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HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA

Thursday 19th March, 2009

The House met at 11.25 a.m.

PRAYERS

(The Speaker in the Chair)

VOTES AND PROCEEDINGS

The Speaker: Hon. Members, I have examined and approved the Votes and Proceedings of Wednesday, 18th March, 2009.

ANNOUNCEMENTS

Visit of a Parliamentarian from Liberia

The Speaker: Hon. Colleagues, we have in the Gallery a Member of the House of Representatives of Liberia, Hon. Gabriel B. Smith to observe today's sitting.

Hon. Smith, you are welcome.

Students of Harmsel Academy

The Speaker: We have in the Gallery students from Harmsel Academy; you are welcome.

Students from Freedom International School

The Speaker: We have also in the Gallery students from Freedom International School.

Students from British/Nigerian Academy

The Speaker: Also, we have in the Gallery, students from British Nigerian Academy. Good morning; you are welcome.

Meeting of ANPP Members

The Speaker: There will be a meeting of ANPP Members in the ANPP Leaders office in the Senate, by 1.00 p.m. this afternoon.

Signed: Hon. Kawu Ismaila

PRESENTATION OF PUBLIC PETITIONS

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The Speaker: Any Member who has a Petition to present to the House may rise to do so. Before the Petitions, let us take the Point of Order from Leader of the House.

The Speaker: Which Order, Sir?

Hon Tunde Akogun (Akoko Edo): Mr. Speaker, Order 15 Rule 9 Sub (11), Page 83, I read: Provision for admittance into the Floor of the House: *Members of National legislatures of foreign countries only by the discretion of the Speaker of the House.*

Mr. Speaker, Sir, I want you to exercise your discretion to allow the hon. Member from the Parliament of Liberia unto the Floor of the House.

Hon. Ita Enang (Itu/Ibiono Ibom): Mr. Speaker, I rise to second the Motion that the House do invoke Order 15 Rule 9 (11) to admit a Member of the Foreign Parliament, Liberia, to the Floor of the House.

Question put and agreed to:

Resolve: That the House admits the hon. Member from the House of Representatives of Liberia, Hon. Gabriel Smith to the Floor of the House.

(Hon. Smith took a seat in the Chambers)

Disallowing Members' Aides in the Chambers

The Speaker: Hon. Colleagues, this is to inform you that honourable Members' Aids are not allowed in the Chamber of the House. If you want to pass any message, the Sergeant-at-Arms and Staff are in charge. Please, do not invite your Aides into the Chambers any longer. Thank you.

Wrongful dismissal from the Nigeria Police

Hon. Augustine Adikpe (Obi/Oju): Mr. Speaker, I have a petition from one of my constituents, Ex-Sergeant Godwin Obanga of the Nigeria Police, Kaduna State Police Command. He alleged wrongful dismissal by the Police Authority. Sergeant Obanga was accused of demanding and receiving gratification of ₦500 (Five hundred Naira) by one Oluwale Ogunlaye.

The Nigerian Police Authority tried Sergeant Obanga and dismissed him. He challenged his dismissal in one of the High Courts in Kaduna. The High Court in Kaduna in a case No. KD, HKE 46 M 94 nullified the dismissal and ordered the Nigeria Police to reinstate Sergeant Obanga. Up till this moment that I am speaking before this honourable House, even in

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spite of the fact that the Nigeria Police Service Commission complied with the Court Order, the Inspector General of Police has refused to reinstate Sergeant Obanga.

Sergeant Obanga through me requests this honourable House to in the spirit of the Golden Rule of Law intervene in this matter and see that the Inspector General of Police reinstates him.

I want to lay the Petition before the House.

Petition laid.

The Speaker: Is there any other Petitions? (No response).

The Petition is referred to House Committee on Public Petitions

(Petition accordingly referred to House Committee on Public Petitions).

MATTER OF URGENT PUBLIC IMPORTANCE

Plan to Remove the Subsidies on Petroleum Products

Hon. Dino Melaye (Kabba/Bunu/Ijumu): Point of Order.

The Speaker: Order what?

Hon. Dino Melaye: My Point of Order is Order VIII Rule 4, Matter of Urgent Public Importance and I read: *The matter for discussion shall, if possible, be referred to the Speaker prior to the commencement of the day's sitting and the Speaker shall refuse to allow the claim unless he is satisfied that the matter is definite and urgent.*

My Matter of Urgent Public Importance is on the plan to remove the subsidies on our oil and petroleum products. Just few weeks ago, the Federal Government gave four reasons why they want to remove the subsidies:

The first reason was that government has spent ₦1.85 trillion on subsidy;

The second reason was that they spent US\$700 on the turn-around maintenance of our refineries;

The third reason was that there is corruption and inefficiency in PPMC and;

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The fourth reason was due to smuggling of our products outside the country.

These are the reasons they want to remove these subsidies, but the question is this, if the Federal Government owned up that few people are the beneficiaries of these subsidies, are these people not prosecutable? Can Nigerians not know who these people are?

The Speaker: You want us to consider this as a matter of urgent public importance.

Hon. Dino Melaye: My prayer is that this matter be taken the next legislative day.

The Speaker: Let us find out whether it is urgent enough.

Hon. Dino Melaye: Let the House decide on that.

The Speaker: All right, let the House decide. Hon. Abdullahi, do you want to make an addition to what Dino Melaye has said?

Hon. Shuaibu Abdullahi (Awe/Doma/Keana): Yes Mr. Speaker. Inasmuch as I think the issue raised by Hon. Melaye is germane, I do not think it is an urgent matter. He can come by way of a Motion. I am echoing the position of the House Committee on Rules and Business that with respect, many Colleagues come by way of matter of urgent national importance, which may not be the case. This Motion could have been put on notice since last week because this issue is not a new development.

I urge that the Hon. Member should be allowed to come by way of a Motion.

The Speaker: You have made your point, you disagree with him and you have the chance to vote. Hon. Chairman Rules I understand your point, but the Chairman on Committee on Gas and Ad hoc Committee on Petroleum, has something to say on this.

Hon. Igo Aguma (Port Harcourt I): We have already scheduled our public hearing on product lifting, both import and export and it will come up during the first week of April. Some of the things to be discussed include the issue of subsidy.

Hon. Mohammed Ali Ndume (Damboa/Gwoza/Chibok): Inasmuch as I agree with the Chairman on Gas that they are going to consider this issue, we all know and as you said Members agreed that

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this is a very important matter. It might not be as urgent as the mover wants, but the House will decide.

The Speaker: In the light of the additional information that we have, I am going to put the question.

Question put and negatived.

Hon. Davies Sokonte (Degema/Bonny): Point of Order.

The Speaker: Order what?

Hon. Davies Sokonte: Order VIII Rule 4, Matter of Urgent Public Importance.

The Speaker: Hon. Sokonte, you have not discussed with me, you should have discussed with me before you bring it up.

Hon. Davies Sokonte: But the Rule says *if possible* and this one is very urgent.

The Speaker: The Rule says *discuss with the Speaker*. You want me to disobey the rules.

Hon. Davies Sokonte: No, but the rule also says *if possible*.

The Speaker: With all due respect, please take your sit, Sir.

PRESENTATION OF REPORTS

Reports of the Joint Committee on Federal Capital Territory, Federal Capital Territory Area Councils and Finance Committee

The Speaker: The next business of the day is Presentation of Reports of the Joint Committee on Federal Capital Territory, Federal Capital Territory Area Councils and Finance Committee on a Bill for an Act to authorise the issue from the consolidated Revenue Fund of the Federation Account the total sum of ₦135,117,502,826.00 (One Hundred and Thirty five Billion, One Hundred and Seventeen Million, Five Hundred and Two Thousand, Eight Hundred and Twenty Six Naira) Only of which the sum of ₦24,206,078,357.00 (Twenty Four Billion, Two Hundred and Six Million, Seventy eight Thousand, Three Hundred and Fifty seven Naira) Only, is for Personnel Cost and the Sum of ₦18,453,875,194.00 (Eighteen Billion, Four Hundred and Four Hundred and Fifty three Million, Eight Hundred and Seventy five

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thousand, One hundred and Ninety Four Naira) Only is for Overhead Costs Whilst the Balance of ₦92,457,549,275.00 (Ninety Two Billion, Four Hundred and Fifty Seven Million Five Hundred and Forty nine Thousand, Two Hundred and Seventy Five

Naira) Only is for Capital Projects for the Service of the Federal Capital Territory, Abuja, for the Financial Year

Commencing on 1st January and Ending 31st December, 2009. It is standing in the name of the Chairman Hon. Ali Attai Idoko Usman.

This Bill was read for the First Time on the Floor of the House on Thursday 29th of January, 2009 and referred to the Joint Committees. I believe the Report is ready for presentation.

Hon. Attai Please proceed.

Hon. Ali A. Atai Usman (Ankpa/Omala/Olamaboro): Mr. Speaker, I move that this House do receive the Report of the Joint Committee on the Federal Capital Territory, Federal Capital Territory Area Councils and Finance on a Bill for an Act to authorize the issue from the Consolidated Revenue Fund of the Federation Account the total sum of ₦135,117,502,826.00k (One Hundred and Thirty Five Billion, One Hundred and Seventeen Million, Five Hundred and Two Thousand, Eight Hundred and Twenty-Six Naira) only of which the Sum of ₦24,206,078,357.00 (Twenty-Four Billion, Two Hundred and Six Million, Seventy-Eight Thousand, Three Hundred and fifty-Seven Naira) only, is for Personnel Cost and the sum of ₦18,453,875,194.00k (Eighteen Billion, Four Hundred and Fifty-three Million, Eight Hundred and Seventy-five Thousand, One Hundred and Ninety-four Naira) only is for Overhead Costs whilst the Balance of ₦92,457,549,257.00k (Ninety Two Billion, Four Hundred and Fifty-seven Million, Five Hundred and Forty-nine Thousand, Two Hundred and Seventy-five Naira) only is for Capital Projects for the Service of the Federal Capital Territory, Abuja, for the financial Year Commencing on 1st January and ending 31st December, 2009.

I so move.

Hon. David Onobi Idoko (Ado/Ogbadibo/Okpokwu): Mr. Speaker, I rise to second the Motion as moved by Hon. Ali Atai.

Question put and agreed to.

(Report laid on the Table)

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Report of the Ad-hoc Committee on Jos Crisis

The Speaker: The second Business of the Day is presentation of the Report of the Ad-hoc Committee on the Jos crisis standing in the name of Hon. Isah Idris Umaru.

Hon. Members will recall that on Tuesday, 2nd December, 2008 the House in a Resolution mandated the Committee to investigate the incident and Report back to the House.

The Report is ready and Hon. Isah is invited to present the Report.

Hon. Isah Idris Umaru (Igabi): Mr. Speaker, I move that this House do receive the Report of the Ad-hoc Committee on Jos Crisis.

I so move.

Hon. Abdulkadir Hussein Namadi (Hadejia/Kafin Hausa): I rise to second the Motion moved by Hon. Isah Idris Umaru.

Question put and agreed to.

(Report laid on the Table)

The Speaker: Hon. Ita Enang, I do prayer that you will begin to make copies of these Reports as soon as possible.

Hon. Ita Enang (Itu/Ibiono Ibom): Mr. Speaker, are you talking about the main volume of the Report?

The Speaker: Yes, please.

MID-SESSION REPORTS

Mid-Sessional Report of the Committee on Science and Technology

The Speaker: The third Business of the Day is presentation of the Mid-Sessional Report of the Committee on Science and Technology, standing in the name of Hon. Akinlade Abiodun Isiaq.

Hon. Akinlade is invited to please present the Report.

Hon. Akinlade Abiodun Isiaq (Egbado South/Ipokia): Mr. Speaker, I move that this House do receive the Mid-Sessional Report of the Committee on Science and Technology.

I so move.

Hon. Albert Abiodun Adeogun (Ife Central/Ife East/Ife North/Ife South): Mr. Speaker, I rise to second the Motion as moved by Hon. Akinlade Isiaq.

Question put and agreed to.

(Report laid on the Table)

Mid-Sessional Report of the Committee on Pensions

The Speaker: The fourth Business of the Day is presentation of the Mid-Sessional Report of the Committee on Pensions standing in the name of Hon. Adewusi Babatunde.

Hon. Adewusi is invited to present the Report.

Hon. Adewusi Babatunde (Egbado North/Imeko Afon): Mr. Speaker, I move that this House do receive the Mid-Sessional Report of the Committee on Pensions.

I so move.

Hon. Igbawua Chile W. (Kwande/Ushongo): I rise to second the Motion moved by Hon. Adewusi Babatunde.

Question put and agreed to.

(Report laid on the Table)

Mid-Sessional Report of the Committee on Rural Development

The Speaker: The next business of the day is the presentation of the Mid-Sessional Report of the Committee on Rural Development.

Hon. Paulinus Igwe, please proceed.

Hon. Igwe Paulinus Nwagu (Ezza-North/Ishielu): Mr. Speaker, I move that this House do receive the Mid-Sessional Report of the Committee on Rural Development.

Hon. Chukwuma Umeoji (Aguata): Mr. Speaker, I second the Motion as moved.

Question put and agreed to.

Report laid on the Table

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ORDERS OF THE DAY

MOTION

Breach of Rule of Law in Ondo State

The Speaker: Honourable Colleagues, the first

Order of the Day is a Motion is on the Breach of Rule of Law in Ondo State standing in the name of Hon. Faruk Lawan and ninety-four (94) others. Hon. Lawan, please move the Motion.

Hon. Farouk M. Lawan (Shanono/Bagwai): Mr. Speaker, in moving this Motion, let me first acknowledge that the prayers that I submitted are not exactly the prayers that I have seen here. In moving the Motion, I will provide the House with the single prayer that I originally forwarded to the Committee on Rules and Business.

The Speaker: Please proceed.

Hon. Farouk Lawan: Mr. Speaker, the House is:

Aware that recently the Election Appeal Court sitting in Benin declared Dr.

Olusegun Mimiko as the duly elected Governor of Ondo State and had already been sworn in as the Executive Governor of the State;

Further aware that prior to the Appeal Court declaration, the Local Government Councils election was conducted in accordance with the law duly enacted by the Ondo State House of Assembly;

Concerned that the Governor on assumption of duty in disregard to constitutional provisions suspended the statutory allocations to the eighteen (18) Local Government Councils in Ondo State;

Further concerned that in usurpation of the powers of the Ondo State House of Assembly, the Governor of Ondo State dissolved all the duly elected Local Government Councils;

Conscious of the fact that the withholding of the Local government Councils' Statutory allocations, and the dissolution of the duly elected Local Government Councils in Ondo State by Governor, Dr. Olusegun Mimiko amounts to abuse of our democratic processes and a breach of the Rule of Law and the Constitution of

the Federal Republic of Nigeria 1999, which we have all sworn to uphold.

Resolves to:

Urge the Governor and all parties involved in this matter to tow the path of constitutionality and not to take any action that would further aggravate the political situation in Ondo State.

Hon. Abass Braimah (Etsako East/West/Central): Mr. Speaker, with your usual parliamentary approbation and blessing, very respectfully, I rise to second the Motion as moved.

Question Proposed.

Hon. Farouk Lawan: Mr. Speaker, this House has in the last ten years been known to champion matters of constitutionality and the adherence to the Rule of Law. I recall that a few years ago when former President Olusegun Obasanjo withheld the Local Governments funds for Lagos State, this House, through a Motion, discussed that matter and I recall that it was the position of this House that we should ask former President Olusegun Obasanjo to release the funds meant for Lagos State Government.

In this case, Dr. Olusegun Mimiko is currently the Governor of Ondo State. He became the Governor through the judicial process. An election was conducted, he went to court and he benefitted from the judgment of a judicial process. Today Governor Mimiko is presiding over the affairs of Ondo State.

The Local Government Councils we are talking about came in on December 15 2007 when elections were conducted in Ondo State that led to...
(Interruptions)

Hon. Abdulrahman Suleiman Kawu (Sumaila/Takai): Mr. Speaker, Point of Order.

The Speaker: Hon. Kawu Ismaila, which Order are you raising? (*No response*). Hon. Faruk, please proceed.

Hon. Farouk Lawan: Once again we have a responsibility to dispassionately and along bi-partisan lines critically examine what is happening in Ondo State and take a position. The simple position we are urging our Colleagues to take is to urge all parties concerned to tow the path of constitutionality so that the situation should not be further aggravated in Ondo State.

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This is the simple prayer that we are asking and I appeal and call on all my Colleagues to support this prayer so that there can be stability and peace and that we do not allow any worsening of the situation in Ondo State.

The Speaker: Hon. Colleagues, before I put the question, the Minority Leader will take the Floor.

Hon. Muhammed Ali Ndume (Chibok/Damboa/Gwoza): Mr. Speaker, we all know and we are concerned that there is problem in Ondo State. This honourable House, as expected by Nigerians, will not just sit down and look without doing anything. But at the same time, when doing something, we should be careful in order not to escalate the problem.

We had a similar problem years back in Anambra State and this House played its role by asking the leadership to look for ways and means of restoring peace.

I agree with the mover of the Motion that the parties should cease fire and follow the part of peace, but that prayer is vague. The House should be seen as more proactive than that. The leadership of this House should be mandated to go and see how we can solve the problem.

The Speaker: Hon. Colleagues that will come in form of an amendment.

Hon. Muraina Ajibola (Ibarapa Central/Ibarapa North): Point of Order!

The Speaker: Which Order are you raising?

Hon. Muraina Ajibola: I am raising a Point of Constitutional Order.

The Speaker: Hon. Muraina, in the House yesterday, we advised that when we are raising Point of Order, we do the best to refer to our Rules.

Several Hon. Members: No!

Hon. Muraina Ajibola: Hon. Speaker, I am referring to Section 7 of our Constitution.

The Speaker: Hon. Colleagues, whilst the Constitution is superior, it is also the smartest way for Members to take a position on debate. So, you will be recognized when it is time to debate and you will read the part of the Constitution that supports your point. Please take your seat.

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Hon. Muraina Ajibola: Another Point of Order, Mr. Speaker.

The Speaker: Is it from your Order book?

Hon. Muraina Ajibola: Yes, Sir.

The Speaker: Which Order?

Hon. Muraina Ajibola: Order 1(1) (b); it reads: *in all cases not provided for hereinafter, or by Sessional or other Orders or practice of the House, the House shall by resolution regulate its procedure.*

Mr. Speaker, you have laid several precedence in this House by allowing Members to raise Constitutional Orders.

The Speaker: Which we put a stop to, yesterday. Please take you seat. You are advised to take your seat. Thank you.

I am going to allow a Member from Ondo State to speak; Hon. Alaba Lad-Ojomo to please take the Floor.

Hon. Alaba Lad-Ojomo (Owo/Ose): Mr. Speaker, we have a brand new Governor in our State. He came to that position through due process and after about two years of legal dangling with the former Governor, we appreciate the fact that he is now the Governor of our State. On getting to power, he promised that he would govern Ondo State with all fairness and equity. He even praised Mr. President for allowing the Rule of law to prevail.

Ondo State is a very politically agile State. He has held meetings with Members of Ondo State House of Assembly.

The Speaker: Hon. Members, please, we are going to take a position on this but it is only proper for at least one person from the State concerned to give us some explanation. Hon. Ojomo, you may proceed.

Hon. Alaba Ojomo: Thank you, Sir. The gist is that he has dissolved the Local Government Councils, but the fact is that he has dissolved them illegally, because according to law, he has no power and no right to dissolve the Local Government Councils without recourse to the State House of Assembly. I will read the enabling law to your hearing.

The Speaker: Hold on Hon. Ojomo, Hon. Samaila has a Point of Order.

Hon. Samaila, which Order?

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Hon. Abdulrahman Suleiman (Sumaila/Takai): Mr. Speaker, it is a constitutional Order.

The Speaker: Hon. Suleiman, please take your seat.

Hon. Abdulrahman Suleiman: Hon. Speaker, this Constitution is the supreme document of Nigeria.

The Speaker: I know you will have your point when you want to debate. You will demonstrate how superior it is when you are given the Floor to debate.

Hon. Sani Abdul (Bakori/Danja): Point of Order!

The Speaker: Hon. Abdul Sani has a Point of Order.

Hon. Sani Abdul: Mr. Speaker, my Point of Order is Order V, Rule 2: Privileges. It reads:

Any member may rise at any time to speak upon a matter of privilege suddenly arising; and he shall be prepared to move, without notice, a motion declaring that a contempt or breach of privilege has been committed, or referring the matter to the Committee on Ethics and Privileges, but if the matter is raised in Committee of the Whole House, the Chairman shall leave the Chair on an order to report progress.

The Speaker: Can you read it again.

Hon. Sani Abdul: I said, Order V, Rule 2 says,

Any member may rise at any time to speak upon a matter of privilege suddenly arising; and he shall be prepared to move, without notice, a motion declaring that a contempt or breach of privilege has been committed, or referring the matter to the Committee on Ethics and Privileges, but if the matter is raised in Committee of the Whole House, the Chairman shall leave the Chair on an order to report progress.

The privilege that has suddenly arisen is that, a Colleague of mine raised a Constitutional Order. (Interruptions)

The Speaker: Hon. Sani, with all due respect to you, I have ruled on that. You cannot refer back to it.

Hon. Sani Abdul: But the Constitution is supreme and my privilege has been trampled upon.

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You refused to listen to him while he is raising a Constitutional point of order.

The Speaker: Hon. Colleagues, I think we have had enough of this. Let us just calm down. We are going to put the question on this and we move to the next point.

Hon. Patricia Olubunmi Etteh (Ayedaade/Irewole/Isokan): Point of Order!

I am raising a Point of Order, Mr. Speaker.

The Speaker: Hon. Etteh, please make your Point of Order.

Hon. Etteh Patricia Olubunmi: Order V (1) (a); I read:

Privileges are the rights enjoyed by the House collectively and by the members of the House individually conferred by the Legislative Houses (Powers and Privileges) Act, 1990 and other statutes, practices, precedents, usages and customs.

Mr. Speaker, whatever the House is today and whatever anyone of us is - (Interruptions)

The Speaker: Can you read the Order again.

Hon. Etteh Patricia Olubunmi: I have read it.

The Speaker: Can you read it again?

Hon. Etteh Patricia Olubunmi: Order V 1 (a).

Privileges are the rights enjoyed by the House collectively and by the members of the House individually conferred by the Legislative Houses (Powers and Privileges) Act, 1990 and other statutes, practices, precedents, usages and customs.

That is what the Order says.

This morning, I rise to raise an Order on a fundamental issue. Whatever the situation is as at today, when you are talking of this honourable House, most of us have been here since 1999 and we must be heard when we want to speak.

I heard you this morning saying that anybody raising a Constitutional Order will not be allowed to

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speak. This is the Bible and the Quran that is keeping this House together. It is above the Order of the House.

For you now to say that anybody raising a

Constitutional Order will not be allowed to speak is unacceptable. This House must be guarded jealously and we must be guided by the Constitution of this country. That is precisely where I am going.

For you to say I would not be heard if I raise any Constitutional Order is unacceptable. Please, there must be respect and decorum in this House. We have been here since 1999 and nothing of this sort happened. So, what are we saying? It is high time we sit up and do our job collectively.

The Speaker: If some of us did not understand what I said, I will say it again. Before we proceed, let me reiterate that I recognise, as everyone in this Room recognises that the Constitution is of course superior.

What I am saying is that when you have the opportunity to debate, you will demonstrate how superior the Constitution is. That is all. We do not want a situation whereby Members will interject in Debate by raising a Constitutional Order. You can raise your Order, no problem but please, let me recognise you, and then you raise your point. That is all I am saying. That is my ruling on that.

Hon. Bala Ibn Na'Allah (Zuru/Fakai/Sakaba/D/Wasagu): Point of Order. I am raising Order IX (4). I crave the indulgence of Mr. Speaker to allow me read this Order. It is on page 35; most specifically under the heading: *Behaviour of Members in the House*:

(1) During a sitting, all members shall enter and leave the House with decorum.

(2) Every member of the House, when he or she comes into the Chamber, shall take his or her seat, and shall not at any time stand in any of the passages or gangways.

But more particularly, the one I want to refer to is 6, 7, 8, 9 and 10:

(6) When the Speaker is putting a question, no member may walk out of, or, across the Chamber.

(7) Members shall not read newspapers in their places and shall only read such books and letters as may be connected with the business under debate.

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(8) When a member is speaking, no member may converse aloud or make any noise or disturbance to interrupt him.

(9) During a sitting, all members shall be silent and shall confer only in undertones.

(10) No member shall be allowed to smoke, chew or drink on the floor of the House.

That is as it relates to my Colleagues and Mr. Speaker, as it relates to you.

On the very faithful day when were sworn in here, we swore to uphold, protect, and defend the Constitution of the Federal Republic of Nigeria and the Rules of the House. The Rules of the House is a derivative of the Constitution. What it means consequentially is that the existence of this Rule itself is subject to the Constitution. Therefore, we cannot in this House, agree that Members cannot raise a Point of Constitutional Order. For the guidance of the House, that is what the Constitution is.

Again, I should say with due respect, that I have not seen any issue as far as this matter is concerned. A Member has brought a Motion; every Member here has the right to vote, every Member has the right to raise his hands and be recognised for the purpose of contributing to the Motion. I cannot see the *hula baloo* that is involved in this matter and I do not want to be associated with that.

The Speaker: If we do not understand before, we now understand that the Constitution is superior. Again, hon. Members, you will refer to the Constitution and I will give you the opportunity to do so. *(Interruptions)*

Hon. Oladoyinbo Ojomo-Alaba: Mr. Speaker, what we are saying is that the Governor has no power to dissolve the Council without recourse to the State House of Assembly as we are strengthened in our argument by this Section of the law, which says that:

The Governor shall, acting on sanction of resolution supported by 2/3 majority of the House of the Assembly dissolve any Local Government and appoint an interim Committee to over see its affairs for a period of not more than three months of or such longer than the period as the House of Assembly may determine.

The Speaker: Honourable, please take your seat you have made your point.

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Honourable Members for the purpose of clarity, I am going to read the only single prayer, and then I will put the question again for the last time.

The prayer is:

Urge the Governor and other parties involved in this matter to tow the part of Constitutionality and not to take any action that will further aggravate the Political tension in Ondo State.

Question put and agreed to:

Resolved: That the House should urge the Governor and other parties involved in this matter to tow the part of Constitutionality and not to take any action that will further aggravate the Political tension in Ondo State.

The Speaker: All right, Members I believe this is the point most of us are waiting for.

CONSIDERATION OF REPORTS

The Speaker: The second Order of the Day is the consideration of the Report of the Committee on Power on the Investigation into the huge sums of Money spent on Power Generation, Transmission and Distribution between June 1999 and May 2007 without Commensurate Result and approve the Recommendations therein.

Members in the House Committee of the Whole commenced the consideration of the Report on Wednesday 18th of March, 2009. The House Leader will move for the continuation of the Consideration of the Report.

Hon. Tunde Akogun (Akoko Edo): Mr. Speaker, I rise to move that this House do resolve into the Committee of the Whole, to resume consideration of the Report of the Committee on Power on the Investigation into the huge sums of money spent on Power Generation, Transmission and Distribution between June 1999 and May 2007 without Commensurate Result.

Hon. Emeka Nkem Ihedioha (Aboh Mbaise/Ngor Okpala): I do second the Motion as ably moved by the House Leader that the House do continue the consideration of the Report on the Investigation into the Power Sector and resolve into the Committee of the Whole.

Resolved:

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That this House do resolve into the Committee of the Whole, to resume consideration of the Report of the Committee on Power on the Investigation into the huge

sums of money spent on Power Generation, Transmission and Distribution between June 1999 and May 2007 without Commensurate Result and approve the Recommendations therein.

Report of the Committee on Power on the Investigation into the huge sums of money spent on Power Generation, Transmission and Distribution between June 1999 and May 2007 without commensurate Result – CONSIDERED IN THE COMMITTEE OF WHOLE

The Chairman: We are resuming on the Consideration of the Report of the Committee on Power. Yesterday, Members were allowed to make comments on the entire Report. Today, we are going to look at the Report and consider the recommendations of the Committee clause by clause.

But before we commence the consideration, three pages were circulated and these are pages 279, 380 and 381 which clearly show Members of the Committee, Members who attended, Members who participated and those who signed on the Report. If there is any hon. Member who participated in the investigation into the Power Sector spending from June 1999 – 2007 whose name is not here or whose name is here but he is not the one that signed, can raise his hand and say so only on this issue please.

Hon. Ogbuefi Ozomgbachi (Ezeagu/Udi): I have this document as it reads thus: *Honourable Members that participated in the Investigation into the Power Sector spending from June 1999 to May 2007.* If it is participation, I participated but if it is signing the Report, I did not. So, I want to know the essence of this document. Is it for those who participated or those who signed the Report?

The Chairman: Honourable colleagues, this issue is very simple. The heading reads thus: *Honourable Members that participated in investigation into the Power Sector spending...*

Hon. Mohammed Salik (Dala): This honourable House would recall that yesterday I stood up and reminded honourable colleagues that I was a member of this Committee when this Investigation was conducted and that I am still a member. I am surprised that my name has been conspicuously omitted on this document that is being circulated now. I do not know whether whoever prepared this document at the time he did it, did not recognize me as a Member of this Committee.

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If it is attendance, I challenge the Chairman of this Committee to bring out the list of attendance and the minutes, during the Public Hearings and during

Committee meetings when the Investigation was going on. Otherwise, I will be tempted to say that my privilege has been violated.

I will wait for the Chairman's response before I continue.

The Chairman: Honourable colleagues, let us agree that this paper is for attendance and consider the Report clause by clause.

Several Hon. Members: No!

Hon. George I. Daika (Shendam/Mikang/Qua'an/Pan): Mr. Chairman, I am a Member of the Power Probe Committee and I have been a Member of this Committee since the inspection of this honourable House up to this dispensation.

I beg to disagree with the paper that was circulated. This clearly shows that the Report itself should be out rightly rejected because the paper that was circulated with our signatures is not the Report itself. I was not there when the Report was written and when it was signed. I was not even in the country then.

I disagree with the contradictions in the Report and I call for its total rejection because it is a fraud.

Hon. Bala Ibn Na'Allah (Zuru/Fakai/Sakaba/D/Wasagu): Mr. Chairman, it is important that we recognise the fact that in this House we have Rules like every other Parliament. At the stage at which a Motion is moved for the laying of a Report and a vote has been taken and the Report is laid, it has parliamentarily become the document of the House. Whether it is signed by all the Members or not but that a vote has been taken and we received the Report, it has become a document of the House.

Several Hon. Members: No! No!!

The Chairman: Hon. Colleagues, I will now put the question on Recommendation 1.

Question put and negatived.

The Chairman: We are now on Recommendation No. 2.

Question put and negatived.

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The Chairman: I will put the question on Recommendation No. 3.

Question put and negatived.

EXECUTIVE SESSION

Report of the Committee on Power

The Chairman: Hon. Akogun, can you please call for an Executive Session?

Hon. Akogun Tunde Ainukhatemon (Akoko Edo): Mr. Chairman, I move that the House do resolve into an Executive Session.

Hon. Lawan Farouk M. (Shanono/Bagwai): Mr. Chairman, I hereby second the Motion moved by the Leader of the House.

Question put and agreed to.

Resolved: That the House do resolve into an Executive Session to discuss matters concerning the National Assembly.

Sitting suspended: 1.00 p.m.

Sitting resumed: 1.50 p.m.

The Chairman: Honourable Colleagues, we resolved into the Executive Session and we discussed this issue of Power Report. In the Executive Session, we suggested that a Seven-Man Member Committee be set up to look at the recommendations of the Committee. This Committee will be announced at the Plenary when we resume.

Hon. Emmanuel Nwiika Deeyah (Gokana/Khana): Mr. Chairman, if you will recollect we took three recommendations in the Report subsequently in Executive Session, we set up a Committee.

In order for that Committee to do a proper job, they will look at the whole Report. I therefore, want to move that this House do rescind the decision we have taken on those three recommendations.

I beg to move.

Hon. Stanley Ohajuruka (Umuahia North/South/Ikwunano): Mr. Chairman, I most humbly second the Motion as moved.

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Question put and agreed to.

Resolved: That the House do rescind the decisions taken on the three recommendations in the Report of the Power Probe in order to enable the 7-Man Member Committee to look into the Report and do a proper job.

Hon. Tunde Akogun (Akoko Edo): Mr. Chairman, I move that the House do revert to Plenary.

Hon. Farouk Lawan: I do second the Motion as moved by the Leader.

Question put and agreed to.

House in Plenary

(The Deputy Speaker resumed the Chair)

The Deputy Speaker: Honourable Colleagues, the House resumed consideration in the Committee of the Whole on the Report of the Committee on Power Probe and deleted recommendations 1 – 3.

The House after coming back from the Executive Session a Motion was moved to rescind the decision of the House for deleting recommendations 1 – 3 and that Motion was adopted by the Committee of Whole.

Also in the Committee of Whole, the House named a seven-Man Committee to go and look at the recommendations of this Power Report to be headed by **Hon. Aminu Waziri Tambuwal**; other Members of the Committee are:

Hon. Hassan Shekarau;
Hon. Adisa Adesida;
Hon. Mohammed Munguno;

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Hon. C.I.D. Maduabum;
Hon. Chile Igbawua; and
Hon. Patrick Ikhariale.

They are to report to the House latest on Wednesday 25th March, 2009. To be precise, we want the Report to be laid before the House on or before Wednesday 25th March, 2009.

Adoption of Recommendations

Hon. Tunde Akogun: Mr. Speaker, I move that the House do adopt the recommendations of the Committee of Whole.

Hon. Emeka Nkem Ihedioha (Aboh Mbaie/Ngor Okpala): Mr. Speaker, I second the Motion as moved by the Leader of the House.

Question put and agreed to.

Resolved: That the House do adopt the recommendations of the Committee of Whole.

ADJOURNMENT

Hon. Tunde Akogun: Mr. Speaker, I move that the House do adjourn sitting till Tuesday, 24th March, 2009 at 10.00 a.m.

Hon. Ita Enang: Mr. Speaker, I second the Motion as moved by the House Leader.

Question put and agreed to.

Resolved: That the House do adjourn sitting till Tuesday, 24th March, 2009 at 10.00 a.m.

The House adjourned accordingly at 2.00 p.m.