



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 20th June, 2006

1. The Senate met at 10.15 a.m. The President read Prayers.
2. **Votes and Proceedings:**
The Senate President announced that he had examined the Votes and Proceedings of Thursday, 15th June, 2006 and approved same as amended.

By unanimous consent, the Votes and Proceedings were adopted.

3. **Announcement:**
The Senate President announced that he had received a letter from the Bauchi State House of Assembly which he read as follows:



BAUCHI STATE HOUSE OF ASSEMBLY (Office of the Hon. Speaker)

Gombe
PMB
Bauchi,

Telegram-House Ass Telephone
-077-543218; 542869 Telex - 83263

Our Ref: BASHA/POL/S/13/V.IV/981

Administrative Secretariat
Road,
Box 0262
Bauchi State

Date: 29th May, 2006

**His Excellency, Senator Ken
Nnamani, President of the
Senate, Federal Republic of
Nigeria, National Assembly,
Abuja.**

Your Excellency,

HOUSE RESOLUTION, RE: CONSTITUTION AMENDMENT BILL

I write to inform you that right from the time the Constitution Amendment Bill was received for deliberations by the distinguished Senate of the Federal Republic of Nigeria, we the entire Honourable Members of the Bauchi State House of Assembly have meticulously followed your debate on same with keen interest. That had become necessary for us because at that point

in time the stability and peaceful co-existence of our dear country largely depended on the outcome of the deliberations.

2. *At the end of your very articulated deliberations you unanimously voted against the infamous Bill. That your patriotic action has put to rest the fear, suspense and anxiety being expressed by the greater majority of all well-meaning and peace-loving Nigerians.*

3. *Consequently we were all overwhelmed with gratitude to you for listening to the wishes and aspirations of the people you represent. Based on this very laudable development the Honourable Bauchi State of Assembly at its sitting of Wednesday 24th May, 2006 passed a resolution commending you and the entire distinguished Senators of this our great country. May ALLAH continue to guide and protect you in your untiring efforts of keeping Nigeria peaceful, united and prosperous.*

4. *Thank you.*

Signed:
(RT. HON. TANKO IBRAHIM JALAM)
SPEAKER

4. Committee on Independent National Electoral Commission (INEC):

Report on the Screening of Nominee:

Motion made and Question Proposed: That the Senate do receive and consider the Report of the Committee on Independent National Electoral Commission (INEC) on the screening of Mr. Philip Etomike Umeadi (Jnr.) as a Commissioner in the Independent National Electoral Commission (INEC) and approve the recommendation (*Senator Nicholas Y. Ugbane*)

Question put and agreed to.

Report presented and Laid.

Motion made and question Proposed: That the Senate do resolve into the Committee of the Whole to consider the Report (*Senate Majority Leader*).

Question put and agreed to.

Report presented and Laid.

(SENATE IN THE COMMITTEE OF THE WHOLE)

Report of the Committee on Independent National Electoral Commission (INEC) on the Screening of a nominee, Mr. Philip Etomike Umeadi (Jnr.) as a Commissioner in the Independent National Electoral Commission (INEC)

Debate:

Recommendation:

That the Senate do approve the nomination of Mr. Philip Etomike Umeadi (Jnr.) as a Commissioner in the Independent National Electoral Commission (INEC) — *Agreed to.*

Chairman to report progress.

(SENATE IN PLENARY)

The Senate President Reported that the Senate in the Committee of the Whole considered the Report of the Committee on Independent National Electoral Commission (INEC) on the screening of Mr. Philip Etomike Umeadi (Jnr.) and approved the recommendation.

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative*

Confirmation:

"Will the Senate confirm the nomination of Mr. Philip Etomike Umeadi (**Jnr.**) as a Commissioner in the Independent National Electoral Commission (INEC) — *Agreed to.*

Nomination of Mr. Philip Etomike Umeadi (Jnr.) as a Commissioner in the Independent National Electoral Commission (INEC) accordingly confirmed.

5. **Committee on Foreign Affairs:**

Report on the Nigerian Hajj Commission Bill 2006 (SB. 258)

Motion made and Question Proposed: That the Senate do consider the Report of the Committee on Foreign Affairs on the Nigerian Hajj Commission Bill, 2006 (*Senator Jibril M. Aminu*).

Question put and agreed to.

Extension of Time:

Motion made and Question Proposed: That the Senate, this day, do sit beyond the appointed time for sitting (*Senate Majority Leader*)

Question put and agreed to.

Motion made and Question Proposed: That the Senate do resolve into the Committee of the Whole to consider the Report (*Senate majority Leader*),

(SENATE IN THE COMMITTEE OF THE WHOLE)

Report of the Committee on Foreign Affairs on the Nigerian Hajj Commission Bill 2006

Debate:

AN ACT TO REPEAL THE NIGERIAN PILGRIMS' ACT CAP. 321, LAWS OF THE FEDERATION OF NIGERIA, 1990 AND ESTABLISH THE NATIONAL HAJJ COMMISSION OF NIGERIA TO BE CHARGED WITH THE RESPONSIBILITY OF LICENSING, REGULATING, PERFORMING OVERSIGHT, AND UNDERTAKING SUPERVISORY FUNCTIONS OVER AGENCIES AND OTHER BODIES; AND FOR ALL MATTERS CONNECTED THEREWITH.

Clause 1:

New Section 1:

Repeal of Cap. 321 LFN 1990:

The Nigerian Pilgrims Commission Act Cap. 321 LFN, 1990 is hereby repealed and the assets and liabilities of the Commission established by the said Bill are hereby transferred to the Commission established by this Bill.

Amendment Proposed:

Immediately after the word "said" in line 2, *leave out* the word "Bill" and *insert* the word "Act" and wherever it occurs (*Senator Tunde Ogbeha*).

Question that the amendment be made put and agreed to.

Question, That Clause 1 as amended do stand part of the Bill, put and agreed to.

Clause 2:

Establishment of the National Hajj Commission:

- (1) There is hereby established a body to be known as the National Hajj Commission which shall be a body corporate with perpetual succession and a common seal.
- (2) The Commission may sue and be sued in its corporate name, hold, acquire and dispose of any property, movable or immovable.

Committee's Recommendation:

Leave out the provision Clause 1 and *insert* the following instead thereof: "(1) There is hereby established, a body corporate by the name of "National Hajj Commission of Nigeria" (NAHCON).

- (2) The Commission shall have perpetual succession and a common seal and may sue and be sued in its name.
- (3) Subject to and for the purpose of this Act the Commission may enter into contracts and may acquire, purchase, take, hold and enjoy movable and immovable property of every description and may convey, assign, surrender, yield up, charge, mortgage, demise, reassign, transfer, or otherwise dispose of, or deal with, any movable or immovable property or any interest therein vested in the Commission upon such terms as it deems fit" (*Senator Jibril M. Aminu*)
— Agreed to.

Question, That Clause 1 as amended do stand part of the Bill, put and agreed to.

Clause 2:

Composition of the Commission

- (1) The Commission shall consist of the following members:
 - (a) a Chairman,
 - (b) Nine other persons as members,
 - (c) Secretary of the Commission as ex officio member,
 - (d) Representatives of the following Federal Ministries and bodies (as ex—officio members):
 - (i) 1 representative from the Ministry of Aviation,
 - (ii) 1 representative from the Central Bank of Nigeria,
 - (Hi) 1 representative from Federal Ministry of Finance,
 - (iv) 2 representatives from the Ministry of Foreign Affairs,
 - (v) 1 representative from the Federal Ministry of Health,
 - (vi) 1 representative from the Ministry of Internal Affairs.

Committee's Recommendation:

Leave out the provision in Subclause (2)(1) and insert the following instead thereof:

"The Commission shall consist of:

- (a) a Chairman, who shall be;
 - (i) the Chief Executive and Accounting Officer of the Commission;
 - (ii) responsible to the Commission for the day to day management of the affairs of the Commission.
- (b) Nine other persons as members.

Amendment Proposed:

Leave out the provision in Subclause (2)(b) and insert the **following** instead thereof:

"(b) a Chairman, three permanent members and six part-time members representing each geo-political zone" (*Senator Ibrahim N. Mantu*).

Question that the amendment be made put and agreed to.

- (c) a representative of the Federal Ministry of:
 - (i) Aviation,
 - (ii) Finance,
 - (Hi) Foreign Affairs,

(iv) Health; and (v)

Internal Affairs.

d/ a representative of

(i) Central Bank of Nigeria;

(ii) Jama'atul Nasril Islam; and

(iii) Nigerian Supreme Council for Islamic Affairs.

- (2) The President shall, after due consultation, appoint persons of proven integrity as Chairman and Members of the Commission.

Amendment Proposed:

After the word "shall" leave out the words "after due consideration" (*Senator Daniel I. Saror*).

Question that the amendment be made put and agreed to,

- (3) The Chairman and 3 Members of the Commission shall serve on full-time basis. The remaining members shall serve on part-time basis. The President, in the instrument of appointment of members of the Commission, shall designate the members (other than ex-officio members) that are to serve on full-time basis and those that are to serve on part-time basis.
- (4) The Chairman and members of the Commission shall be paid such remuneration and allowances as the President may from time to time determine.
- (5) The supplementary provisions contained in the Schedule to this Act shall be applied to the proceedings of the Commission and its organs.

Question, That Clause 2 as amended do stand part of the Bill, put and agreed to.

Clause 3:

Functions of the Commission:

The Commission shall:

- (1) licence, regulate, supervise and perform oversight functions over organizations, associations (corporate or non-corporate) or similar bodies engaged in:
- (a) organizing and coordinating the movement of persons from Nigeria to Saudi Arabia to perform the Hajj or Umra; and
- (b) the provision of accommodation, transportation and other services related to the performance of the Hajj and Umra to pilgrims in Saudi Arabia;
- (2) liaise and coordinate with the appropriate government authorities or organs of the Federal Republic of Nigeria and the Kingdom of Saudi Arabia on the rules and regulations governing entry into and staying in Saudi Arabia for the purposes of Hajj and Umra including all appropriate immigration, passport and related consular services;
- (3) coordinate the provision of health, financial, security, customs, immigration and related services to persons proceeding to, or returning from, Saudi Arabia to perform the Hajj or Umra;
- (4) Insure the establishment and management of pilgrims camps and related facilities, equipments and such other necessary materials;
- (5) establish or set up and maintain libraries of books and other relevant publications as well as cinematograph and other facilities of use to persons interested in or desirous of undertaking a pilgrimage, so however that the library shall open to the public upon and subject to any condition as to the user which the Commission may think fit to impose;

- (6) conduct campaign on hajj, educative as well as religious, in all the States of the Federation, and the Federal Capital Territory;

Committee's Recommendation:

Leave out the provision in Subclauses 3(5) and (6) and *insert* the following instead thereof: "(5) establish and maintain an adequate information system and libraries of books and other relevant publications as well as cinematograph and other facilities for use by persons interested in or desirous of undertaking a pilgrimage, so however that the library shall be opened to the public upon and subject to any conditions the Commission may deem fit.

- (6) conduct educative and enlightenment campaigns on Hajj and Umra, in all the States of the Federation, and the Federal Capital Territory (*Senator Jibril M. Aminu — Agreed to.*
- (7) appoint such number of medical practitioners and medical staff as it deems fit;
- (8) issue guidelines and rules that will ensure that States Pilgrims Welfare Agencies provide appropriate welfare services and guides for pilgrims; and
- (9) do such other things as are conducive or incidental to the discharge of the foregoing functions, provided that this subsection shall not be interpreted to be conferring any additional functions on the Commission.

Committee's Recommendation:

Insert a new subclause 3(10) as follows:

- "(10) to regulate and control in and or outside Nigeria all matters concerning the welfare of pilgrims and to formulate policies in connection therewith" (*Senator Jibril M. Aminu*).

Amendment Proposed:

Immediately after the word "of" in line 1, *insert* the word "Nigerian" (*Senator Udoma Udo Udoma*).

Question that the amendment be made put and agreed to.

Question that Clause 3 as amended do stand part of the Bill, put and agreed to.

Clause 4:

Tenure of Office of Members of the Commission:

- (1) The Chairman and members of the Commission shall hold office for a term of five years, renewable for a further and final term of five years.

Committee's Recommendation:

Leave out the provision in Subclause 4(1) and *insert* the following instead thereof"

- "(1) The Chairman and members of the Commission:
- (a) shall hold office for a term of four years; and
- (b) may subject to satisfactory performance be eligible for re-appointment for another term of office 4 years and no more" (*Senator Jibril M. Aminu*).

Amendment Proposed:

- (i) Revert to the provision in the Principal Act;
- (ii) *Leave out* the word "five" in lines (1) and (2) and *insert* the word "four" instead thereof (*Senator Daniel I. Saror*).

Question that the amendment be made put and agreed to.

- (2) The Chairman or any member of the Commission may resign his appointment by notice in writing under his hand, addressed to the President and the resignation shall take effect upon acknowledgment by the President.

- (3) The Chairman or any member of the Commission may be removed from office by the President, if the President is satisfied that it is not in the interest of the Commission or the public that the member should continue in office.
- (4) If the Chairman or any member of the **Commission** dies, resigns or otherwise vacates his office before the expiration of the term for which he was appointed, the President may appoint another fit and proper person to complete the term (*Senator Jibril M. Aminu*).

Question that Clause 4 as amended do stand part of the Bill, put and agreed to.

Clause 5:

Cessation of membership:

The Chairman or any Member of the Commission shall cease to hold office if:

- (a) he becomes of unsound mind; or
- (b) he becomes bankrupt or makes a compromise with his creditors; or
- (c) he is convicted of a felony or of any offence involving dishonesty; or
- (d) he is guilty of serious misconduct in relation to his duties.

Committee's Recommendation:

Leave out the provision in Clause 5 and *insert* the following instead thereof"

"The Chairman or a Member of the Commission ceases to hold office if:

- (a) he is certified to be of unsound mind; or is otherwise adjudged incapable of performing his functions as a member of the Commission
- (b) he is declared bankrupt.
- (c) is convicted of a felony or of any offence involving dishonesty or fraud.
- (d) he is guilty of serious misconduct in the discharge of his duties" (*Senator Jibril M. Aminu*).

Amendment Proposed:

Revert to the provision in the Principal Act (*Senator Udoma udo Udoma*).

Question that the amendment be made put and agreed to.

Question that Clause 5 as amended do stand pan of the Bill, put and agreed to.

Clause 6:

Hajj Savings Scheme:

The Commission may regulate/supervise the establishment of Hajj Savings Scheme by those who want to adopt the approach, and the Commission may set up a board of trustees, for the savings schemes, comprising of men of high integrity who are not members of the Commission.

Committee's Recommendation:

Leave out the provision in Clause 6 and *insert* the following instead thereof" "(1)

There is hereby established by the Commission the Hajj Savings Scheme (in this Bill referred to as "the Scheme") to be managed by the Pilgrims Welfare Boards of each State and the FCT for interested intending pilgrims.

- (2) The Commission, inconultationwithFederalMinistryofFinance, Central Bank of Nigeria and Nigeria Deposit Insurance Corporation shall facilitate and provide relevant advisory services in accordance with principles of Islam by—
 - (a) forming an Advisory Council of Ulama to advise on
 - (i) the proper management of the Scheme; and
 - (ii) investment and handling of the funds belonging to the intending pilgrims.

- (b) establishing a Board of Trustees to administer the Scheme at the National and State levels respectively.

- (3) Propose a composition (not by names) of the Board of Trustees" (*Senator Jibril*

Amendment Proposed:

- (i) Revert to the provision in the Principal Act;
- (ii) Leave out the word "may" in line (1) and insert the word "shall" instead thereof (*Senator Lawal Shuaibu*).

Question that the amendment be made put and agreed to.

*Question that Clause 6 as amended do stand part of the **Bill**, put and agreed to.*

Clause 7:

Secretary of the Commission:

- (1) There shall be an executive officer of the Commission to be known as Secretary to be appointed by the President from amongst persons who are in the public service not below the rank of a Permanent Secretary.
- (2) The person to be appointed Secretary of the Commission shall possess such requisite qualifications as may be determined by the President and shall also be knowledgeable in Islamic Studies and possess proficient knowledge and use of the Arabic language.
- (3) **The** Secretary shall be the Chief Executive Officer of the Commission and responsible to the Commission for the detailed administration and day to day management of the affairs of the Commission.

Committee's Recommendation:

Leave out the provision in Subclauses 7(1), (2) and (3) and insert the following instead thereof:

- "(1) The Commission shall appoint a Secretary who shall-
 - (a) keep the records and conduct the correspondence of the Commission; and
 - (b) perform such other duties as the Commission or the Chairman may from time to time, direct.
 - (c) serve as the Secretary at all meetings of the Commission
- (2) The Secretary of the Commission shall-
 - (a) possess such requisite qualifications as may be determined by the Commission;
 - (b) be a person knowledgeable in Islamic Studies;
 - (c) possess proficient knowledge and use of the Arabic language; and
 - (d) be a person from public service not below the rank of Director (*Senator Jibril M. Aminu*),

Amendment Proposed:

*Leave out the provision in Subclause 7(2)(d) (*Senator Daniel I. Saror*).*

Question that the amendment be made put and agreed to.

- (4) Subject to the provisions of this section the Secretary shall hold office on such terms as to emoluments and otherwise the President may determine

Committee's Recommendation:

Leave out the word "President" in line 2 and **insert** the word "Commission" instead thereof (*Senator Jibril M. Aminu*) — *Agreed to.*

Question that Clause 7 as amended do stand part of the Bill, put and agreed to.

Clause 8: Other Employees of the Commission:

The Commission may appoint such other persons to be employees of the Commission as the Commission may determine to assist the Secretary in the discharge of his functions under the Act.

Committee's Recommendation:

Leave out the provision in Clause 8 and insert the following instead thereof " (1) The Commission may employ such other staff as it may consider necessary for the efficient performance of its duties under this Bill.

(2) The terms and conditions of service (including terms and conditions as to remuneration, allowances, retiring benefits and discipline) of the Secretary and other staff of the Commission shall be such as may be determined, from time to time, by the Commission.

(3) Every staff, who immediately before the appointed day, was employed as an officer of the Nigerian Pilgrims Board/Commission or Directorate shall on that day be deemed to be employed as such officer or servant, as the case may be, of **the** Commission upon the same terms and conditions of services as those applicable immediately before the appointed day.

Amendment Proposed:

Leave out the provision in Subclause 8 (3) (*Senator Udoma Udo Udoma*).

Question that the amendment be made put and agreed to.

(4) The Commission shall determine the remuneration and tenure of office of its employees" (*Senator Jibril M. Aminu*).

Question that Clause 8 as amended do stand part of the Bill, put and agreed to.

Clause 9: Remuneration and Tenure of Employees:

The Commission shall determine the remuneration and tenure of office of employees of the Commission other than the Secretary.

Committee's Recommendation:

Leave out the provision in Clause 9 (*Senator Jibril M. Aminu*) — *Agreed to.*

Committee's Recommendation:

Insert a new Clause 10 as follows:

"Clause 10: Pending Disciplinary Proceedings:

All disciplinary proceedings, which immediately before the appointed day, were pending against any officer or servant of the Pilgrims Boards/Commission or Directorate of Pilgrims Affairs may, on or after that date, be continued against the officer or servant under this Bill" (*Senator Jibril M. Aminu*),

Amendment Proposed:

Leave out the provision in new Clause 10 (*Senator Udoma Udo Udoma*).

Question that the amendment be made put and agreed to.

Clause 10: Pensions Cap. 346 LFN:

(1) **It is** hereby declared that service in the Commission shall be approved service for the purpose of the Pensions Act and, accordingly, officers and other persons

employed in the Commission shall in respect of their service in the Commission be entitled to pensions, gratuities and other retirement benefits as are prescribed there under, so however that nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of pensions and gratuity in respect of that office.

Committee's Recommendation:

Leave out the provision in Subclause 10 (1) and **insert** the following instead thereof: "The Commission is an Approved Service for the purpose of the Pensions Act and officers and other persons employed in the Commission shall, in respect of their service in the Commission, be entitled to pensions, gratuities and other retirement benefits and nothing in this Bill shall prevent the appointment of a person to any office on terms which preclude the grant of pensions and gratuity" (*Senator Jibril M. Aminu*).

Amendment Proposed:

Leave out the words and figures "Cap. 346 LFN" and *insert* the words and figures "Reforms Act 2004" (*Senator Dalhatu S. Tafida*).

Question that the amendment be made put and agreed to.

Another Amendment Proposed:

Leave out the word "is" inline 1, and *insert* the words "shall be" instead thereof (*Senator Daniel I. Saror*).

Question that the amendment be made put and agreed to.

Further Amendment Proposed:

Leave out all the words immediately after the word "Act" in line 1 (*Senator Udoma Udo Udoma*).

Question that the amendment be made put and agreed to.

- (2) For the purpose of the application of the provisions of the Pensions Act, any power exercisable thereunder by a Minister or other authority of the Federal Government (not being power to make regulations under Section 23 thereof) is hereby vested in and shall be exercised by the Commission and not by any other person or authority.

Amendment Proposed:

Leave out the provision in Subclause 10(2) (*Senator Daniel 7, Saror*).

Question that the amendment be made put and agreed to.

Question that Clause 10 as amended do stand part of the Bill, put and agreed to.

Clause 11:

Financial Provisions:

- (1) The funds of the Commission shall consist of:
- (a) all such sums as may be charged by the Commission as fees, commissions or dues for its services;
 - (b) all revenue accruing to or vested in the Commission by way of grants--in-aid or otherwise howsoever;
 - (c) any other moneys saved by the Commission such as proceeds from the operation of the Hajj Saving Scheme or borrowed pursuant to the provisions of this Act or any other enactment; and

Committee's Recommendation:

Immediately after the word "Commission" in line 1, *leave out* the words "such as proceeds from the operation of the Hajj Saving Scheme" and *insert* the words "provided that for the avoidance of doubt, the Commission shall not touch any monies belonging to the Hajj Saving Scheme" (*Senator Jibril M. Aminu*) ~ *Agreed to.*

(d) Bequests, gifts and donations.

- (2) In respect of the revenue of each financial year, the Commission shall, except in the case of the first pilgrimage after Commencement of this Act, prepare and submit **to** the President not later than three months before every pilgrimage, **an** estimate of its expenditure and income during the next succeeding financial year, provided that the Commission shall submit an advance estimate whenever it is requested to do so by the President.
- (3) Subject to the prescribed rules, the Commission shall keep proper accounts and records in relation to its fund in accordance with the Public Accounts Rules and Guidelines issued by the Accountant General of the Federation.
- (4) The Commission shall cause its accounts to be audited not later than six months after the end of each financial year to which the accounts relate. The auditors shall be appointed from a list of auditors approved by the Auditor—General of the Federation.
- (5) The Commission may open and operate bank accounts take advances, borrow money or in any manner undertake financial transactions in a prudent and sound manner (*Senator Jibril M. Aminu*) ~ *Agreed to*.

Question that Clause 11 as recommended do stand part of the Bill, put and agreed to.

Further consideration deferred till the next legislative day.

Chairman to report **Bill**.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Foreign Affairs on National Hajj Commission of Nigeria (Establishment) Bill 2006 and approved as follows:

New Clause 1	—	As Amended.
Clause 1	—	As Recommended.
Clauses 3 - 9	—	As Amended.
New Clause 10	—	As Deleted.
Clause 10	—	As Amended,
Clause 11	—	As Recommended.

Further consideration deferred till next legislative day.

6. **Adjournment:**

And it being 2:25 p.m. the Senate has adjourned till Wednesday, 21st June, 2006 at 10.00 a.m.

Adjourned accordingly at 2: 25 p. m.

Ken Nnamani
President of the Senate

CORRIGENDUM

In the Votes and Proceedings of Thursday, 15th June, 2006 (No. 5):

At page 87, under Announcement to be numbered as follows:

"(ii) North East Representatives in the PDP National Executive Committee"

"(iii) The Senate President announced that Senators M. S. Daggash and T. U. Wada sequel to the PDP North East Caucus meeting had been nominated as the North East Representatives in the PDP National Executive Committee".