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HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA

Thursday, 21st May, 2009

The House met at 11.10 a.m.

PRAYERS

(The Speaker in the Chair)

VOTES AND PROCEEDINGS

The Speaker: Hon. Members, the House is called to order. I have examined and approved the Votes and Proceedings of Wednesday, 20th May, 2009.

**MESSAGE FROM THE PRESIDENT OF THE
FEDERAL REPUBLIC OF NIGERIA**

The Rt. Hon. Dimeji Bankole, CFR,

May 5th, 2009
Speaker of the House of Representatives,
National Assembly Complex,
Three-Arms Zone,
Abuja.

Dear brother,

**GRANT OF US\$ SOFT LOAN TO THE
DEMOCRATIC REPUBLIC OF
SAO TOME AND PRINCIPE (DRSTP)**

The Honourable Speaker and Honourable Members may kindly wish to note that the Government of Democratic Republic of Sao Tome and Principe (DRSTP) through its Prime Minister, Dr. Patrice Emery Trovoada, made a request for a Soft loan of US\$30 million from the Federal Republic of Nigeria in March 2008.

The loan is to assist the government address some socio- economic difficulties in the country.

I directed the Management of the Debt Management Office to evaluate the request and it has advised that the Soft loan could be considered based on the following reasons:

- (i) Nigeria's assistance to Sao Tome and Principe, a strategic maritime neighbour

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which is anchored in the framework of the Joint Development Zone (JDZ), will strengthen and consolidate the security in the Gulf region, taking into account the geo-politics of the International Oil Crises and economic interest of Nigeria

- (ii) By the nature of the request, especially, the emergency that the Democratic Republic of Sao Tome and Principe faces and considering the relationship between Nigeria and that country, the Soft loan would be interest free while the loan would be repaid within four to six years.

- (iii) The Democratic Republic of Sao Tome and Principe has a previous record of prompt repayment as was evidenced in the case of a similar loan of US\$15 million granted between 2002 and 2004. The loan was fully repaid according to the terms of the loan in April 2007.

- (iv) Repayment would be from the Production Sharing Contract (PSC) in respect of the Joint Development Zone (JDZ) oil concessions in which there are revenues from the Signature Bonuses, sales of Seismic Data, Royalties, Taxes, etc.

Following from the above, a memo was presented to the Federal Executive Council (FEC) by the hon. Minister of Finance in June 2008 and the Federal Executive Council (FEC) was favourably disposed to granting the loan requested by the Democratic Republic of Sao Tome and Principe (DRSTP).

In endorsing this request, the Federal Executive Council (FEC) took into account, Nigeria's strategic and economic interests, as well as security considerations. Subsequently, following the outcome of meetings with the government officials from the two countries, and official visit of the President of Sao Tome and Principe; we agreed that the loan amount would be reduced to US\$10 million in the first instance, with additional tranches at the appropriate time, based on a separate consideration.

The Honourable Speaker and Honourable Members may wish to note that Section 25 of a DMO (Establishment etc) Act, 2003 states inter alia "that application for grants or loans to a foreign State may be submitted by the President to the National Assembly and may be approved subject to such terms and conditions as may be prescribed by a resolution of the National Assembly".

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Therefore, in line with the above requirement, may I request Honourable Members of the House of Representatives to kindly consider and approve the US\$10 million soft loan to the Democratic Republic of Sao Tome and Principe. The amount will be sourced from my Contingency Vote.

It is my sincere hope that the cordial and cultivated working relationship between the Legislature and Executive will continue to flourish as we proceed with the task of nation building.

Please accept Hon. Speaker, the assurances of my warmest regards.

Yours sincerely,

UMARU MUSA YAR'ADUA

ANNOUNCEMENT

Meeting of the House Committee on Appropriation

The Speaker: *This is to inform Members of the House Committee on Appropriations that there is going to be a Meeting of the Committee today, Thursday 21st May 2009 by 2.00 p.m. in the Meeting Room 301 New Building.*

You are enjoined to be in attendance, please.

Thanks.

(Signed)
Hon. Ayo Ademola Adeseun,
Chairman

Wedding Invitation

The Speaker: Hon. Phillip Aduda is inviting all hon. Members to the Traditional Wedding Reception of his younger brother Aduda Tanimu Aduda (Jnr.) with Barbara Uloma Okomgba which will take place by the grace of God on Saturday 23rd at the Aduda's residence beside the New Chief Palace, Karu, Abuja at 1.30 p.m.

(Sgd)
Rt. Hon. Phillip Tanimu Aduda (MHR)

Visit of the Students of Ibrahim Badamosi Babangida University

The Speaker: We have in the Gallery today Students of Ibrahim Badamosi Babangida University,

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Good morning, you are all welcome.

Visit of the Students of Noble Heights Academy

The Speaker: We have in the Gallery today, Students of Noble Heights Academy.

Good morning, you are all welcome.

Visit of the Students of ECWA Secondary School, Miango, Jos

The ECWA Secondary School has a formidable team, you are all welcome.

PRESENTATION OF PUBLIC PETITIONS

The Speaker: Any Member who has a Petition to present may rise to do so.

Petition by Mohammed Abubakar against the

Bureau of Public Enterprises

Hon. Ubale Jakada Kiru (Bebaji/Kiru): I have a Petition from one of my constituents, by name Mohammed Abubakar who was a former Chairman of the Labour Worker Association of Privatized Nigerian Hotels Limited, Central Hotel Branch, Kano; against the Bureau of Public Enterprises (BPE)

Mr. Speaker, the Bureau of Public Enterprises sold Nigerian Hotels Limited some time in 2002. Unfortunately, their entitlements which had been properly calculated then, was only partly paid to tune of between 20 and 30 *per cent*. They took all legitimate and lawful measures to get their entitlements from Bureau of Public Enterprises but up till this moment, the BPE has not been forthcoming.

They thought this honourable House of Representatives of the people of this country would do them justice by intervening to get BPE to paid them their outstanding benefits.

With your permission, I would like to lay the Petition on the Table.

The Speaker: Please, do so.

(Petition laid)

Unlawful Disengagement of over 700 Staff of Nigerian Mining Corporation

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Hon. Sama'ila Abdullahi Mohammed (Bassa/Jos North): Mr. Speaker, I have a petition from over 700 unlawfully disengaged staff of Nigerian Mining Corporation with Headquarters in Jos. The Nigerian Mining Corporation was a class 'A' Federal Corporation that was charged with the responsibility of solid mineral mining in Nigeria.

Unfortunately in October, 2005, the Corporation was closed, and over 700 staff were thrown into the unemployment market. Many of them have died, many are still dying and their entitlements have not been paid up to date.

These over 700 staff of the Nigerian Mining Corporation have appealed to this honourable House to look into their plight and to provide succor for them.

If you permit me Mr. Speaker, I would like to lay this petition.

Mr. Speaker: Go ahead.

(Petition Laid)

Denial of Appeal for Re-instatement

Hon. Charles C. Odedo (Idemili North/South): I have two petitions here. The first one is from Ikechukwu Ojukwu, a former staff of the University of Nigerian Teaching Hospital Enugu. He was employed in 1988 and was given approval to go on study leave but he could not because of financial reasons. So he wanted to be re-instated but the University Teaching Hospital refused. So he has come to this House to seek justice.

Wrongful Termination of Appointment

The second petition is from Mrs. Clementina Nwankwo who was employed by the Anambra State Government for a period of four months but she was sacked for no reason.

The two petitioners are seeking justice from this honourable House. If you wish I would lay it on the Table.

Mr. Speaker: Please go ahead.

(Petitions Laid)

Mr. Speaker: Are there any other petitions? *(No Response)*.

All petitions are hereby referred to the Committee on Public Petitions

All petitions accordingly referred to the Committee on Public Petitions.

Letter from Mr. President

Hon. John Halims O. Agoda (Ethiope): Mr. Speaker, I want to briefly refer to the letter from the President of this great Country which you read to this Distinguished Parliament just now. I want to read from the Constitution Section (8) (iv).

First, I am not against this Country offering any form of assistance to a neighbouring state based on our strategic relationship.

I am making this observation because Section (80) (iv) says, if I may read by your permission :

No money shall be withdrawn from the consolidated revenue fund or any other public fund of the Federation, except in the manner prescribed by the National Assembly.

Rightly too, Mr. President referred to the DMO Act, I think Section 25, which required the resolution of the National Assembly and I believed that the DMO Act, as an Act of the National Assembly, flows from this Section of the Constitution. If that is the case, for it to be legitimate and legal, I want to advise that it is necessary for the Leader of this House to prepare and present a Motion before this distinguished Assembly for proper resolution and for proper documentation.

Secondly, I also heard you reading from the letter that the Federal Executive Council approved the said sum. If that is the case and the issue is brought to the Parliament for approval, if for instance the Parliament refuses to approve, of what use is the approval of the Federal Executive Council? Next time, the Executive should be properly advised that matters that had to do with money, the National Assembly which is the pulse of the Nation has to approve first before the Executive will take the final action, as it relates to money.

I urge the Leadership to direct the Leader of this House to come by a way of Motion so that we can give the required resolution. I beg to observe.

Hon. Ihedioha Emeka Nkem (Aboh Mbaise/Ngor Okpala): I have listened to the submissions of my Colleague Hon. Halims Agoda with regard to the request of Mr. President for a soft loan to the Republic of Sao Tome and Principe.

But when I listened to the letter of Mr. President that was read by you, I did hear Mr. President indicating that the money will be sourced from his contingency

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which already has been captured and approved for Mr. President, by this House. Consequently, I guess that what Mr. President sought to do was to inform us that he wants to give this loan but that he would source it

from the Contingency Vote which we have already appropriated.

I do not whether we have need again to re-appropriate funds. I guess what Mr. President had done is to notify us because of the intendment of the loan. I think it would be good if we take it from this perspective.

Hon. Mohammed Ali Ndume (Damboa/Gubio/Magumeri): I need to make a little clarification here.

Mr. Speaker, you will recall that some time last week the President wrote a letter to this House. In that letter it was stated that one of the difficulties he has was that the Presidential Contingency Fund has been reduced or removed from the Budget. I do not know where the Chief Whip is getting his own information.

Another thing is that the Constitution is very clear as to the procedure on this issue. My concern is that this House needs to find out actually whether or not the President has already advanced the Loan. This is because the procedure is clear about it.

The second issue is, if this money was not appropriated then, this honourable House will have to appropriate it because I do not know how they are going to get the money with which to grant the loan. But my suggestion is that on such communication it is very important for this House to assign a date for us to discuss the latest development on a letter like this and pass a resolution as to the reaction of the House so it will be properly communicated

Now the President has written this House; I think we need to sit down and discuss the letter he wrote and take a decision whether or not to approve the loan.

Mr. Speaker: I think I will just quote from President's letter which reads:

In line with the above requirement of the Constitution may I request the Hon. Members of the House of Representatives to kindly consider and approve the US\$10 million soft loan to Democratic Republic of Sao Tome and Principe. The amount will be sourced from The President's Contingency Vote.

Hon. Members I think what we should really do, if you agree, is to just refer it to the Joint Committees on

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Appropriation and Finance and let them come up with a Motion on it and we pass a resolution to honour it. I believe this would be in order. The Joint Committee should give us a feedback within one week.

Question put and agreed to.

Matter referred to the Joint Committee on Appropriation and Finance, to report back to the House within one week.

Hon. Igochukwu N. Aguma (Port Harcourt 1): Mr. Speaker, Point of Order.

The Speaker: I hope you are not raising a Point of Order on what we have already ruled on? However, you may proceed but tell us the Order.

Hon. Igochukwu N. Aguma: My Order is Order VIII Rule 5 - *Personal Explanation*.

I want to quickly bring to the attention of the House a situation in which the integrity of the House; the power of the Mace is probably being undermined.

This House set up an Ad-hoc Committee to investigate the activities of the NNPC, its subsidiaries and DPR. We have done the DPR aspect of our investigation and the Report is before this House. We were to commence the NNPC aspect of the investigation, which indeed is the most tasking in the light of the current situation in Nigeria where we have scarcity of refined fuels and Refineries that are not working.

The Investigative Public Hearing was to hold yesterday but the NNPC, led by its Managing Director, undermined this investigation. He had over one month notice, only for him to send a text message to my phone at 10.12 p.m. on Tuesday night that he was sorry for not attending the oversight meeting of the Gas Committee Budget of that day and that he was also informing me that he was bereaved and that he would not be attending the Investigative Hearing of the next morning. He said he apologized.

Nobody prayed for anybody to be bereaved but when afterwards we saw that it was in solidarity with a Special Adviser who lost somebody, we felt, when we weighed it in the balance against national interest, that it was just a mere excuse not to attend. I want to bring to the attention of the House that the Committee resolved to postpone the Hearing until Wednesday, next week.

Another signal reaching us is that they are looking for emissaries to me so that the Hearing would be

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postponed again on Wednesday on the pretext that they have another national assignment.

We have queues at the Petrol Stations and people do not have Kerosene for cooking. Our Refineries have been known to be the highest producers of fuel oil – FPFO and HPFO in the world yet everyday, for these refineries that are not working, about 450,000 barrels of crude is being withdrawn at domestic route everyday including today.

These are the main reasons why this House resolved to carry out an investigation. I want to bring it to the attention of the House that this is the problem that we are facing in our Committee right now.

This is the personal explanation that I am making on behalf of the Committee.

The Speaker: Hon. Igo Aguma has just made a Personal Explanation. I do not know what is personal about that because this is a national issue. However, there are simple procedures for taking on Heads of Agencies or Heads of Parastatals and Ministries who have not honoured an invitation.

I think you should just proceed with those procedures and let it take its course.

MATTER OF URGENT PUBLIC IMPORTANCE

Chieftaincy Title Tussle in Satibi Clan, Etsako West Constituency

Hon. Abasi Braimah (Etsako East/West Central): Point of Order Mr. Speaker. My point of Order is anchored on Order VIII Rule 4(3) - Matter of Urgent Public Importance.

In truth and indeed it has been a very sad, hard and turbulent times in my Federal Constituency especially the Satibi Clan of Etsako West where I come from.

We have a situation where 52 houses have been burnt and 41 people have been killed over a Chieftaincy tussle that has lasted well over ten years. My Community is the host Community of the Federal Polytechnic, Auchì. As we speak, we have more than 9,000 students that have been displaced.

If Parliamentary blessing is given by the Speaker and by the House, I would like to bring this by way of a Motion on the next legislative day which is Tuesday.

The Speaker: Hon. Colleagues there is a Chieftaincy title tussle in Hon. Abasi's Constituency.

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Apparently 52 houses have been burnt, 41 people killed and 9,000 students have been displaced.

Should we consider this as a Matter of Urgent Public Importance to be considered at the next legislative day?

Question put and agreed to.

Chieftaincy title tussle in Satibi Clan, Etsako West Constituency, considered a Matter of Urgent Public Importance to be discussed at the next legislative day.

Hon. Ita Enang (Ita/Ibiono Ibom): May I please draw the attention of Mr. Speaker and my Colleagues to page one of the Votes and Proceedings of today where we stood down a matter of urgent public importance raised yesterday by Hon. Halims Agoda.

In the course of printing the Order Papers it was inadvertently omitted Sir, but we have produced a supplementary Order Paper and I pray that that matter be admitted now so that Hon. Halims Agoda would take it in accordance with what is on the Votes and Proceedings.

The Speaker: Hon. Halims Agoda, you may proceed with your Motion.

MOTION

Raging Military Action in the Niger Delta

Hon. Halims O. Agoda (Ethiope East/Ethiope West): My Motion is as follows:

The House:

Notes the raging military action in the Niger Delta and the accompanying mass displacement of women, children who have no homes, food and access to medical care;

Aware of the untiring efforts of the Federal Government to pacify the genuine feelings of the people of Niger Delta through the institution of a Master-Plan of development;

Worried that even though the agitation slipped out of the original concept of constructive engagement, there is the need more than ever before for both parties to sheath their swords to give room for peaceful and enduring resolution;

Concern that the nation can ill-afford an escalation of the crisis in the Niger Delta because of the grave

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social and economic consequences they can erupt in the country.

Resolves to:

- (i) call on all parties to the Niger Delta confrontation to maintain peace;
- (ii) encourage the Hon. Abdul Ningi Ah-hoc Committee on the Niger Delta crisis to expedite action in proffering workable and enduring solutions to the crisis; and
- (iii) urge the Federal Government through the National Emergency Management Agency (NEMA) to urgently send relief materials including beddings, medicine, foods, *et cetera* to the displaced persons.

Hon. Tam Brisibe (Burutu): I arise to second the Motion.

Question proposed.

Hon. Halims John Agoda: I do not need to speak much on this Motion; all what I am telling my Colleagues to do is that we need peace; it is the issue of leadership and final solution to the crises.

We need a collective resolve at this stage of the crises, and indeed the constructive engagement of all stakeholders. The facts of the matter are very clear, and indeed the nature and character of the agitation is very clear.

I do not want to engage in platitudes; I want to urge my colleagues to approve the Motion based on the simple request as it is, as part of the palliative from this distinguished Assembly.

I beg to move.

Hon. Tamarautare Brisibe (Burutu): Mr. Speaker, I urge this House to support this Motion for a very simple reason. Anytime we are doing anything we must be aware of the consequences where human lives and property are involved. I want us to consider the fact that some innocent persons are affected by the actions that are taking place in Delta State at the moment.

My request is that, whatever it is that needs to be done has to be done, but definitely when its affect the lives and property of people who had nothing to do with what is being considered, then we must ask that the

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authorities consider this aspect in whatever action that they take.

So I request that the NEMA be asked to give the support that is needed to the refugees that have been created and efforts should be made to minimize the effect on the people concerned.

Hon. Mohammed Maifata (Tarauni): Point of Order.

The Speaker: What Order?

Hon. Mohammed Maifata: Order VIII Rule 8 page 29 and it says:

Unless the Rules otherwise directs notice shall be given of any Motion or Amendment, which is proposed to be moved with the exception of the following ...

They mentioned them.

Mr. Speaker, this Motion by Halims Agoda was brought to the Floor of the House yesterday, and the House asked the mover of the Motion to step down the Motion which he did, even though they are going to bring the Motion back, I think it is ideal for the Motion to appear on the Order Paper of today, for us to at least know that this issue is going to be discussed today.

I know people will say the Order Paper is being shared now. I want to call the attention of the Rules and Business Committee of this House that things cannot be continued this way. If the Rules and Business Committee knows that this Motion is coming, if they have the time to print this Order Paper they could have included the said Motion on the Order Paper so that we will have time to know that this Motion is coming today.

The Speaker: Alright Hon. Maifata, I have an Order Paper here, but Hon. Chairman Rules, how come I seem to be the only Member with the Order Paper?

Hon. S. J. Ita Enang: No they are here. Mr. Speaker, I rely on the Votes and Proceedings which your Excellency has just approved this morning before this honourable House and I take your liberty to read just one paragraph.

A matter of urgent public importance, citing Order 8 Rule 4 (iii) of the House Standing Order, Hon. Halims Agoda drew the attention of the House to the prevailing major confrontation between the militants and the military Joint Task Force in the Niger Delta, with the accompanied refugees crises and displacement of the good number of citizens in the region.

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He urged the House to consider the matter as one of urgent public importance. Question that the matter be considered as one of urgent public important put and agreed to.

Resolution, Matters to stand over till the next Legislative day, which is today. This constitutes notice that this matter will come up today. The supplementary Order Paper has been produced and circulated, and it is in the Order Paper of the House, and that submission being here is a notice Sir.

The Speaker: Noted.

Severall Members: No.

The Speaker: Right, Hon. Colleagues, I am going to give the Floor to former Speaker Pro-Tempore.

Hon. Terngu Tsegba (Gboko/Tarka): Mr. Speaker, while we all sympathize with the casualty on the civilian side, we must not lose sight of the fact that no country in the world will surrender her security to charlatans called militants or to criminals.

I have seen the prayers here and we talked about parties to the crises. In fact, we are the parties, the country's military and the bunch of criminals called militants.

I listened very carefully to an interview granted by Prof. Tam David West, a very distinguish son of Nigeria last week (*Interruption*).

Hon. Maifata: Point of Order Sir.

The Speaker: We are still on a Point of Order, which I need to rule on.

Hon. Member, please can you conclude very quickly so that I can rule? I am going to allow the debate to proceed. Hon. Maifata, I have ruled.

Hon. Terngu Tsegba: Please let me quickly conclude my debate. Last week I read an interview granted by Professor Tam David West, a very distinguished son of Nigeria where he said that he blamed the Federal Government on the amnesty granted the militants. And I entirely agree with him.

The issue of militancy today is a criminal issue. If this issue is not arrested now it will engulf the whole of this country. What is happening is who has money to hire whom. I do not even believe that the people being referred sometimes as militants, all come from Niger Delta. What is happening in the East today is just what has been taken from the Niger Delta where people are

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kidnapped and some people call to negotiate on behalf of others and collect money to free people.

If the military are today living alive to their responsibilities, we must support them. We cannot come here and ask the military to lay down their arms and negotiate with the militants. Rather we should encourage the militants to surrender their arms and take advantage of the amnesty granted them by the President and until that is done this problem will continue. (*Applause*)

What we would suggest to the military hierarchy is to as much as possible ensure that the civilian population are not affected. But for us to call on our military to maintain peace with the militants we are only encouraging the militants to attack and even attack the mainland because what is happening in the creeks today we are told will soon come to the mainland.

It has started on the mainland in the East where my friend, Ifeanyi's kinsman was kidnapped yesterday and they are demanding for a ransom of ₦100 million.

You will also recall that two weeks back, a Canadian lady was kidnapped in Kaduna. Those people are not from the Niger Delta. They were arrested when the security pretended to take the money to them. If this crisis is not arrested now we can be sure that tomorrow nobody is safe. Even if anybody thinks he is safe in any other place, he is not safe.

Therefore, I am suggesting that we should delete Prayer 1, completely and call on our military to maintain the onslaught against the militants while exercising caution in civilian settlement.

The Speaker: Hon Colleagues, before I allow the Chairman, Committee on Works to quickly make his intervention, hon. Member from Delta State was actually making his contribution into the debate. You can proceed now.

Hon. Joyce Overah, is that in order?

Hon Overah O. Joyce (Okpe/Sapele/Uvwie) I wanted to draw the attention of my distinguished Colleague to the relevance of the Motion.

The Speaker: Which Order?

Hon Overah O. Joyce: It is Order IX (5).

The Speaker: Could you read that please?

Hon Overah O. Joyce: Yes, of course, I can.

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The Speaker: However, before you read Hon. Joyce Overah, your esteemed Colleague is now sitting down; he is no longer on the Floor. Is it still relevant for you to read?

Hon Overah O. Joyce: It is all right; let me allow my brother to speak on.

Hon Daniel Reyenieju (Warri North/Warri South/Warri West): Mr. Speaker I rise today to actually intimate this House that we need cooperation and the support of the entire House to see how we can approach this issue in my Constituency more diplomatically.

I am saying this because it is well known that all over the world, it is difficult for a group of militants or a group of rebels to defeat the national army and so I trust that these militants cannot defeat our Nigerian Army. However, what we are talking about is the fate of the innocent citizens, the civilians that are crossed in this whole crisis.

What this Motion seeks is the support of my entire hon. Colleagues to help urge the Federal Government to at least curtail the disproportionate use of force in this

community. We quite agree that most of these militants' camps are within some communities. However, do not forget that the civilians who live in these communities do not have the powers to actually move them from these communities not that they actually enjoy their being there. But do not forget too that this government or our government has actually failed by providing the police to guide most of these communities and as such it is difficult for the civilians to ask these militants to leave the community. I agree that two wrongs cannot make a right.

This is not the time to actually apportion blame neither to the military nor to the communities where these militants live. What we are doing now is to urge the House and also stress the vantage position of Mr. Speaker to help us speak to Mr. President to see how we can ameliorate the sufferings of the innocent citizens in my Constituency. They are actually suffering

Hon. Osagie Raphael Samson (Orhionmwon/Uhunmwode): Mr. Speaker, there is some consensus about the Motion before us this morning. There might be some misconceptions here and there but I believe that we have all agreed that militancy that have transcended to the level of criminality is antithetical to National Development. We all agreed on that and even the proponents of this Motion.

We also agreed that it is wrong for a set of people to take up arms against a constituted authority and begin to hold the Nation hostage. We are all worst off by the

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activities of these militants that are now criminals in our Region.

It is trite principle of law that if it is going to take the freedom of ten criminals to get life for an innocent citizen, why not justify it? In this case, the crux of this Motion and the amendment that have been made so far is for us to take cognizance of the fact that while we need to drive the militants away and get their activities considerably reduced or completely eliminated, we must be very cautious that the down-trodden masses in the region are being adversely affected. We are aware, for instance, that similar incidences have happened in some other parts of the country where a whole community had to go but it is not the right way.

What we are saying and what had been mentioned in the Motion earlier is that we need the cooperation of all and sundry so that our civilian populace that are grossly displaced and adversely affected by the current upsurge of violence in the confrontation between the militants and the Joint Task Force (JTF) be...
(Interruption)

The Speaker: Hon. Dino, which Point of Order are you raising?

Hon. Daniel Dino Melaye (Ijumu/Kabba-Bunu): My Order is Order IX, Rule 9 on Page 33 and it reads:

A Member desiring to speak shall raise his hand in his place and if called upon shall address his observations to the Speaker or the Chairman.

As I speak to you, I have no celestial powers to read peoples' mind. I do not have the Supplementary Motion. By extension, I do not even know the prayers of the Motion that we are debating. (Interruption)

The Speaker: Hon. Melaye, can you read that Rule?

Hon. Dino Melaye: I read *A Member desiring to speak shall raise his hand in his place and if called upon...*(Interruption)

The Speaker: Can you hold on then. Please note the words *...if called upon...*

Hon. Dino Melaye, please sit down.

Hon. Dino Melaye: It is all right.

The Speaker: Hon. Samson Osagie, please proceed.

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Hon. Samson Osagie: Mr. Speaker, the point we made is that we appreciate the concern of our Colleagues on security in the Region. We are begging very profusely that there should be a human face in terms of addressing the needs and the consequential effects it now has on the civilian populace in the Region.

That is what the Motion is all about.

Hon. Ubale Jakada Kiru (Bebeji/Kiru): I want to draw the kind attention of this House to the problem before us. The size and importance of the issue at stake is not questionable.

The point is that some of our hon. Colleagues want to express concern for the happenings in the Niger Delta. This is genuine. In any case, these things are happening within their Constituencies. But, I want to believe that there is much they could do at their level. Then, we have to look at the other side too. This is the side of other Nigerians who are either outside the Niger Delta area or those innocent Nigerians living in the Niger Delta areas who are not militants.

I believe these are the two issues that we have to weight in order for us to do justice to the issue at stake.

The level of tolerance by the Nigerian Government and all other Nigerians outside the Niger Delta area and those innocent Niger Deltans who are non- militants has been most tremendous. I believe the action ordered by the President and Commander-In-Chief of the Armed Forces in this Country, Alhaji Umaru Musa Yar'Adua, is not only appropriate but also most needed.

The problem is that if the Government of this country does not act promptly to this issue now, the tendency is for Nigeria to turn into another *Sri Lanka*. We have seen the happenings in Sri Lanka and I think we are convinced that we do not need a similar happening in this country.

Hon. Danlami Hamza (Fagge): While I sympathise with our Colleagues from the Niger Delta about innocent lives being lost, I want to appeal to this honorable House to view with all seriousness the happenings in the Niger Delta. In a situation where Senior Officers and men have sacrificed their lives in the interest of this country, this House must not be seen to waiver in our support for the Armed Forces. It is a very crucial issue. Anybody who goes around with machine guns and shooting down people cannot be called a militant but a terrorist. Believe me, the only answer is to show superior fire power. We must not waiver in our support for the Armed Forces. (*Applause*)

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Hon. Umar Mohammed Bature (Sokoto North/South): Mr. Speaker, I rise here to say two things. One is that the Military action in the Niger Delta is what I refer to as a Constitutional duty. Section 217 Sub-section 2 (a), (b), (c) and (d) clearly spells out in what situation the Military can go in. I am not sure we are in this House today to debate that Constitutional provision.

I quote Section 217(2) (a); it says: *defending Nigeria from external aggression; and*

Section 217(2) (b) says: *maintaining its territorial integrity and securing its borders from violation on land, sea and air.*

In our pattern of Constitution, it is clearly stated that the Military are there to defend the entirety of Nigeria. So, that is a Constitutional duty. The President has the power to deploy these troops that he has deemed fit to do the job.

My advice is that we should refer this aspect of the Motion to the Committee on Defence. Let them go and sit with the Military and see what solution can come out of it. Debating this Motion here shows that we are not doing service to the Government of Nigeria

Hon. Mohammed Ali Ndume (Damboa/Gwoza/Chibok): Mr. Speaker, just as my Colleagues have spoken against the Motion, I sympathise with the situation in the Niger Delta. But, even my colleagues in the Niger Delta agreed that this situation where the militants are trying to take over the whole Region cannot be tolerated.

As Politicians we need to stand on both sides but it is better to stand on the side of truth and be blunt about it. Everybody is happy about what is happening in the Niger Delta and at the same time people sympathise with innocent civilians in that Region.

What this House needs to do is to encourage the Military to do their work professionally by making sure that civilian casualties are minimized or eliminated. The militants are now moving to other creeks. Therefore, this House should suggest that the operation of the Military should be extended to Bayelsa and Rivers States. (*Applause*) In fact, we cannot continue like this.

I would not want this Motion to be killed but the position of the House should be that we sympathize with innocent civilians there but the Military action is necessary.

The Speaker: Is that an Amendment?

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Hon. Ali Ndume: Yes. I am suggesting that as suggested by Hon. Tsegba.

The Speaker: I have Hon. Tsegba's Amendment here. But if you have another one, you can write it and send it.

Hon. Ali Ndume: It is all right, but I have problem with the Title of the Motion, which says: *Raging Military Action*. It should be *Military Action in Niger Delta*.

The Speaker: All right, you would make your amendment very soon. Let us listen to Hon. Daemi Akpanaha.

Hon. Daemi Kunaiyi Akpanaha (Akuku Toru/Asari Toru): Mr. Speaker, I am a bit alarmed at the suggestion that the action that is being taken right now is actually achieving the purpose for which it is being taken. When you throw a bomb or you fly airplane, helicopters and gun ships to strike a village, are you sure that the people you are killing are the people that you are intending to kill? (*Interruptions*)

The Speaker: Hon. Colleagues, let us allow Hon. Akpanaha to finish.

Hon. Daemi Kunaiyi Akpanaha: I am appealing to my Colleagues, because if you throw a bomb in a village, it does not know who a militant or an innocent civilian is. So, definitely, that is not the right approach.

If there are hostages here, you want to remove the criminals that are holding those people hostage, and you throw a bomb, I do not think that you are solving the situation. We need to adopt an approach that takes as first priority the protection of innocent civilians. We should not go and attack the wrong people because we are trying to solve a problem.

Hon. Olufemi Gbajabiamila (Surulere I): Mr. Speaker, let me first say that I understand the sentiments that have come with this Motion and we can see the tension that it has raised.

Unfortunately, I do not believe this Motion, which in the way I see a Motion to either amend or give certain conditions has come the right way. In making this point, I simply want to refer to two sections of the Constitution:

Section 218, makes it very clear who the Commander-in-Chief of the Armed Forces in Nigeria is. It is unequivocal and it is not open to debate. However,

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Section 217 Sub Section (c), gives the Armed Forces the powers to quell insurrection but then it goes further say in Sub Section (c):

Suppressing insurrection and acting in aid of civil authorities to restore order when called upon to do so by the President, but subject to such conditions as may be prescribed by an Act of the National Assembly.

Therefore, if there is any way we want to curb the powers of Mr. President, to unleash the Military to curb insurrection, that has to come by way of an Act of the National Assembly not by way of Motion.

I rest my case.

Hon. Bala Ibn Na'Allah (Zuru/Fakai/Sakaba/D/Wasagu): Let me respectfully say that the 360 of us put together, being paid and taken care of with the revenue of government have one major responsibility to this country and that major responsibility is to ensure the formulation of proper Laws and Order.

Let me equally respectfully disagree with Hon. Femi Gbajabiamila, that what is happening in Niger-Delta is insurrection. It is not. What is happening in the Niger-Delta, as I have said before is clear criminality. Let me say that our resolution in this House needs to go beyond even taking position on Niger-Delta, but it is taking a resolution over the entire territory of the Federal Republic of Nigeria by all of us accepting first to live within the parameters and the limits set for us by the Laws of this Country; that is fundamental and until we do this, this problem will continue to reoccur.

I have said this before and I stand challenged by my brothers and friends in the Niger-Delta, who among these militants have abducted somebody, got ransom and had gone to his community to build a hospital, a school or something of that nature? There is none. So, let us first of all accept the fact that their action is criminality of the highest order arising out of our disrespect for our laws; greed, avarice and covetousness and such other vices that are not limited to this call.

So, let me say with some degree of responsibility that it is beyond sentiment because we have all seen what is happening all over the world. Over 200,000 people were killed in one locality in Iraq alone in order to restore order. For the survival of 100 million, we can do without 20 million. (*Laughter*) Yes! So, this action should continue.

An Hon. Member: Point of Order!

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Mr. Speaker, I have a right to life. My Colleagues here also have a right to life. It is un-parliamentary. He must withdraw his statement. *(Prolonged Interruption)*

The Speaker: Hon. Na'Allah has something to say, he has the Floor. He is going to withdraw his statement. Go ahead honourable.

Hon. Bala Ibn Na'Allah: Let me respectfully say that at times it is good to pass parliamentary jokes. My Brothers and Friends who sit by me here know that I am at times more Niger Delta than some of them who are claiming to be Niger-Delta. For that, I withdraw the statement. *(Laughter)*

The Speaker: Hon. Chairman, Committee on Niger Delta Ministry, please you have the Floor.

Hon. Olaka J. Nwogu (Eleme/Oyigbo/Tai): Passions are high and understandably so. But I think at a moment like this when our Armed Forces are engaged in a very serious job of restoring law and order and when, as a consequence of that noble effort, there are also civilian deaths, I think a Parliament like this would more than anything else, want to know what the real facts are.

To this point, all we know are the reports we read from the newspapers and all the reports we have also gotten from people who, at best could be said to be third parties. This Parliament ought to know what the facts are. When the fact does not pre-suppose guilt on any side, I know that severally, we from the Niger Delta have brought to light the issue of hostage-taking, criminality in the Niger Delta and have urged for understanding from our Members here that there is a

need for security in that area. We cannot ask and at the same time condemn. The only thing we can ask at this time is that this Parliament undertakes the assignment of going to that area and finding out what is happening. *(Interruptions)*

Let me put it on record that the men of the Armed Forces of this country who lost their lives in that area are heroes. No responsible country at times like this will fail to stand by the men that wear the uniform of that country. And I think that our hearts must go out for the families of the men who have lost their lives.

When I talked about visiting the area, my understanding of the sentiments of Members is not against visiting but the security. Over the years people are saying this Committee or that Committee. I want to say that if we do not make a parliamentary visit, we may never have the opportunity *(Interruptions)*

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The Speaker: Chairman Ad-hoc Committed on Niger Delta, Hon. Abdul Ningi, it is your time to talk now. That Committee was set up over six months ago.

Hon. Abdul Ahmed Ningi (Ningi/Warji): Unless I am forced to speak as an Ad-hoc Committee Chairman or to give a progress report on the Committee, I would have wanted a situation whereby as a Chairman of that Ad-Hoc Committee, if the House permits, I will give them a run down of the progress report of a Committee set up by this House eight months ago. However, before I do that I would crave the indulgence of this House *(Interruption)*

The Speaker: Hon. Ningi, all we need is just one or two clarifications vis-à-vis a suggestion of visit and one or two things you might have seen on this issue. So you can now lead this Debate.

Hon. Ningi Abdul Ahmed: For now, I will advise against visitation. I would equally advise that this House must take the issue of Niger-Delta as a topmost priority and set out to get things done in Niger-Delta.

The Speaker: Hon. Terngu Tsegba suggested an Amendment awhile ago, can you move for the Amendment now, please if you have got it written.

Hon. Terngu Tsegba: Yes, my amendment is supposed to be there but I can read it off the cuff, Sir.

The Speaker: Please go ahead. Honourable Colleagues please, listen to Hon. Tsegba's Amendment.

Hon. Terngu Tsegba: My Amendment is that we delete Prayer (i) and substitute it with the following words:

Call on the Militants to surrender their arms and take advantage of the amnesty granted to them by the Federal Government.

Mr. Speaker: Is there any Seconder to that, please?

Hon. Emmanuel Jime (Makurdi/Guma): I rise to second the Amendment.

Amendment put and agreed to

The Speaker: Hon. Mohammed Ndume, can you raise your amendment, please? Hon. Mohammed Ndume suggests that we delete Prayer (i), which has already been deleted according to that Amendment, and

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add: *That the Military action against the Militants be extended to Rivers and Bayelsa States.*

Is there any Second?

Hon. Herman C. Hembe (Konshisha/Vandekiya): I rise to second that Motion. (*Interruption*)

Amendment put and agreed to

Hon. Ike Chinwo (Obio/Akpor): Point of Order!

The Speaker: Yes, Ike Chinwo, you are from River State then, you have issues with this.

Hon. Ike Chinwo (Obio/Akpor): Mr. Speaker Sir, we have been discussing this Motion.

The Speaker: What is the Constitutional point of Order you raised?

Hon. Ike Chinwo: Mr. Speaker, the Constitution is clear on who has the right.

The Speaker: Which Section of the Constitution are you quoting?

Hon. Ike Chinwo: It is Section 217.

The Speaker: Could you read 217? Can anyone read Section 217 for Hon. Ike Chinwo?

Hon. Ike Chinwo: It reads thus:

The Powers of the President as the Commander-in-Chief of the Armed Forces of the Federation shall include power to determine the operational use of the armed forces of the Federation.

The point I am making is that it is not our responsibility. It is the responsibility of Mr. President and that is even the reason we admitted this Motion. Therefore, the point raised by Hon. Ndume is against the Constitution. It is *ultra vires*.

The Speaker: All right, it is a resolution and the President can take it or not.

Hon. Ike Chinwo: No! We do not have the right to take a decision on the area to be covered; it is *ultra vires* the Constitution.

The Speaker: It is all right. What is your amendment, Hon. Oladepo?

Hon. Oladepo Oyedokun (Oluyole): My amendment reads: *That the Military should intensify*

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their Peace Keeping Operation in Niger Delta, while safeguarding the lives of innocent ones.

The Speaker: That had already been taken care of by Hon. Tsegba's amendment.

Hon. Muhammad Sani Abdul (Alkalari/Kirfi): I have two Amendments. The first Amendment is to: *Urge the JTF to be discrete and efficient in the use of their Military Power.*

The Speaker: Is there any Second, please?

Hon. Nasiru Sule Garo (Gwarzo/Ikabo): I second the Amendment.

Amendment put and negated

The Speaker: Hon. Sani please sit down.

Hon. Abdul Sani: Mr. Speaker, I have two Amendments. Let me say the second Amendment.

The Speaker: No! It is only one. Hon. Clever has the last Amendment.

Hon. Clever M. Ikisikpo (Ogbia): My Amendment is to delete the Prayer that says: *To allow Hon. Abdul Ningi's Committee to investigate.* Let us replace it to read: *To direct the two relevant Committees - the Niger Delta Committee and this Ad-Hoc Committee to investigate.*

The Speaker: Is there any Second, please?

Hon. Olaka Nwogu (Eleme/Oyigbo/Tai): Mr. Speaker, having declined to go to the Niger Delta, I am seconding (*Interruption*)

The Speaker: Honourable please, you are quite aware of the procedure for seconding a Motion. Can you please second the Motion?

Hon. Olaka Nwogu: I second the Amendment proposed.

Amendment put and negated

The Speaker: I have to more written Amendments here. Let us just get through it. Hon. Chile Igbawua what is your Amendment?

Hon. Chile W. Igbawua (Kwande/Ushongo): My first Amendment is that: *the House do resolve to commiserate with the families of the Officers, men and*

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civilians who have lost their lives in the course of this conflict.

The Speaker: You are only allowed to make one Amendment. Is there any Second?

Hon. Chukwuka Onyema (Ogbaru): I rise to second the Amendments.

Amendment put and agreed to.

The Speaker: The last amendment is from Hon. Nkiruka. What is your Amendment, please?

Hon. Nkiruka Onyejeocha (Isuikwuato/Umunneochi): Mr. Speaker, my amendment is in line with what Hon. Tsegba said. So it takes care of it.

Main Motion as amended put and agreed to.

The House:

Noted the raging military action in the Niger Delta and the accompanying mass displacement of women, children who have no homes, food and access to medical care;

Aware of the untiring efforts of the Federal Government to pacify the genuine feelings of the people of Niger Delta through the institution of a Master-Plan of development;

Worried that even though the agitation slipped out of the original concept of constructive engagement, there is the need more than ever before for both parties to sheath their swords to give room for peaceful and enduring resolution;

Concerned that the nation can ill-afford an escalation of the crisis in the Niger Delta because of the grave social and economic consequences they can erupt in the country.

Resolved to:

- (i) Call on the Militants to surrender their arms and take advantage of the amnesty granted them by the Federal Government;
- (ii) Encourage the Hon. Abdul Ningi Ah-hoc Committee on the Niger Delta crises to expedite action in proffering workable and enduring solutions to the crises;

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- (iii) Urge the Federal Government through the National Emergency Management Agency (NEMA) to urgently send relief materials including beddings, medicine, foods, *et cetera* to the displaced persons;

- (iv) Mandate the House to convey its sympathy to the families of the military officers who were killed in the unprovoked attacks as well as other civilian casualties in the Niger Delta who have lost their lives in consequence of the conflict;

- (v) Further urged the Joint Task Force to extend its Military action against the Militants to Rivers and Bayelsa States.

The Speaker: It is interesting to note that in spite of the tension and passion shown on the debate, not a single Member voted against it. However, let me reassure people watching at home and those especially from Niger Delta that the Nigerian Military, as far as I know on record today in the world, is the most experienced Military when it comes to this kind of job.

Over the last five (5) years the Nigerian Military has taken part in the various conflicts all over the world with over 2,000 Soldiers which is the highest contribution by any country. So, if there are experts in this sort of situation, they are the ones.

Secondly, the highest Military Office in Nigeria is the Chief of Defence Staff and he is an indigene of the Niger Delta.

The highest Police Office in Nigeria, the IG (Inspector General) is also from the Niger Delta region. So I have no doubt in my mind that they would take up the job with all sense of patriotism. (*Applause*)

PRESENTATION OF REPORTS

Report of Committee on Environment on the National Climate Change Commission (Establishment) Bill, 2007

The Speaker: The next Business of the Day is presentation of the Report of Committee on Environment on a Bill for an Act to Establish the National Climate Change Commission of Nigeria for the Strategic Planning and Co-ordination of National Policies in the Field of Climate Change and Energy and for Matters Connected Therewith, 2007. This is standing in the name of Hon. Faseyi Samuel Duro. The Bill was referred to the Committee on Tuesday May 20th 2008 and the Report is ready for presentation.

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Hon. Faseyi is invited to move the Motion.

Hon. Faseyi Samuel Duro: (Ido) Mr. Speaker, I do move that this House do receive the Report of the Committee on Environment on a Bill for an Act to Establish the National Climate Change Commission of Nigeria for the Strategic Planning and Co-ordination of National Policies in the Field of Climate Change and Energy and for Matters Connected Therewith, 2007.

Hon. Makanjuola Peter (Ekiti/Isin/Irepodun/Oke-Ero): I rise to second the Motion as moved by Hon. Faseyi Duro.

Question put and agreed to.

Report laid on the Table.

ORDERS OF THE DAY

CONSIDERATION OF BILLS

Regulation of the Business of Equipment Leasing in Nigeria Bill, 2009

A Bill for an Act to regulate the Business of Equipment Leasing in Nigeria and for Connected Purposes Therewith, 2009.

Ordered for Second Reading

The Speaker: The next Order of the Day is Commencement of the Debate on the General Principles of a Bill for an Act to regulate the Business of Equipment Leasing in Nigeria and for Connected Purposes Therewith. The Bill was read for the First Time on Thursday 7th of May, 2009.

I now invite Hon. Ita Enang to move that the Bill be read the Second Time.

Hon. S. J. Ita Enang (Itu/Ibiono Ibom): Mr. Speaker, I move that a Bill for an Act to Regulate the Business of Equipment Leasing in Nigeria and for Connected Purposes Therewith, 2009 be read the Second Time.

Hon. Austin Nwachukwu (Ehime Mbano/Ihite Uboma/Obowo): I rise to second the Motion that a Bill for an Act to Regulate the Business of Equipment Leasing in Nigerian and for Connected Purpose be read the Second Time.

Question proposed.

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Hon S. J. Ita Enang: Mr. Speaker, this is one of the Bills which could not attain the full course of Legislation before the last House was dissolved. This is about the Regulation of the business of leasing equipment in Nigeria. All countries have laws and regulations which regulate the conditions under which people could lease equipment and it is only in Nigeria that this law is not yet available.

The essence of this law is to draw a distinction between higher purchase agreements or lease because in 1999 and 2003 there had been two or three cases where the court has taken a decision that there be no equipment leasing law in Nigeria; any purported Equipment leasing business can only be regulated as higher purchase. I have one of the cases here which is the case of *J.K. Foods Limited* and *C.I. Leasing Limited*. It is on the basis of this that this law was introduced in 2005 but legislative action could not be concluded.

I also want to particularly draw attention to the schedule of the House Business as published on page 278, which shows that this Bill was passed by the Senate on June 1st, 2006, while the House passed this Bill on May 30th 2007. It is on this that I am seeking the support of my colleagues that we please allow this Bill to pass for Second Reading.

If I may have your further indulgence that Order XV Rule 8, of the Standing Orders of the House be invoked so that this matter could be recommitted to a Committee of the Whole since this Bill has been read the Third Time in the Senate and in the House of Representatives.

I so pray.

The Speaker: Hon. Members, this is quite straightforward; this has been passed before and he is seeking for us to pass it for the Second Reading.

Hon. Colleagues, let me just put the question...
(Interruption)

Hon. C.I.D. Maduabum (Nnewi North South/Ekwusigo): Mr. Speaker, Point of Order!

The Speaker: Which Point of Order?

Hon. C.I.D. Maduabum: My point of Order is Order XV Rule 8, page 82, the one he cited, if I may read:

Bills passed by the preceding Assembly, and

forwarded to Senate for which no concurrence were made or negated or passed by the Senate and forwarded to the House, for which no concurrence were made or negated, or which was passed by the National Assembly and forwarded to the President for assent for which assent withholding thereof was not communicated before the end of any of the Assembly, the House may resolve that such Bills upon being re-gazetted or clean copies circulated be reconsidered in the Committee of the Whole without being commenced de-novo.

My Point of Order is that this is the Second Time the Chairman of Business and Rules is misleading the Members of this House. I said so, because First Reading, Second Reading means commencing it *de-novo*. And then committing it to Committee of the Whole is a normal legislative business because the Speaker has the right to commit it to the Committee of the Whole or to the Committee of the House. So to stand *de-novo* means bringing a Motion and asking the House to commit it, if we want, to the Committee of the Whole.

The Speaker: So, if the language is *may* not *shall*, what is the problem?

Hon. C.I.D. Maduabum: So, we can say it is not going to (*Interruption*)

The Speaker: We can but we choose not to.

Hon. C.I. D. Maduabum: No he said (*Interruption*)

The Speaker: Hon. CID please on this occasion he said *may* and it is in order,

Question put and agreed to.

Bill read a Second Time and committed to the Committee of Whole

Public Officers Protection Act, 2009

A Bill for an Act to provide for Extension of the Limitation of Time Within which an Action may be instituted against a Public Officer, 2009 –

Order for Second Reading

The Speaker: This Bill was read for the first time on Tuesday, 12th May, 2009. I now invite Hon. Nnenna Ukeje to move that the Bill be read the second time.

Hon. Nnenna Ukeje (Bende): Mr. Speaker may I move that a Bill for an Act to provide for Extension of the Limitation of Time Within which an Action may be instituted against a Public Officer be read the second time.

Hon. Friday Itulah (Esan North East/South East): I rise to second the Motion.

Question proposed

Hon. Nnenna Ukeje: Mr. Speaker, I would like to seek the indulgence of this House to ask that the Bill actually be titled: *Public Officers Protection Act, 2009*. There was a printer's devil and I have discussed it with the Chairman of Rules and Business Committee.

This Bill seeks to provide for the Extension of the Limitation of Time Within which an Action may be instituted against a Public Officer.

The history and the amendment of this Bill, is the 2009 edition of this Act which seeks to amend the old Public Officers Act, 2004. Historically, the Public Officers Protection Act was first Enacted in 1916 as the Public Officers Protection Act 1916, Order 47 of 1951. The text of the 1916 Act was set out in the Public Officers Act, Laws of the Federation of Nigeria (LFN), 1990. The same text was replicated in Public Officers Protection Act, LFN, 2004. That version is the extant Law on issue.

Public Officers in Nigeria today, enjoy a large amount of latitude when it comes to taking responsibility for their actions. As the Law exists today, a person is covered by law, protected from any litigation or prosecution arising from his actions or inactions once three months have elapsed from the day of occurrence of such an event. This law was one of the statutes of general application. In terms of covenant, it predates most laws in Nigeria. It found its way into our law in 1916. It is a colonial law enacted by the British Colonial masters in the execution of their duties with their subjects.

The law was there to ensure that the British Administrators were not distracted by litigation by Nigerians. The law was domesticated; it remains the same except for the fact that even though it protected our Colonial Masters, today it protects all Nigerians who are acting in their capacities as public officers from litigation.

This law has brought a lot of hardship on litigants who usually are unaware of this law when they go to Court to challenge the dismissal, retrenchment or any other unfair decision. The result is that even when they

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do go to Court from the three months, irrespective of the merits of their cases, it is thrown out on technicality.

This law seeks to extend the time from three months within which they are time barred to six months. The six months should start from the date of the receipt of their letter rather than the day that the act has occurred. This is because what often happens is that time begins to run from the time the incident occurred and not when the settlement elapsed.

Agencies of government cash in on this and pretend to actually be taking care of the issue and when the person heads to Court what they would normally do is to invoke this obnoxious law and then nothing comes out of the litigation. I believe this law has become obsolete. A law that found its way into our jurisprudence in 1916 has no business being there. If we allow the victims at least six months within which to seek redress, we would be doing them a world of good.

This Amendment in my humble opinion had not come a minute before its time. It is important for us to exercise at this juncture, that if this Amendment is well received by this House, it would help reduce the ceaseless flow of petitions that inundates the House and the Senate as well.

Most of the times, at the start of work after the Prayers and Announcements you ask if there are Petitions. In most cases, those Petitions are asking the House to reinstate people. A petition is a problem that does not have any judicial remedy because they are time barred.

A lot of the Petitions have one sentence that runs through all of them. They said that the Parliament is the last bastion of hope for the common man. That is not true; the Courts of Law are the last bastion of hope for the common man and if we do something about this law today, it frees us in the House, to deal with all the other issues so that the Courts of justice that are better suited to deal with this issue would handle it.

The resolutions of the House are advisory in nature, which is to say that people are more likely to listen to and obey a Court Order than the resolutions of the House as it stands today. This of course has not taken anything away from the House Committee on Public Petitions and its very hardworking Chairman. We find that most of the resolutions that go, come back again seeking the same thing because people do not necessarily adhered to the resolutions.

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Finally, the Constitution that all of us in this House swore to uphold and protect guarantees the citizens the basic Right to seek redress in the Courts of law whenever their Rights are bridged or curtailed or seems to be abridged or curtailed. This law has created hardship and a lot of people have suffered. A lot of people would suffer and will continue to suffer if we do not do anything about this law today.

It is against this background that I call on my esteemed Colleagues to please support the Amendment in order that it passes through to Second reading.

Hon. Abdul Ahmed Ningi (Ningi/Warji): The Sponsor of this Bill has sufficiently and efficiently summarised the merit of this matter and I think this Bill is revolutionary in nature.

Looking back in the last eight or nine years when this House was bombarded with Petitions on dismissals and terminations and if you go through most of these cases, these obnoxious three months period was the most used single Clause to victimize unsuspecting Public Officers.

Most Public Officers fell into this ambush because hitherto they did not know that this particular rule exists and by what the learned people said ignorance of the law is not an excuse. But for now, we have been given an opportunity to look backward at what happened and then look forward.

We should all support this Bill with a clear spirit of bringing justice to the Public Officers in Nigeria.

The Speaker: Does any Member want to speak against this Bill? (*No response*)

Since nobody is speaking against it, let me put the Question.

Question put and agreed to.

Bill read a Second Time and referred to the Committee on Judiciary.

ADJOURNMENT

Hon. Baba Shehu Agaie (Agaie/Lapai): Mr. Speaker, I move that this House do stand adjourned till Tuesday, 26th May, 2009 at 10.00 p.m.

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Hon. Khadija Bukar A. Ibrahim
(Damaturu/Gujba/Gulani/Tarmuwa): I rise to second the Motion that this House do stand adjourned till Tuesday, 26th May, 2009 at 10.00 a.m.

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Resolved: That the House do stand adjourned till Tuesday, 26th May, 2009 at 10.00 p.m.

The House adjourned accordingly at 1.05 p.m.