
**FUNDAMENTAL RIGHTS
ENFORCEMENT AND THE
JURISDICTIONAL DIVIDE
UNDER SECTION 254C OF
THE CONSTITUTION:
*INSIGHTS FROM SCC NIG.
LTD. V. DAVID GEORGE (2024)***

Labour and Employment Insight

September 2025



P a g e s C O N T E N T S

2 Abstract

3 Introduction

3 Summary of the Facts

4 Supreme Court's Ruling and Resolution

6 Commentary

8 Conclusion

Abstract

This case analysis examines the Supreme Court's decision in *SCC Nig. Ltd. & Anor v. David George & Anor* (2024) 18 NWLR (Pt. 1971) 421, which dealt with whether or not disputes pertaining to the enforcement of fundamental rights are under the purview of the National Industrial Court of Nigeria under section 254C of the 1999 Constitution (as amended). The Court explained that the content of the claim, not its coincidental relationship to labour or employment issues, determines jurisdiction in matters pertaining to fundamental rights. It concluded that, even in cases where the claimant is an employee, the National Industrial Court of Nigeria lacks jurisdiction when the claim is not based on employment rights or benefits. Beyond resolving the jurisdictional contest, the judgment emphasises how employers must respond to claims of wrongdoing against workers, warning against instigating arrests without a factual basis. This decision reaffirms a liberal and citizen-centred approach to the enforcement of fundamental rights while clarifying the jurisdictional boundaries of specialised Courts in Nigeria.

1. Introduction

The interpretation of jurisdictional boundaries under the 1999 Constitution (as amended) remains one of the most contested issues in Nigerian constitutional adjudication. With the establishment of the National Industrial Court of Nigeria (NICN) as a specialised forum for labour and employment disputes, questions have arisen as to whether its jurisdiction extends to actions founded on the enforcement of fundamental rights where such disputes are tangentially connected to employment. The Supreme Court's recent decision in *SCC Nig. Ltd. & Anor v. David George & Anor* (2024) 18 NWLR (Pt.1971) 421 provides important clarification on this matter.

The case tested the scope of Section 254C of the Constitution, which outlines the jurisdiction of the NICN, vis-à-vis Sections 251 and 46 of the Constitution, which confer jurisdiction on the Federal High Court and State High Courts in the enforcement of fundamental rights. Central to the dispute was whether an action alleging unlawful arrest and detention, brought by an employee against his employer and the Nigerian Police, properly fell within the competence of the NICN or was rightly initiated at the High Court of the Federal Capital Territory.

2. Summary of the Facts

The 1st Respondent (David George, who was the Applicant at the lower Court) commenced this suit at the High Court of the Federal Capital Territory, Abuja, by an Originating Motion under the Fundamental Rights (Enforcement Procedure) Rules 2009 against SCC Nig. Ltd (1st Appellant), Abel Olorokor (2nd Appellant) and the Nigerian Police (2nd Respondent). The 1st Respondent's case was that he worked as a Generator Attendant in the office of the 1st Appellant until he was unlawfully arrested on November 30, 2014, on allegations of theft. He was subsequently detained

by the 2nd Respondent for days without any justification or evidence linking him to the alleged offence, culminating in his eventual release on December 3, 2024, without arraignment in Court.

The 1st Respondent sought several reliefs at the lower Court, including declarations that the allegation of theft, arrest, and handing over of the 1st Respondent to the 2nd Respondent without any evidence was unwarranted, wrongful, unconstitutional, and a breach of the 1st Respondent's right to personal liberty. The 1st Respondent also sought NGN1,000,000 (One Million Naira) as damages.

The Appellants objected to the jurisdiction of the trial High Court to entertain the 1st Respondent's suit on the grounds that, by virtue of sections 254C(1)(d) and 251(1)(p), (q) and (r) of the Constitution of the Federal Republic of Nigeria 1999 (as amended), jurisdiction properly lay either with the National Industrial Court of Nigeria, since the 1st Respondent's claim was allegedly employment-related, or with the Federal High Court, given that his complaints involved the Nigerian Police, a federal government agency.

Upon hearing the parties, the trial High Court dismissed the Appellants' preliminary objection and entered judgment in favour of the 1st Respondent on the substantive suit. Dissatisfied, the Appellants appealed to the Court of Appeal, which upheld the trial Court's decision and dismissed the appeal. The Appellants further appealed to the Supreme Court.

3. Supreme Court's Ruling and Resolution

Dissatisfied with the decisions of the trial Court and the Court of Appeal, the Appellants further appealed to the Supreme Court. At the apex Court, the Honourable Justices seized the opportunity to determine the central jurisdictional issue, namely, whether by virtue of sections 254C(1)(d) and

251(1)(p)–(r) of the Constitution of the Federal Republic of Nigeria 1999 (as amended), the High Court of the Federal Capital Territory had jurisdiction to entertain the 1st Respondent's fundamental rights enforcement action.

In resolving the issue, the Court after considering sections 254(c)(1)(d) and 251(1)(p)(q)(r) of the Constitution of the Federal Republic of Nigeria (CFRN), 1999 (as amended), held that the 1st Respondent's suit did not fall within the exclusive ambit of the National Industrial Court of Nigeria or the Federal High Court as the 1st Respondent's main claim before the Court was not labour or employment related but rather focused on the enforcement of fundamental right to liberty arising from the 1st Respondent's alleged unlawful arrest and detention.

The Supreme Court reasoned that the National Industrial Court of Nigeria did not have exclusive jurisdiction over the 1st Respondent's claim, since the suit and the reliefs sought were not connected to his employment with the Appellants. The Court emphasised that the respondent neither challenged his dismissal nor sought any remedy relating to employment rights or benefits. Rather, his claim was a fundamental rights enforcement action premised on alleged unlawful arrest and detention, which properly fell within the jurisdiction of the High Court of the Federal Capital Territory under section 46 of the Constitution. Although the Court recognised that the National Industrial Court of Nigeria's jurisdiction includes disputes arising from Chapter IV of the CFRN 1999 (as amended), it noted that this is limited to disputes involving employment, labour, industrial relations, trade unionism, employer's association, or any other matter which it has jurisdiction over.

The Court further elucidated that the 1st Respondent's case, which was a fundamental right dispute predicated on section 35 of the CFRN 1999 (as amended), arose from his unlawful arrest and detention and was therefore not an employment-related issue. The Court noted that the Appellants' purported reliance on paragraph 31 of the 1st Respondent's affidavit in

support of the originating process as well as relief B, to support its contention that the claim arose from an employment relationship, merely because it states that the 1st Appellant's concocted the allegation of theft to justify his sack from the 1st appellant's employment, was misplaced as it was merely an assertion of his belief and did not form the basis of the substantive claim.

The Court interpreted this proviso to mean that not all cases involving injunctive and declaratory reliefs against the Federal Government or its agencies fall under the exclusive ambit of section 251(1)(p)(q)(r). Since the 1st Respondent's suit was a fundamental rights enforcement action, it did not fall within the exclusive jurisdiction of the Federal High Court as outlined in the said section.

The Court further held that jurisdiction over fundamental rights matters is conferred by section 46 of the Constitution, which vests jurisdiction on High Courts, including the State High Courts, the High Court of the Federal Capital Territory, and the Federal High Court. The Court's liberal approach to fundamental rights issues stems from its emphasis on the importance of protecting fundamental rights, which is reflected in the Constitution's intention to prevent any obstacles to citizens seeking to enforce their rights. This was made clear in its clarification of the scope of section 251(1)(p)(q)(r).

In conclusion, the suit was classified as a fundamental rights enforcement action outside the scope of the 1st Respondent's employment and thus did not fall under the exclusive jurisdiction of the National Industrial Court of Nigeria under section 254(1) (d) of the Constitution.

4. Commentary

4.1 Clarification on Jurisdictional Boundaries

The Supreme Court reiterated the need to base jurisdiction on the

merits of the claimant's case rather than superficial connections to employment. Despite having worked for the Appellants, the 1st Respondent's claim did not involve wrongful termination, unpaid benefits, or other labour-related rights. It was an action to uphold his basic rights to liberty and dignity. The Court emphasised that the National Industrial Court's jurisdiction over fundamental rights matters is conditional, arising only where such rights are invoked within the context of an employment dispute. This interpretation promotes certainty by preventing a jurisdictional overreach that could undermine the High Courts' constitutional role under section 46 of the 1999 Constitution. It also reflects a consistent judicial approach aimed at safeguarding access to justice, ensuring that procedural technicalities or employment linkages do not oust the jurisdiction of the High Courts where the gravamen of the dispute lies outside labour law.

4.2 Practical Guidance on Forum Selection

For practitioners, the decision serves as a cautionary reminder of the critical importance of selecting the appropriate forum before commencing an action. The mere existence of an employment relationship in the background does not automatically vest jurisdiction in the National Industrial Court. Where the gravamen of the claim is the enforcement of fundamental rights, initiating proceedings in the wrong court may result in costly delays, technical objections, or outright dismissal. By affirming that jurisdiction is substance-driven rather than context-driven, the Supreme Court's judgment promotes judicial discipline in forum allocation while shielding litigants from unnecessary procedural pitfalls.

4.3 Employer Liability in Fundamental Rights Violations

Equally significant is the Court's guidance on employer conduct. The Court's rejection of the Appellants' "reasonable suspicion" defense upholds the rule that employers cannot avoid accountability when their

own actions are at the heart of the violation. While it is acceptable to report to law enforcement legitimately, employers may be held liable if their actions materially contribute to a deprivation of liberty without a valid reason. In addition to damage claims, such behaviour can harm people's reputations and undermine confidence in workplace governance. The idea that employers cannot avoid accountability when their own actions are at the heart of the violation is reinforced by the Court's rejection of the Appellants' "reasonable suspicion" defense.

5.0 Conclusion

The Supreme Court's decision in *SCC Nig. Ltd. & Anor v. David George & Anor (2024)*, upheld the rule that the core of the claim should determine jurisdiction, not ancillary considerations like an employment relationship. The Court made it clear that the National Industrial Court does not always have exclusive jurisdiction over fundamental rights enforcement cases, even when they involve an employer-employee relationship; instead, the High Courts retain primary competence under section 46 of the Constitution.

For legal practitioners, the ruling accentuates the critical importance of careful forum selection, as improper filings may lead to procedural delays, technical challenges, or dismissal. The ruling also reminds employers that they may be held accountable for violations of fundamental rights if they initiate or assist illegal arrests and detentions, which could have significant legal and reputational repercussions.

Overall, the case provides clarity on jurisdictional boundaries, strengthens procedural discipline, and highlights the role of the Constitution in safeguarding individual liberties against overreach, principles that remain central to the effective enforcement of fundamental rights in Nigeria.

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