-type: none">▪ breaches of the Electoral Act in the conduct of primaries▪ candidate nomination disputes recognised by law▪ false information in candidate documents

³ See Plateau governorship case *Manasseh Muftwang v. Nentawe Goshwe & 3 Ors* (Unreported) SC/CV/1190/2023.

6. Interaction with Section 29(5): False Information by Candidate

Section 29(5) of the 2026 Act expressly gives an aspirant who took part in primaries the right to approach the Federal High Court if they believe a candidate submitted false information in an affidavit or other qualification documents. This is important because it is an express legal right. If **section 83(5)** were read expansively, a party might argue that such disputes are “internal affairs.” However, this provision creates an express cause of action. Because it is directed against a candidate, not internal administration *per se*, it would be problematic to interpret **section 83(5)** as nullifying **section 29(5)**.

7. Interaction with Section 88(8): Non-Compliance with Provisions on Primaries

Another relevant provision is **section 88(8)** of the 2026 Act, which provides that where a court finds that a political party failed to comply with the Act in conducting its primaries, its candidate shall not be included in the election. This explicitly confers judicial power over primary election disputes. Nigerian courts have often expressed reluctance to interfere in candidacy or sponsorship choices as political questions, yet they still recognise that where statute gives an aspirant a right to complain about non-compliance with the Electoral Act or party guidelines, the matter falls within the special category of pre-election litigation. So, Section 83(5) is best understood not as erasing the law of pre-election primaries, but as trying to place a firmer wall around disputes that are purely about party machinery and administration.

8. The Litigation Deterrence Mechanism

Section 83(6) is where the amendment becomes particularly stringent. It does not merely say that internal party suits are non-justiciable. It adds a layered deterrence system and imposes the following:

- Minimum N10 million against complainant;
- Minimum N10 million against complainant’s counsel;
- Mandatory payment to INEC of any cost, including solicitors’ fees, incurred by it, if joined as a party.

This amendment goes beyond jurisdiction stripping; it enters the territory of **punitive litigation management** and penalises lawyers personally. This is unprecedented in Nigerian electoral legislation.

9. Why This Amendment Was Introduced: Endless Party Cases

The immediate policy aim is understandable. Nigeria’s political system has been flooded with intra-party litigation, often at strategic moments. Courts are frequently drawn into factional contests over conventions, leadership recognition, rival executives, caretaker committees, and control of party structures. A recent *Guardian* analysis described the situation starkly: the PDP, LP, NNPP and ADC have all been caught in repeated cycles of leadership litigation, with conflicting court orders helping to deepen party splits rather than resolve them.⁴

⁴ Seye Olumide. (2026, February 3). Party politics by court orders hurts internal democracy, opposition. The Guardian Nigeria. Retrieved from <https://guardian.ng/politics/party-politics-by-court-orders-hurts-internal-democracy-opposition/>

Section 83(6) is plainly responding to a real institutional problem, but its chosen remedy is like a strong medicine with serious risks.

First, the mandatory minimum cost sanctions may chill legitimate litigation, not just abusive suits. A smaller party member, reform faction, or unlawfully excluded officer may hesitate to go to court even where the claim is *bona fide*, simply because the downside risk is catastrophic.

Second, the section penalises counsel personally. That is unusual and potentially problematic. Costs are ordinarily a matter of judicial discretion, calibrated to conduct, abuse, delay, or bad faith. A law that says a court must impose a minimum punitive amount regardless of context narrows that discretion sharply.

Third, the bar on interlocutory relief may itself alter political realities irreversibly before final judgment. In internal party conflicts, timing is everything. By the time a final judgment arrives, a convention may have held, candidates may have been recognised, signatures may have been issued, and factional control may have crystallised. Denying interim relief can therefore produce a practical victory for whichever faction already controls the party apparatus.

In that sense, the penalty system may not just reduce litigation, but may structurally favour the incumbent power-holder inside the party.

10. Democratic Implications: Is the Political Environment Ready?

Section 83(5)–(6) is designed to reduce excessive judicial interference in intra-party disputes and to encourage political parties to strengthen their internal conflict-resolution mechanisms. In principle, limiting routine resort to the courts could promote party autonomy, institutional discipline, and organisational maturity.

However, whether such an ouster model strengthens or weakens internal democracy depends heavily on the political environment in which it operates. For a restriction on judicial intervention to improve internal governance, political parties would need credible internal systems, including:

- Trusted appeal mechanisms;
- Clear and consistently applied rules;
- Transparent record-keeping and decision-making;
- Leadership committed to respecting internal processes.

In Nigeria's current party environment, these conditions are uneven at best. Many parties remain heavily personality-driven, factionalised, and influenced by powerful financiers, "godfathers" or dominant blocs. Internal constitutions are sometimes selectively enforced, and internal complaint or reconciliation systems are not always regarded as neutral or trustworthy.

In such a context, limiting access to courts may not necessarily deepen internal democracy. Instead, it risks consolidating the position of dominant factions within party structures. If judicial oversight is largely unavailable, those who control party machinery may have less incentive to invest in fair and credible internal adjudication systems.

A more balanced approach might have been more institutionally sound. For example, requiring exhaustion of alternative dispute resolution (ADR) mechanisms or internal remedies first, imposing sanctions only for clearly frivolous suits, or preserving limited judicial review for bad-faith or procedurally abusive internal decisions. That kind of model would still discourage reckless forum-shopping while retaining a statutory safety net for party members who may have no realistic internal remedy.

Section 83(5)–(6), by contrast, takes a much harder route by assuming the internal system is ready to bear the weight of near-complete judicial withdrawal and that assumption is doubtful. So, while the goal of reducing court dependence makes sense, the current approach may be too blunt for the political reality Nigeria still faces.

Risks - Benefits Table of the Ouster Clause

Intended benefits	Potential risks
<ul style="list-style-type: none"> ▪ reduce opportunistic intra-party litigation; ▪ discourage forum-shopping by litigants; ▪ discourage injunction abuse; ▪ promote party self-regulation; ▪ shield political processes from being perpetually stalled by court orders. 	<ul style="list-style-type: none"> ▪ reduced accountability of party leadership; ▪ weakened external checks on abuse of internal power; ▪ stronger incentives for dominant factions to capture party organs; ▪ disproportionate harm to weaker factions and smaller parties; ▪ possible constitutional litigation over the scope of the ouster clause itself.

II. Conclusion

Section 83 of the Electoral Act 2026 is trying to solve the real and visible problem of political parties in Nigeria being increasingly locked in internal court battles. This has weakened party stability, deepened factional conflict, and pulled judges further into party politics. But the reform carries major risks. It may reduce some abusive cases, yet it may also:

- weaken accountability inside parties;
- make it harder for weaker members to challenge abuse;
- protect dominant factions;
- and trigger fresh constitutional fights over how far the courts can really be shut out.

If courts take the narrow path, section 83 may survive as a limited anti-litigation rule. If it is read broadly (which is most probable, given the court’s posture on this matter), it risks becoming less a tool for party maturity and more a shield for internal power concentration.

In democratic terms, that is the central warning: a rule meant to strengthen party autonomy could, if applied too widely, end up weakening internal democracy.

About PLAC

Policy and Legal Advocacy Centre (PLAC) is a non-governmental organization committed to strengthening democratic governance and citizens' participation in Nigeria. PLAC works to enhance citizens' engagement with state institutions, and to promote transparency and accountability in policy and decision-making process.

The main focus of PLAC's intervention in the democratic governance process is on building the capacity of the legislature and reforming the electoral process. Since its establishment, PLAC has grown into a leading institution with capacity to deliver cutting-edge research, policy analysis and advocacy. PLAC receives funding support from donors and other philanthropic sources.

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