

# **OBI-MBIERI AUTONOMOUS COMMUNITY**

## **BYE-LAW/ CONSTITUTION**

**2020**

**AS AMENDED.**

## OBI-MBIERI AUTONOMOUS COMMUNITY CONSTITUTION 2004 AS AMENDED

**Preamble:** We, the people of Obi-Mbieri Autonomous Community (hereafter referred to as the Autonomous Community), composed of the remnant town of Mbieri consequent upon the creation of more autonomous communities out of the old Mbieri and having reviewed the constitution of the Old Mbieri Autonomous Community and pursuant to peace, unity, Progress and the development of the Autonomous Community, do hereby give ourselves the following constitution:

### Chapter 1-General Provision

#### Section 1

- (1) This constitution is supreme and its provision shall have biding force on all towns, village, kindred's groups and persons throughout the Autonomous Community.
- (2) The Autonomous Community shall not be governed, nor shall any person or group of persons assume control of the government or the Traditional Ezeship institution of the Autonomous Community except in accordance with the provision of this constitution.
- (3) If any other constitution of the component towns, villages or kindreds or groups is inconsistent with the provisions of this constitution. This constitution shall prevail and that constitution shall be void to the extent of its inconsistency.

#### Section 2:

#### Nature, Motto, Aims and Objective of the Union:

- (1) The Autonomous Community shall be a traditional/cultural community composed of the Ezeship Institution and the Obi-Mbieri Autonomous Community Government
- (2) The Eze of the Autonomous Community shall be known as and called Eze Ukwu I, II, III successively.
- (3) The Eze Ukwu shall be addressed as "His Royal Highness"
- (4) The Autonomous Community Government shall be known as and called the Obi Mbieri Development Union (hereafter called the Union).
- (5) The Motto of the Union shall be "Unity, Peace and Progress".
- (6) The symbol of the Autonomous Community shall be a man in full traditional regalia blowing a traditional trumpet (a tusk)
- (7) All the individual villages comprised in the Autonomous Community shall be treated on the basis of equality in all matters.
- (8) The Aims of Objectives of the Autonomous Community shall include:
  - (a) To promote a peaceful co-existence among the people of the Autonomous Community and her neighbours.
  - (b) To promote unity, love, industry and co-operation among the people of the Autonomous Community.
  - (c) To wage relentless war against all forms of injustice, acrimony and other forms of evil that tend to destroy the unity of the Autonomous Community.

- (d) To ensure a strong and purposeful leadership in all towns that make up the Autonomous Community.
- (e) To promote and preserve legacies, traditions, usages, conventions and customs bequeathed to us which do not occasion idol worship, and/or like practices in the Autonomous Community.
- (f) To ensure the development of the Autonomous Community when the ambit of our resources.
- (g) To pursue the creation of more autonomous communities out of our Autonomous Community.

**Section 3:**

Composition and Membership of the Autonomous Community

- 1. There shall be six (6) towns in the Autonomous Community namely: Ebom, Obokwe, Ohohia Umuagwuru, Umuahii and Umuduru Towns
- 2. There shall be Thirty-four (34) villages in the Autonomous Community thus:

<b>3.</b>	<b>TOWNS</b>	<b>VILLAGES</b>
a.	Ebom	Amakohia, Eziakpu, Obuzi
b.	Obokwe	Amaorji, Durueguzoro, Umuomiafa, Duruamato, Umunkwo, Umuneke & Nwakuba Ohohia Amuzi, Duruemezie, Udum, Umuaku, Ezeaku, Agwunnafor and Okorie/Eluchie
c.	Umuagwuru	Obiowere, Umuarusilam, Umuduruonugbo, Umuotunwoke
d.	Umuahii	Durueze, Okparaokoro, Okwuoba, Umudurueze, Umunnekanma, Umueke,

- e. Umuduru Umuduruofor, Umuoniha and Umuomume Durunna, Duruoriaku, Umuduruaro & Umuokparaocha

- 4. All adult males of the Autonomous Community shall be members through their respective village unions.
- 5. All Village Heads of the component Villages in Obi-Mbieri Autonomous Community MUST posses at least minimum of SSCE/WAEC to be qualified as a Village Head,
- 6. Any Village created by the Autonomous Community, after 3 months could not produce her Village Head shall be abolished.
- 7. A Village Head in Obi-Mbieri Community MUST live within Imo State
- 8. To be qualified to be granted a village stutus the proposed village shall be-
  - (a) At least upto three hundred in population
  - (b) Village Union Government/Youth Wing and Women Wing
  - (c) Constitution/bye law
  - (d) Village Head Elect
  - (e) Village Square

**CHAPTER 2- GOVERNMENT OF THE AUTONOMOUS COMMUNITY**

**Section 4:**

- (1) There shall be a government for the Autonomous Community thus: Obi-Mbieri Development Union (O.M.D.U)
- (2) The government of the Autonomous Community shall be vested in the Union

**Section 5:****Mode of Representation**

- (1) Towns shall be fully represented in the Executive body of the Union
- (2) Each village shall be represented by five people, including the Chairman and the secretary in the general meeting of the Union.
- (3) All Village Heads shall attend general meetings in their capacities as Heads of the respective villages.

**Section 6:****Supreme Authority of the Autonomous Community**

- (1) The supreme Authority of the Autonomous Community lies in the general meeting and the Eze of the Autonomous Community shall be the Chairman of this Supreme Authority

**Section 7:****The General Meeting**

- (1) There shall be a general meeting of the Union
- (2) The general meeting of the Union shall be held twice a year
- (3) The executive shall summon emergency general meetings when the need arises.
- (4) The Eze of the Autonomous Community shall attend the first general meeting of the year to show solidarity and extend goodwill messages and, any other meeting in which he is specially invited or which he desires to attend.
- (5) The authorized period of caretaker committee shall not be more than three (3) months from the date of the expiration of the tenure of office of the executive unless renewed by the Eze and the Eze in Council.

**Section 8: Quorum**

- (1) Attendance in meetings by villages shall be the basis for the formation of quorum in general meetings.
- (2) In any general meeting in which at least one-third of the villages comprised in the Autonomous Community are present, a quorum shall be deemed to have been formed.
- (3) In any Executive meeting in which the President General/Vice President, General Secretary/Assistant Secretary and six other executive members are present, a quorum shall be deemed to have formed.

**Section 9: Executive**

- (1) There shall be an executive body to run the affairs of the Union
- (2) The Executive of the Union shall comprise all elected officers of the Union and the President and Secretary of Town Unions.
- (3) All Titled Chiefs/Nze and Ozo title holders shall be ex-officio members and may sit with executive in meetings.
- (4) All elected officers of the Union shall hold office for three years subjected to a maximum of two terms.
- (5) Within thirty days to the expiration of the tenure of office of the Executive of the Union, the President General shall on behalf of the general notify the Eze, and the Eze shall appoint a three man electoral Committee to be headed by the Traditional Prime Minister.
- (6) If the executive holds over after the expiration of their tenure of office without the authority of the general meetings, the Eze-in Council shall call for a special general meeting to dissolve such executive and the Eze (trustee) shall appoint a seven (7) men caretaker committee to conduct a fresh election

- (7) <sup>IF</sup> It an officer of the Union is incapacitated for upwards of six months, the general meeting shall elect another person to replace him in the next general meeting.
- (8) If an officer should absent himself without a reasonable excuse consecutively for three meetings, he shall be seriously cautioned in writing.
- (9) If the absenatee in meetings in sub-section (8) above absents himself in the next meeting following the caution, he shall cease to be a member of the executive and shall be replaced by the election of a new officer in the next general meeting.
- (10) The Executive shall hold meetings on quarterly basis, excluding whenever the need arises.
- (11) The venue for meetings shall be decided each time by the Executive for both general and executive meetings.
- (12) There shall be an official inauguration of the Executive within the shortest possible time after their election.

**Section 10:  
Officers of the Union.**

- 1. Officers of the Union shall comprise
  - a. President General
  - b. Vice President
  - c. General Secretary
  - d. Assistant Secretary
  - e. Financial Secretary
  - f. Treasurer
  - g. Welfare Officer
  - h. Publicity Secretary
  - i. Provosts-six in number (one from each town)
  - j. Legal Advisers-two in number

**Section 11:  
Duties of officers**

**1. President General**

- a. The president General shall be the head of the executive
- b. He shall preside over both the general and executive meetings of te union
- c. He shall direct the summoning of both general and executive meetings either in keeping with the letters of this constitution or in keeping with the dictates of the Executive or in obedience to a situation in which he considers as an emergency.
- d. He shall, in conjunction with his executive, carry out the decisions of the general meeting.
- e. He shall exercise a casting vote in the event of a tie in any matter, which is put to vote in a general or executive meeting
- f. He shall present an annual presidential Address at the last general meeting of every year.
- g. He shall be a signatory to the Union's banking transactions.
- h. He shall, in conjunction with the Treasurer and the Financial Secretary, present an annual financial report at the last general meeting of every year.

**2. Vice president.**

- (a) The Vice President shall carry out all the functions of the President General in his absence, except being signatory in any banking transaction.
- (b) When both are present he shall assist the President General and carry out any other function assigned to

him by the President General.

### 3. **General Secretary**

- (a) The General Secretary is the chief scribe of the Union and shall summon meeting as directed by the President General.
- (b) He shall perform all secretarial duties of the Union
- (c) He shall write circulars for both executive and/or general meetings and any other body under the auspices of the Union.
- (d) He shall record and keep minutes of all deliberations in both executive and general meetings.
- (e) He shall, in conjunction with the President General the Executive prepare an annual report, which shall be read at the annual end of the year general meeting.
- (f) He shall be the custodian of secretarial materials of the Union, and act as the both executive and general meetings.

### 4. **Assistant Secretary**

- (a) The Assistant Secretary shall perform all secretarial duties in the absence of the General Secretary
- (b) He shall carry out all secretarial duties assigned to him by the General Secretary or by the Union.

### 5. **Financial Secretary**

- (a) The Financial Secretary shall call the roll, collect dues. Penalties, levies donations and/or any other monies coming to the Union.
- (b) He shall issue receipt for all monies collected.
- (c) He shall pay in with the Treasurer all monies collected within 48 hours from the time of such a collection.

- (d) He shall be a signatory to the Union's bank account.
- (e) He shall prepare all vouchers for payment and forms for the withdrawal of money from the bank or from the Treasurer.
- (f) He shall surrender all financial record books to the auditors whenever they call for them.

### 6. **Treasurer**

- (a) He Treasurer shall be the custodian of the Union's finances.
- (b) He shall be a signatory to the Union's account
- (c) He shall deposit the Union's money with the bank in which the Union opens a bank account within 48 hours of such receipt of money.
- (d) He shall keep an impress account of N20,000 (Twenty Thousand Naira) at any given time.
- (e) He shall, together with the Financial Secretary, surrender all books of account to the auditors for auditing. (This shall be done in the last year of their three-year tenure or when occasion calls for it).

### 7. **Welfare Officer**

- (a) The Welfare Officer shall be incharge of entertainment in meetings and in other activities of the Union.
- (b) He shall ensure proper and orderly conduct during entertainment.
- (c) He shall ensure see to the welfare of the union in other ways he deems proper.

### 8. **Publicity Secretary**

- (a) The Publicity Secretary shall publicize the activities of

the Union which calls for publicity as directed by the Union

- (b) He shall act as Public Relations and Protocol Officer of the Union.

#### 9. Provosts

- (a) Provosts shall maintain and ensure the maintenance of peace and order in meetings.
- (b) They shall bear the responsibility of tidying up meeting venues and the arrangement of seats.
- (c) A chief Provosts shall be appointed among the six provosts who shall assist the president General in identifying members who wish to contribute to discussions or deliberations in meetings.
- (d) The chief provost shall assign one or two of the provosts the duty of collecting on fines on lateness effective after the reading and adoption of the discussions or deliberations in meetings.
- (e) They shall assist the general secretary in the distribution of circulars

#### 10. Legal Advisers

- (a) They Legal Adviser advise the Union on legal issues/matter
- (b) They shall represent the Union in litigations or other similar matters and, legal fees thereof shall be borne by the union.
- (c) They shall administer the oath of the office/allegiance on officers of the Union/Village Heads the Eze of the Autonomous Community.

#### Section 12:

##### Special Advisers

The Traditional Ruler (Eze) shall have the powers to appoint his Adviser(s), Palace Secretary, and Traditional Prime Minister and Officers of the Town union in the absence of election and shall also have the powers to remove them if they are found culpable of fraud, financial embezzlement and or any criminal offence.

1. All the special Advisers shall be appointment by the Eze.
2. To qualify for appointment as a patron or Trustee the person shall have served the Autonomous Community meritoriously either in the past or as presently constituted or have contributed to its welfare or development.
3. The Eze of the Autonomous Community shall be the chief patron/Trustee.
4. The offices of patron and Trustee shall be for life, subject to constitutional/stator breaches.
5. To quality for appointment as an Auditor, the person shall have served or is serving in that capacity in a firm or government establishment or shall have acquired a vast accounting knowledge.

#### Section 13:

##### Duties of Patrons/Trustee

1. **Patrons**
  - a. The Patrons shall advise the Union on matters touching on the custom and traditional of the Autonomous Community.
  - b. They shall come to the aid of the Union in the event of in the a sudden financial need which the Union cannot easily raise, either as loan or donation
  - c. They shall be ex-official members and may sit with the Executive.

**2. Trustee**

- (a) Trustee shall be the custodian of all property (movable and immovable) belonging to the Union.
- (b) He shall be custodians of documents relating to acquired land by the Union.
- (c) He shall apply for the registration of the Union under PART 'C' of the Company and Allied Matters Acts of 1990.
- (d) All acquired property of the Union shall be dealt with by the Trustee in accordance with the directives of the Union.
- (e) In the event of crises in the Community, Towns and the Villages or vacancy as a result of tenure expiration or where election could not hold after the expiration of three (3) years tenure of the elected Executive of Obi-Mbieri Development Union, the Traditional Ruler (Trustee) shall have the powers to dissolve the Executive and appoint a seven (7) man caretaker committee, who shall within three (3) months of the administration conduct a fresh election in the community.
- (f) "Mutandis Mutandis" applies to the towns and villages except where an organ or arm of the community fails to carry out its duties, the higher organ shall effect the provision of the law as stated above (sub-section "e")
- (g) The audit report when ready shall be distributed by the Executive to the following:
  - (i) The Eze of the Autonomous Community
  - (ii) Patrons
  - (iii) Executive Members
  - (iv) Town Unions

**Section 14:****Election of officers**

- (1) There shall be appointed, amongst the Six returning Officer and a Secretary/Recorder
- (2) Election of Officers shall be by Open Secret ballot System
- (3) The conventional procedure for the election of officers of a union shall be followed
- (4) There shall be zoning arrangement

**Section 15:****Impeachment of Officers**

- (1) An officer of the Union shall be impeached in the following circumstances
  - (a) If any officer embezzles the fund of the Union or commits fraud based on later findings of auditors, after the allegation had been made, that officer shall be removed and shall be made to pay back the amount so embezzled or defrauded.
  - (b) See Section 9 (6) and (9)
  - (c) When an Executive fails to implement an approved project of whatever nature over a long time despite the availability of fund.
- (2)
  - (a) The procedure to be adopted in the impeachment of the entire executive or single member/some members is to propose for such an impeachment, move it and get it supported in a general meeting.
  - (b) If there is counter motion, which is supported the President General shall cause the motion to be put to vote.
  - (c) A successful impeachment shall require two-third (2/3) majority of all members present in the general

members present in the general meeting in which the issues was raised.

### **Section 16:**

#### **Creation of Committees**

- (1) The Union Executive shall have power to create ad-hoc committees for specific assignments.
- (2) Each committee so created shall have at least three members but not more than seven members

### **Section 17:**

#### **Payment of Dues and other Levies**

- (1) There shall be payment of dues and other levies as shall be approved by the general meeting.
- (2) Payment of dues and other levies shall be on village basis.
- (3) There shall be the equality of villages in respect of sub-section (2) above.
- (4) There shall be an annual subscription to the Union by each village union with the sum of N10,000.00 (Ten Thousand Naira)
- (5) There shall be a 25% (twenty five percent) penalty on each village union for failure on the annual subscription in sub-section (4) above after the month of June each year.
- (6) Whenever there is the need for a levy for any special project, the Union Executive shall decide on such levies, subject to approval by the general meeting.
- (7) The Chairman of each village shall be held responsible for the nonpayment of Union dues/levies, in which case the defaulting village's chairman shall be compelled to pay the dues/levies voluntarily or by the impounding of property.
- (8) In the event of the impounding of property for failure to pay

- (9) dues/levies, the impounded property shall be in the custody of the respective Village Head who shall be given a list of the items involved and empowered to release same on the payment of the amount or sum involved.
- (9) Any village that fails to pay its dues by the end of June each year shall be visited by Union debt collectors to be appointed by the President General in a general meeting for the purpose of collecting the said debt and penalty that accrued there from or any property commensurate with the total sum owed.
- (10) Any impounded property not redeemed within the time stipulated by the Executive, which shall not exceed sixty days shall be sold by auction, following the conventional auction sale procedure.
- (11) The general meeting shall stipulate maximum time limit for the payment of levies after which defaulting villages shall attract the requisite penalty.
- (12) The Union shall have its own way of generating revenue for the Developmental projects in the Community

### **Section 18:**

#### **Banking and Signatories to Bank Account of the Union.**

1. The Union's money shall be banked with any commercial bank approved by the general meeting of the Union.
2. The Treasurer shall be required to Bank Union monies within 48hours of the receipt of such monies.
3. Any other signatory to the Union's Bank Account may make deposits into the Union's Bank Account.
4. The signatories to the Union's Bank Account shall include.
  - a. The president General
  - b. The Financial Secretary
  - c. The Treasurer

5. The Treasurer shall be the custodian of the Union's Passbook (in case of Saving Account) and Teller and Cheque Book (in case of Current Account)
6. The three signatories in sub-section (4) above shall all withdraw vouchers or cheques before any withdrawal can be made.
7. All withdrawals must be authorized by the President General, impliedly or expressly.
8. In case of emergency, any two of the signatories may make withdrawals, provided the President General authorized such a withdrawal.

#### **Section 19:**

##### **Creation of Wings and Branches**

- (1) There shall be created Wings and Branches, which shall be affiliated to the Union, subject to sub-section (3) below.
- (2) Such Wings in sub-section (1) above shall include:
  - (a) The Women Wing
  - (b) The Youth Wing
  - (c) Branches
- (3) The Union shall not, on its own, create any social-cultural group but if the group so desire to form a Union, it shall be registered and recognized in the Community.
- (4) The union shall exercise supervisory roles over all affiliated Unions and shall intervene to settle disputes in the affiliated Unions, including Union's Branches.
- (5) The affiliated wings shall be required to pay an affiliation fee of N10,000.00 (Ten Thousand Naira) once on affiliation.
- (6) Any ten (10) indigenes or more of the Autonomous Community living in the same town or locality outside Mbaitolu may form a branch of the Union.

- (7) The constitution, Bye-law and activities of Branch Unions shall be subject to approval by the central Union.
- (8) Any branch of this Union so formed shall notify the central Union and shall be represented by the Chairman and Secretary at the general meetings of the Union.

#### **Section 20:**

##### **Rites of Passage of Union Executive**

- (1) Any past or present officer of the Union who dies shall be received by the Eze-in-Council.
- (2) There shall be full attendance at the burial
- (3) The Executive shall decide on other contributions to make as a rite of passage.

#### **CHAPTER THREE –**

##### **THE TRADITIONAL INSTITUTION OF THE AUTONOMOUS COMMUNITY**

#### **Section 21:**

- (1) There shall be an Eze of the Autonomous Community with title as in Section 2 (2) of this Constitution.
- (2) The Ezeship of the Autonomous Community shall not be hereditary.
- (3) The Eze shall hold office for life, subject to Sections 29 and 30 of this Constitution.
- (4) Whenever vacancy occurs any Executive, Patron of the Union who indicates interest in the Ezeship of the Autonomous Community shall have resigned from such an office before the purchase of the intention forms, failure of which such a person shall stand disqualified for the Ezeship election.

**Section 22:**

Qualification of an Eze of the Autonomous Community, a candidate shall possess the following qualifications.

- a. He shall possess at least a secondary school certificate or its equivalent
- b. He shall not be less than 25 years of age
- c. He shall not be a person of questionable character
- d. He shall not be an ex-convict
- e. He shall have visible means of livelihood
- f. He must be a married man
- g. He shall be adjudged versed in the customs and traditions of the Autonomous Community.
- h. He shall be seen as a wise man capable of taking wise decisions independently.
- i. He shall be a philanthropist
- j. He must sign an undertaking to be resident at home before or after his election.
- k. He shall satisfy all other conditions set out in section 7(2) of the Imo State of Nigeria Traditional Rulers and Autonomous Communities Law No. 3 of 1999.

**Section 23:**

Procedure and Method of the Selection of the Eze of the Autonomous Community.

- (1) One year after the occurrence of a vacant position of the Eze of the Autonomous Community, the Union shall call for the submission of applications for the purpose of filling the vacant position.
- (2) The Union shall set up an Independent Ezeship Election Committee (hereafter referred to as JEEC) whose functions

shall be to sale application forms, receive same, screen the aspirants and conduct election for the candidates for the new Eze of the Autonomous Community.

- (3) The Executive shall appoint people of proven integrity, one person from each town to form the 1EEC.
- (4) The Executive shall I appoint the Chairman and Secretary of the 1EEC from amongst the six people appointed from the towns.
- (5) Intention application form shall be obtained from the JEEC with a non-refundable fee of N25,000.00 (Twenty Five Thousand Naira), filled and returned to the Secretary of the IEEC within the stipulated time.
- (6) The form in sub-section (5) above shall include provisions for authentication by the Chairman. Secretary and 8 other members of the Village Union of the aspirant.
- (7) The form in sub-section (5) above shall also include the following:
  - (a) Names in full (Surname first)
  - (b) Date of Birth
  - (c) Marital Status
  - (d) Profession
  - (e) Religion
  - (f) Current place of residence
  - (g) Village/Town of the aspirant
  - (h) Society or societies to which the aspirant belongs,
  - (i) Post (s) held in Obi-Mbieri
  - (j) Post (s) held in the Autonomous Community.
  - (k) Post (s) held in the Village Town
  - (i) Educational Qualification and Institutions attended with dates.
  - (m) Provision for signatures of 10 referees.

- (n) Undertaking to be resident at home (if not already resident at home)
- (8) A non-refundable deposit of # 1 00,000.000 (One Hundred Thousand Naira) shall be paid by all aspirants to the Ezeship stool on the submission of the intention form.
- (9) The Union shall approve an adequate fund for the activities of the IEEC
- (10) All monies realized from the sale of intention application forms and deposits by aspirants to the Ezeship stool shall be paid into the Unions treasury within the shortest. possible time.
- (11) From the date of the announcement -of the occurrence of the vacancy of the Eze of the Autonomous Community and the call for applications, to the date of the closing of receipt of applications shall be a period of 30days.
- (12) Within fourteen days after the close of receipt of applications, screening of all aspirants shall be commenced and concluded to select qualified candidates to contest the ejection.
- (13) Within fourteen days after the screening of aspirants, an refection shall be conducted for the Ezeship candidates.
- (14) The delegates to the Ezeship election shall include five delegates from each village, including the village head
- (15) The mode of election of Eze shall be by the open secret Ballot System (16) To win the Ezeship ejection, a candidate shall be required to score a simple
- (17) An Ezeship candidate shall fee deemed to have been duly elected to such office where, being the only candidate who passed the screening for the election, he has a simple majority of votes cast.
- (18) Where the only candidate in sub-section (17) above fails to

- be elected in accordance with that sub-section there shall be fresh nominations and such a candidate shall be barred from further participation in the contest for the Ezeship.
- (19) Where there are only two candidates, the winner shall be deemed to have been duly elected in accordance with sub-section (16) above
- (20) Where there are more that two candidates and no candidate emerges in accordance with sub-section (16) above there shall be a run-off election be tween the first two candidates with the highest number of votes and the eventual winner shall have been elected in accordance with sub-section (16) above
- (21) Where a tie becomes persistent after two run-offs a luck dip shall immediately be organized by the IEEC, where the first in time in alphabetical order of surnames shall be required to pick first.
- (22) This Constitution empowers and authorizes the Chairman of the IEEC to promptly declare the winner of the Ezeship election as the Eze-elect of Mbieri Autonomous Community
- (23) The IEEC may make other rules for the free and fair conduct of the Ezeship election.
- (24) A formal report of the conduct of the Ezeship election shall be required of the IEEC to the Union.

**Section 24:  
Ezeship Election Protests**

- (1) Protests arising from the election of an Eze by any dissatisfied candidate shall be in writing, with a non-refundable protest fee #20,000.00 (Twenty Thousand Naira)
- (2) Such a protest letter in subsection (10) above shall be addressed to the General Secretary of the Union and

- submitted to same.
- (3) All protests must be made within 21 days from the date of the election.
  - (4) A panel shall be constituted by the executive body of the Union to look into all protests.
  - (5) There shall be appointed six panels (one from each town) among whom the Chairman and Secretary shall be appointed.
  - (6) In the event of the successful outcome of the protest, the election shall stand nullified and fresh election conducted for the contending/ interested parties (who must have contested in the nullified election) with 14 days of the verdict of the panel.

#### **Section 25: Installation of an Eze**

- (1) The Executive body of the Union shall make preparation for the installation of the Eze-elect with six months of his election.
- (2) The Eze shall take an oath of office as part of the installation ceremony to uphold the customs and traditions of the Autonomous Community and also to uphold and defend the Constitution of the Autonomous Community.
- (3) The installation shall be preceded by a church service in the Eze-elect's professed Christian denomination and shall be presided over by an indigenous priest of the Autonomous Community where this is possible.
- (4) One of the Legal Adviser of the Union shall administer the oath of office on the Eze
- (5) The most senior Village Head by installation present and the most senior Nze/Ozatitle holder by installation present, shall

- sit the Eze-elect on the installation stool.
- (6) The president General of the Union shall place the crown on the head of the Eze-elect (making appropriate speech).
  - (7) The next most senior Village Head by installation shall put neck-beads rounds the neck of the Eze (making appropriate speech)
  - (8) The most senior Nze by installation present shall give the staff of office to the Eze (making appropriate speech)
  - (9) The most senior Nze by installation present shall give hand over the fan to the Eze (making appropriate speech)
  - (10) The next most senior Village Head by installation present shall hand over the sword to the Eze (making appropriate speech).

#### **Section 26: Ezeship Regalia and other Materials**

- (1) The-elect shall bear the cost of the attire to be worn by him as would be prescribed by the Union.
- (2) The attire in sub-section (1) above shall include:
  - (a) The entire robes (up and down)
  - (b) The installation cap
  - (c) The staff of office
  - (d) An elephant tusk
  - (e) Beads (neck and wrist)
  - (f) A Sword
  - (g) A Fan
- (3) The Union shall be responsible for the stools of the Eze and the Ugoeze.
- (4) The cost of the stool for any other wife/wives of the Eze shall be borne by him.

**Section 27:****Presentation of the Eze to the Local Government Chairman.**

- (1) The Eze shall be presented to the Local Government Chairman accompanied by:
- (a) All Union Executive members
  - (b) Patrons and Trustees of the Union.
  - (c) Nze/Ozo title holders
  - (d) All titled Chiefs
  - (e) All Village Heads.
  - (f) Chairman and Secretary of Village Unions.
  - (g) Representatives of all the organs/arms
  - (h) As many as other indigenes of the Autonomous Community who can be mobilized for the occasion.

**Section 28:****Presentation to the Governor of the State.**

- (1) All the person or group of persons mentioned under Section 27 above shall accompany the Eze for presentation to the State Governor.

**Section 29:****Withdrawal of Recognition by the Government.**

- (1) If the Government withdraws the Eze's recognition, the Union shall after three months from the date of such withdrawal go ahead with the process of the election of another Eze.

**Section 30:****Suspension and Removal of the Eze**

- (1) The Eze of the Autonomous Community shall be suspended or removed as Eze by the people of the Autonomous Community through the Union Government in any of the

following circumstances:

- (a) If he becomes unpopular by involvement in partisan politics
  - (b) If he is convicted with a criminal offence other than traffic offence
  - (c) If he is found to have committed any abominable act viz.
    - (i) Illicit Sexual act (ihe Okposi)
    - (ii) If there are established cases of bribery in dispensing justice in arbitrations and other cases.
    - (iii) If he becomes insane or pervaded by abject drunkenness.
    - (iv) If he becomes dubious or his character becomes questionable or he does such other acts which do not befit an Eze of the Autonomous Community
- (2) The Motion to suspend or remove such an Eze in sub-section (1) above shall be moved, seconded, debated, put to vote and adopted with a two-third (2/3) majority of members in attendance in such a meeting, provided the meeting is well attended.
- (3) The general meeting in which the Eze shall be removed shall be considered special and all the members of the Council of Elders shall be specially invited.
- (4) Where the Eze is suspended; the Union shall set up an investigation committee for the offences alleged to have been committed by him.
- (5) On the successful suspension or removal of an Eze of the Autonomous Community, the State Government and the Local Government Chairman shall be notified accordingly and

asking the State Government to withdraw its recognition of the affected Eze.

- (6) The constitutional process of hius remove shall be adopted if found guilty a alleged.
- (7) The Eze shall be released from suspension with written apologies if found not guilty.
- (8) The Traditional Prime Minister appointed by the Eze shall act as the Traditional Ruler upon the suspension or removal of the Eze until the Eze is recalled or a fresh election held to replace the Eze.

**Section 31:**

**Duties of the Eze of the Autonomous Community**

- (1) The Eze shall do those things prescribed and provided for in the Government of Imo State of Nigeria Traditional rulers and Autonomous Communities Law NO 3 of 1999.
- (2) He shall be the custodian of the culture custom and tradition of the Autonomous Community.
- (3) He shall protect and defend the Constitution of the Autonomous Community.
- (4) He shall protect the customs and traditions and revive any other tradition or custom that is not repugnant to natural justice equity and good conscience and not contrary to public policy and Christian tenets.
- (5) The Eze with his cabinet shall present a written address in the first general meeting of the year in which desirous areas of development and other current burning issues shall be highlighted.
- (6) The Eze and his cabinet may at any other time present a written address to the general meeting or the executive meeting on any burning issues of urgent importance on

notice.

- (7) The Eze, in consultation with the Eze-in-council, shall exercise the right to select Obi-Mberi Autonomous Community worthy sons who have distinguished themselves in their fields of endeavour which project the image of the Autonomous Community or who have rendered meaningful or specific help or service to the Autonomous Community or it's indigenes, personally or collectively, for the conferment of honorary Chieftaincy titles on them, subject to sub-section (9) below.
- (8) The Eze in consultation with the Eze-in-Council, shall exercise the right to confer Chieftaincy titles on non indigenes who have shown valuable interest in the people of the Autonomous Community or in the Autonomous Community generally, subject to sub-section (9) below.
- (9) All those selected by the Eze for conferment of Chieftaincy titles shall be subject to ratification by the Union Executive.
- (10) The Union Executive shall not unnecessarily withhold ratification of Chieftaincy nominees.
- (11) The Eze and his cabinet shall settle inter or intra town/village squabbles or disputes referred to them or intervene on their own volition where there is a serious threat to lives and property.
- (12) He shall do any other thing which his office permits him to do for the good of the Autonomous Community.

**Section 32:**

**The Eze's Cabinet**

- (1) There shall be an Eze's cabinet.
- (2) The Eze's cabinet shall comprise all the Village Heads of the Autonomous Community, the Traditional Prime Minister, the

- President and the Secretary General of the Union.
- (3) The Eze shall be the President of Eze's cabinet and shall chair all meetings of the cabinet with the Traditional Prime Minister as his Deputy.
  - (4) The Traditional Prime Minister to be appointed shall have same qualification as an Eze of the Autonomous Community.
  - (5) The Traditional Prime Minister shall be given a pride of place in the Eze's cabinet.
  - (6) The Traditional Prime Minister shall be the second in commend to the Eze and shall preside over cabinet meetings in the absence of the Eze and, shall be the acting Eze in the event of the incapacitation or death of the Eze.

### Section 33:

#### Functions of Eze's Cabinet

- (1) The Eze's cabinet shall carry out functions as provided for in the Imo State of Nigeria Traditional Rulers and Autonomous Communities law No. of 1999.
- (2) They shall act as the custodians and advisers on the Autonomous Community's customs, traditions and usages.
- (3) They shall settle disputes between indigenes if the Autonomous Community or between indigenes and non-indigenes who submit themselves to the cabinet's mediation, conciliation, arbitration or adjudication.
- (4) They shall exercise the authority to intervene if there is a serious threat to peace and security to lives and property of the people of any town to village in the Autonomous Community.
- (5) The Eze's cabinet shall act as an appellate traditional court for disputes from the towns/villages of the Autonomous Community.

- (6) The Eze's cabinet shall exercise the privilege of settling disputes referred to them by the police or law courts.

### Section 34:

#### Council of Elders (Eze-in-Council)

- (1) There shall be Council of Elders, otherwise called Eze - in - Council.
- (2) The Council of Elders shall be made up of:
  - (a) The Traditional Prime Minister, the President General, General Secretary, Legal Advisers. Patrons and Trustees of the Union.
  - (b) President and Secretary of Town Unions.
  - (c) All Nze and Ozo title holders
  - (d) All the Autonomous Community's titled Chief.
  - (e) All Village Heads.
  - (f) At least six but not more than ten other persons of high integrity or profession calling, to be selected by the Eze subject to ratification by the Executive of the Union.
- (3) When the Council of Elders meet (he Traditional Prime Minister shall preside, while the Eze sits as the patron.
- (4) The Council shall meet as often as it is necessary.
- (5) The Council functions to give advice on various matters affecting the Autonomous Community.

### Section 35:

#### Remuneration of the Eze

- (1) The Eze shall receive as remuneration what the State Government fixes as salary for traditional rulers in the state in accordance with Sections 16 and 17 of the Government of Imo State of Nigeria Traditional Rulers and Autonomous

Communities Law NO.3 of 1999.

**Section 36:**

**Death of the Eze of the Autonomous Community**

- (1) On the death of the Eze of the Autonomous Community, the Traditional Prime Minister shall be notified and;
- (2) He, in collaboration with the Cabinet Secretary, shall inform the Council of Elders and the Union Executive.
- (3) For the purposes of the burial of the Eze, deliberations and actions of the Council of Elders shall be in conformity with the Eze's Christian denomination
- (4) The Executive of the Union shall work out the final details of the burial of the Eze, ensuring a befitting burial.
- (5) The Eze's corpse shall be received with a 24 - gun salute.
- (6) A funeral oration shall be presented by the Executive of the Union

**Section 37:**

**Village Heads**

- (1) There shall be a Head for each village in Obi-Mbieri.
- (2) The selection of a Village Head shall be the duty of each village.
- (3) The Eze's Cabinet shall intervene if there is a difficulty in the selection of a Village Head due to a disagreement emanating from disregard of certain provisions of the village's constitution or from any other extraneous causes.
- (4) The Eze's Cabinet shall mandate the Union Executive to conduct the election to produce such a village head for the Village if need be.
- (5) Such an election in .sub-section (4) above shall be by open secret ballot

- 16.) Before the Eze's cabinet wades in. there shall be a petition made to it and counter signed by at least five financial members of 'the village union, unless there is serious threat to lives and property or breach of the peace in such a village, in which case the Eze's Cabinet shall invoke Section 33 (4) of this Constitution.
- (7) Not more than 30 (thirty) days after installation, a village Head shall be presented to the Eze-in-Council with pomp and pageantry for recognition.
- (8) The village whose village Head is being presented to the Eze shall bear the cost of the entertainment of those who assemble for this purpose.
- (9) The place of the presentation of a village head shall be at the Eze's palace.
- (10) The highlight of the presentation of a village head shall be the presentation of CERTIFICATE OF RECOGNITION to the Village Head by the Eze.
- (11) A Village Head not so recognized, that is, not having a Certificate of Recognition shall not be allowed to sit with or participate in any activity of the other Village Heads subject to sub-section (15) below.
- (12) Any elected, installed and recognized Village Head shall be a member of Eze's Cabinet. Council of Elders and subject If) sub-section 16 below and Section 39 of this Constitution.
- (13) A recognized Village Head shall be loyal to the Eze and shall participate in an activity ceremony in which the Eze and other Village Heads are equally involved.
- (14) Where a vacuum exists for a Village Head, the Chairman and Secretary of the particular village union shall authenticate a person from that village as an Acting Village Head.
- (15) Such a person in sub-Section (14) above shall attend the

Eze's Cabinet meeting other functions for a maximum period of eighteen months during which he shall either be installed or stopped from participating in cabinet meetings other function of Eze's cabinet and the Eze-in-council.

- (16) Any Village <sup>Head</sup> who persistently shows disloyalty to the Eze shall have his recognition withdrawn by the Eze in Council.

### Section 38:

#### The Suspension of a village head from the Eze's Cabinet

- (1) A Village Head who disobeys or does not act in conformity with the rules or regulations of the Eze's Cabinet, shall be warned by the Cabinet
- (2) If the village Head in subsections (1) above persist in his lapsed, he shall be suspended for three months by the Eze in Council and his village union executive shall be informed in writing by the Eze's Cabinet.
- (3) At the expiration of the period of suspension, the offending village Head shall be recalled by the Eze's Cabinet and the executive of his village and members of the Council of Elders from his village invited to the Eze's Cabinet meeting for the resolution of the issues of suspension
- (4) The Eze shall exercise the right to decap any Village Head or Titled Chief who exhibits recalcitrancy or acts inimical to the unity, peace and progress of the Autonomous Community or to the dignity of the Eze; by the Eze in Council.

### Section 39:

#### The death of Village Head/Titled Chief

- (1) On the death of the Village Head or a Titled Chief (of the Autonomous Community) the Village concerned shall notify the Eze-in-Council.

- (2) The Executive of the union shall work out befitting rites of passage to be accorded the deceased Chief
- (3) The corps of such a deceased Chief shall be received by the Eze-in-Council with a six-gun salute.

## CHAPTER FOUR – AMENDMENT, INTERPRETATION, CITATION AND COMMENCEMENT OF THE CONSTITUTION

### Section 40:

#### Amendment of the Constitution

- (1) This Constitution is subject to amendment when the need arises
- (2) Proposals for amendment(s) shall be sent to the General Secretary of the Union and other Town Unions for their information and study
- (3) Copies of such amendment(s) shall be sent to the General Secretary of the Union and other Town Unions for their information and study.
- (4) In the general meeting following the proposed amendment (s) shall form an agenda and shall be debated and put to vote, if need be and;
- (5) The proposed amendment (s) shall be successful if approved by two (2/3) majority of members present in the general meeting and;
- (6) The general meeting shall then constitute a panel to take care of the amended section (s).

### Section 41:

#### Interpretation of the Constitution

- (1) The interpretation of any section of this constitution by the

legal Advised shall be final for the purpose of the implementation of the letter of this constitution, in as much as the jurisdiction of courts of law are not ousted.

- (2) Convention shall be followed on any subject not covered or mentioned in this constitution.
- (3) In this Constitution, unless otherwise stated, the following expression have the meanings assigned to them, respectively:

**"Absence from three meetings" under Section 9 (8)**  
means general and/or executive meetings.

**"A long time" under Section 15 (1) ©**  
means a period of two years.

**"Delegates"**  
means persons selected officially to participate in the election of an Eze of the Autonomous Community.

**"Dubious person"**  
means a person who is possibly or who exhibits a criminal behavior.

**"Ex-convict"**  
means a person who has served out a prison sentence by a court of the law for a criminal act.

**"Holdingover"**  
means to stay or hold to an office collectively after the expiration of the tenure of office.

**"Incapacitation"**

means to lack ability or power to do something as a result of persistent or debilitating ill health or lack of interest or old age or deformity or lack of time, etc.

**"Open secret baliot"**

means a system in which the delegates or members are issued with marked or stamped paper to write the name of their preferred candidates in an election and thereafter the papers are dropped into one common box or bowl or any useful container provided for this purpose. The container is placed cons piously at the sight of everybody. At the end of the casting of votes, the voting papers are brought out from the container, sorted, counted in full glare of everybody or representatives of candidates, recorded and the result declared by the Chief Returning Officer.

**"Questionable character"**

means a person with such a character or behaviour that honesty can be imputed or who is seen to keep bad company or commits acts or make omissions that are criminal or tend to be criminal in nature:

**"Secondary School Certificate or equivalent"**

means a secondary School Certificate or its equivalent or grade 11 teachers Certificate, the its and Guilds Certificate or Education up to secondary School or Primary six School Leaving Certificate its equivalent and Service in the public or private sector in the Federation in any capacity for a minimum of ten years and attendance at course and training in such institutions as may be acceptable for periods totaling up to a minimum of year one and the ability to read, write,

understand and communicate in English Language and any other qualification acceptable

**“Shortest possible time” under Section 23 (10)** means the time to pay the Moines into the Union bank account or hand over same to the financial Secretary but not exceeding 72 hours.

**“Society” under Section 23 (7) (h)** includes association or clubs or organization or the like.

**“Well attended meeting” under Section 30 (2)** means a meeting in which at last 2/3 of the villages are represented, outside the members of Executive and members of the councils of Elders.

**“Worthy sons”** mean persons deserving the honour and respect.

**Section 42:  
Citification of the Constitution**

- (1) This Constitution may be cited as the Obi-Mbieri Autonomous Community 2020 Amended

**Section 43:  
Commencement of the Constitution**

- (1) The provisions of this Constitution shall come into fore with the reading, adoption, and signing by the President General/Secretary General

**Schedules**

**First Schedule: Oath of office of union Executives:**

I, ..... and .....  
NAME OFFICE

of the Mbieri Autonomous Community Development Union do hereby solemnly make oath and state as follows:

1. That I will bear true allegiance to the Mbieri Autonomous Community.
2. That I will in all sincerity respect the Eze of the Autonomous community in all things lawful.
3. That I will discharge the functions of my office sincerely and to the best my ability.
4. That I will not allow domestic affairs to becloud my duties to the Union.
5. That I will allow personal relationship to blight my sense of justice and mission.
6. That I will uphold, respect and defend the Constitution of the Autonomous Community at all times.
7. That I will keep the Union's secret.
8. That I make this oath in Good faith.  
So help me God.

**Second Schedule: Oath of Office of the Eze:**

I ..... and .....  
NAME TITLE

do hereby swear that I will be faithful and loyal to the Mbieri Autonomous Community and all that it stands. I shall uphold all the customs, traditions and usages of the Autonomous Community, which conform with decency and civilized society. I shall perform my

functions honestly, to be best of my ability, without fear or favour, without let or hindrance. I shall not allow my personal or domestic functions to blight my vision from doing what shall benefit the generality of the people of Mbieri Autonomous Community. I shall respect the Consitution of the Autonomous Community, uphold and defend it. I shall always strive for the development and the general well being of the Autonomous Community. So help me God.

**Third schedule:**

Oath of Allegiance of Village Heads before the Eze of the Autonomous Community.

I, ..... and .....  
NAME TITLE

solemnly declare as follows:

1. That I will at all times, sincerely bear true allegiance to the Mbieri Autonomous Community personified in the Eze.
2. That I will co-operate with the Autonomous Community
3. That I will obey the Eze in all things lawful and will carry out all assignments given to me by the Eze for the interest and peace of the Autonomous Community.
4. That I will not divulge or reveal any secret which may come to me a result of my membership of Eze's Cabinet.
5. That I promise to accept the authority of the Eze at all times and will courage and advise the members of my village and the people of the Autonomous Community to do the same as his subjects.
6. That I shall abide by the oath of office administered on me at my installation in my village, which embodies the maintenance of peace, progress and justice to all manner of people

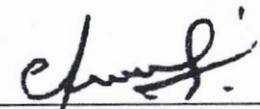
7. That I will uphold, respect and defend the Constitution of the Autonomous Community at all times.
8. That I will keep the Union's Secret
9. That I make this oath in good faith
10. That I will work assiduously with the Eze and other members of the Eze's cabinet to preserve and promote all good customs and traditions of the Autonomous Community.
11. That I will attend all meetings connected with my office regularly, participate actively and the part of the implementation of all decisions.
12. That I make these declarations honestly and truly promise to abide by them.

**So help me God.**

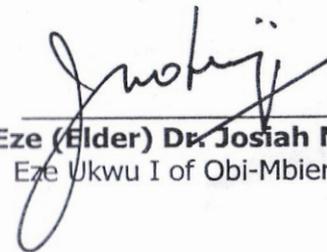
Adopted this 28<sup>th</sup> day of November 2020



**Engr. Vitalis Opara**  
 President General



**Mr. Kingsley Ogueri**  
 General Secretary



**HRH Eze (Elder) Dr. Josiah N. Osuji**  
 Eze Ukwu I of Obi-Mbieri