



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 31 March, 2004

1. The House met at 2.41 p.m. Mr Speaker read Prayers.
2. **Votes and Proceedings:**
Mr Speaker announced that he had examined and approved the Votes and Proceedings of Tuesday, 30 March, 2004.

By unanimous consent, the Votes and Proceedings were adopted.

3. **Announcement:**

Certificate of Award:

Mr Speaker informed the House that on Tuesday, March 30, 2004, the Consumer Advocacy Forum of Nigeria presented the House with a Certificate as the 1st Best Consumer Sensitive Arm of Government. He read the following citation as the basis for the award:



When the National Assembly was inaugurated on June 3rd, 2004, the House of Representatives under the leadership of Speaker Rt Honorable Aminu Bello Masari, The Speaker promised a House that will provide a credible and visionary leadership, a House that will pass laws that will improve the welfare of Nigerians, a people oriented and independent House, determined to carry out it's oversight functions with diligence and total commitment to the Nation.

So far the House of Representatives has treated 72 Bills, out of which 13 Bills have been passed, moved 63 Motions, and received 200 petitions, many of which have been investigated and resolved.

The House is determined to be a true representative of the Nigerian people. Lets give some examples, when Nigerians woke up on 1st of October, 2004, to an announcement of an increase in fuel prices, the House unanimously rose in unison against an increase in fuel prices.

The House in protest, suspended sitting because Labour was set to strike. The Speaker Aminu Bello Masari along with some Honorable members, held several meetings with Labour and the Executive to reach an acceptable compromise, thanks to the mediatory role, an agreement was reached between Labour and the Executive.

On January 1st, 2004 the Federal Government, began collecting ₦1.50 tax on fuel, the House again opposed the introduction of the fuel tax, by whatever name it was called and stood resolutely firm against fuel tax and moved a motion calling for an immediate halt to the collection of fuel tax.

The House of Representatives is poised to provide a responsive Parliament that will embark on programmes that will ensure that all Nigerians are part of the collective National Legislative agenda.

4. Petition:***An Appeal for Justice: Engr Ibrahim Abdulkarim:***

Hon. Balarabe Wakili presented a petition on behalf of Engr Ibrahim Abdulkarim. The petitioner claimed that his appointment was terminated in 1997 by the management of Federal College of Education, Zaria for alleged involvement in the purchase of eight drums of diesel oil.

He prayed the House to investigate the matter and course his reinstatement.

Petition referred to the Committee on Public Petitions.

5. Matter of Urgent Public Importance:

Invoking Order VIII, Rule 4 (1) of the Standing Orders of the House, Hon. Halims Ochuku Agoda bemoaned the unlawful detention of the Deputy Governor of Delta State, Chief Benjamin Elue by the Police Authorities on Tuesday, 30 March, 2004 and urged the House to debate the matter as that of urgent national importance.

Question that the matter be debated, put and agreed to.

Question, That Order VIII, Rule (3) of the Standing Orders of the House be suspended to enable the House debate the Matter forthwith, put and agreed to.

6. Unlawful Detention of the Deputy Governor of Delta State, Chief Benjamin Elue:

Motion made and Question proposed, "That whereas the Deputy Governor of Delta State was invited by the Inspector-General of Police to appear before him at 11.00 a.m. yesterday, 30 March, 2004;

WHEREAS the whereabouts of the Deputy Governor of Delta State remain unknown since yesterday after his meeting with the Inspector-General of Police;

WHEREAS the seeming detention or disappearance of the Deputy Governor since yesterday is a violation of Section 308 of the Constitution which grants unqualified immunity to public officers of the rank of President, Vice-President, Governor or Deputy Governor;

WHEREAS there is the immediate need for the Deputy Governor of Delta State to return to his duty post, and to exercise his fundamental human rights;

WHEREAS the National Assembly has the statutory obligation to ensure that the Constitution of the Federal Republic of Nigeria is respected by all citizens and institutions including the Inspector-General of Police;

AND CONSIDERING the aforementioned observations, the Deputy Governor of Delta State or of any other State in the Federation should not and cannot be detained while holding office;

Resolves to:

- (i) *condemn* the act of detaining the Deputy Governor of a State contrary to the provision of the Constitution;
- (ii) *call* for the immediate and unconditional release of the Deputy Governor of Delta State, Chief Benjamin Elue by the Inspector-General of Police;
- (iii) *urge* the Police authorities to hold the provisions of the Constitution as sacrosanct at all times in the course of the discharge of their duties" (Hon. J. H. O. Agoda, Hon. Chris Oghenekevwe, Hon. Chief Almona-Isei, Hon. Temi Harriman, Hon. Pascal Adigwe, Hon. Napoleon Igbiniye, Hon. Mutu, Hon. Leo Ogor, Hon. Tam Brisbane, and Hon. Cairo Ojuogbo).

Debate:

Question put and agreed to:

The House:

aware that the Deputy Governor of Delta State was invited by the Inspector-General of Police to appear before him at 11.00 a.m. yesterday, 30 March, 2004;

disturbed that the whereabouts of the Deputy Governor of Delta State remained unknown since yesterday after his meeting with the Inspector-General of Police;

alarmed that the seeming detention or disappearance of the Deputy Governor since yesterday was a violation of Section 308 of the Constitution which grants unqualified immunity to public officers of the rank of President, Vice-President, Governor or Deputy Governor;

mindful that there was the immediate need for the Deputy Governor of Delta State to return to his duty post, and to exercise his fundamental human rights;

cognizant that the National Assembly has the statutory obligation to ensure that the Constitution of the Federal Republic of Nigeria is respected by all citizens and institutions including the Inspector-General of Police;

considered the aforementioned observations and asserted that the Deputy Governor of Delta State or of any other State in the Federation should not and could not be detained while holding office;

Resolved to:

- (i) condemn the act of detaining the Deputy Governor of a State contrary to the provision of the Constitution;*
- (ii) call for the immediate and unconditional release of the Deputy Governor of Delta State, Chief Benjamin Elue by the Inspector-General of Police;*
- (iii) urge the Police authorities to hold the provisions of the Constitution as sacrosanct at all times in the course of the discharge of their duties (HR. 7/2004).*

7. Presentation of Reports:

Report of the Ad-hoc Committee of the House of Representatives on Mr President's Observations on the 2004 Appropriation Bill:

Motion made and Question proposed, "That this House do receive the Report of the Ad-hoc Committee of the House of Representatives on Mr President's Observations on the 2004 Appropriation Bill" (Hon. Alex Nwofe).

Question put and agreed to.

Report Laid.

8. Consideration of Report:

Report of the Ad-hoc Committee of the House of Representatives on Mr President's Observations on the 2004 Appropriation Bill:

Motion made and Question proposed, "That this House do consider the Report of the Ad-hoc Committee of the House of Representatives on Mr President's Observations on the 2004 Appropriation Bill and approve the Recommendations therein" (Hon. Alex Nwofe).

Question put and agreed to.

Question, That the House do resolve into the Committee of Whole to consider the aforesaid Report — agreed to.

Question, That Order VII, Rule 2 be suspended to enable Mr Speaker preside in the Committee of Whole — agreed to.

(HOUSE IN COMMITTEE)

(Mr Speaker in the Chair)

Debate:

Question, That the Report of the Ad-hoc Committee be adopted, put and agreed to.

Chairman to report Progress.

(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in the Committee of Whole retained Clauses 1, 2, 3, 5, 6, 7, 8, 9, 10, the Schedule, and expunged Clause 4 of the Appropriation Bill, 2004.

REPORT OF THE SPECIAL AD-HOC COMMITTEE OF THE HOUSE OF REPRESENTATIVES ON MR. PRESIDENT'S OBSERVATIONS ON 2004 APPROPRIATION BILL

On March 30, 2004, Mr. Speaker read the communication from Mr. President wherein Mr. President made observations on why he withheld assent to the 2004 Appropriations Bill. The House thereafter constituted an Ad-hoc Committee to study the Constitutional questions and issues raised in the said letter and advise the House appropriately.

The Committee which sat immediately after the sitting on 31st March, 2004 was made up as follows:

- | | | | |
|-----|-------------------------|---|--|
| 1. | Hon. Alex Nwofe | - | Chairman, Committee on Justice |
| 2. | Hon. Bala Ibn Na'Allah | - | Chairman, Committee on Judiciary |
| 3. | Hon. Ita Enang | - | Chairman, Committee on Rules and Business |
| 4. | Hon. Adeyemi Oluwole | - | Chairman, Committee on Public Accounts |
| 5. | Hon. Celestine Ughanze | - | Chairman, Committee on Privatization |
| 6. | Hon. Chudi Ofodile | - | Chairman, Committee on Public Petitions |
| 7. | Hon. Frank Ineke | - | D/Chairman, Committee on Justice |
| 8. | Hon. Aminu Tambuwal | - | D/Chairman, Committee on Rules and Business |
| 9. | Hon. Mohammed Kumalia | | |
| 10. | Hon. Bala Ngilari | - | D/Chairman, Committee on Drugs, Narcotics and Financial Crimes |
| 11. | Hon. Temi Harriman | - | |
| 12. | Hon. Femi Gbaja-Biamila | | |
| 13. | Hon. Abdul Oroh | - | D/Chairman, Committee on Human Rights |
| 14. | Hon. Patricia Udogu | | |

The Committee met and considered the observations of Mr. President seriatim as follows:

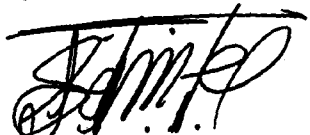
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"There are material differences between the expenditure proposal I sent to the National Assembly and the Bill returned for assent."

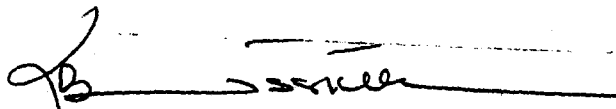
We so recommend.



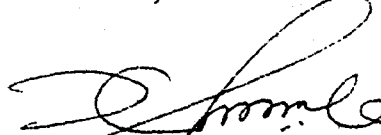
Hon. Alex Nwofe
Chairman, Committee on Justice



Hon. Ita Enang
Chairman, Committee on
Rules & Business



Hon. Bala Ibn Na'Allah
Chairman, Committee on Judiciary



Hon. Adeyemi Oluwole
Chairman, Committee on Public Accounts

Question, that the House do adopt the Report of the Committee of Whole — agreed to.

(See Supplement to the Votes and Proceedings for details of the Report).

9. A Bill for an Act to Authorise the issue out from the Consolidated Revenue Fund of the Federation the Total Sum of Thirty-Four Billion, One Hundred and Fifty-Six Million, Two Hundred and Thirty-Seven Thousand, Five Hundred and Ninety-Seven Naira (₦34,156,237,597.00) only of which the Sum of Five Billion, Nine Hundred and Twenty-Four Million Naira (₦5,924,000,000.00) only is for Personnel Cost and the Sum of Three Billion, One Hundred and Sixty-Four Million Naira (₦3,164,000,000.00) only is for Overhead Cost while the Balance of Twenty-Four Billion, Nine Hundred and Sixty-Three Million, Two Hundred and Thirty-Seven Thousand, Five Hundred and Ninety-Seven Naira (₦24,963,237,597.00) only is for Capital Projects for the Service of the Federal Capital Territory, Abuja, 2004 (HB. 83) — *Second Reading:*

Motion made and Question proposed: "That the Bill for an Act to Authorise the issue out from the Consolidated Revenue Fund of the Federation the Total Sum of Thirty-Four Billion, One Hundred and Fifty-Six Million, Two Hundred and Thirty-Seven Thousand, Five Hundred and Ninety-Seven Naira (₦34,156,237,597.00) only of which the Sum of Five Billion, Nine Hundred and Twenty-Four Million Naira (₦5,924,000,000.00) only is for Personnel Cost and the Sum of Three Billion, One Hundred and Sixty-Four Million Naira (₦3,164,000,000.00) only is for Overhead Cost while the Balance of Twenty-Four Billion, Nine Hundred and Sixty-Three Million, Two Hundred and Thirty-Seven Thousand, Five Hundred and Ninety-Seven Naira (₦24,963,237,597.00) only is for Capital Projects for the Service of the Federal Capital Territory, Abuja, 2004 be read the Second Time" (*Abdul Ningi*).

Debate:

Question, That the Bill be now read the Second time, put and agreed to.

Bill read the Second Time and referred to the Committees on Appropriations and Federal Capital Territory.

10. **Adjournment:**

That this House do now adjourn till Tuesday, 20 April, 2004 at 10.00 a.m. (*Hon. Abdul Ningi*).

Adjourned accordingly at 4.00 p.m.

Aminu Bello Masari
Speaker