

0825

0826

HOUSE OF REPRESENTATIVES

FEDERAL REPUBLIC OF NIGERIA

Wednesday, 14th October, 2009

The House met at 2:40 p.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 Tuesday, 13th October, 2009.

MESSAGE FROM THE PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA

The Speaker: I have received a communication from the President of the Federal Republic of Nigeria. It reads as follows:

9th October, 2009

Right Honourable Dimeji Bankole, CFR
Speaker of the House of Representatives,
National Assembly Complex,
Three Arms Zone,
Abuja.

Dear brother,

A Bill for Nigeria Computer Security and Protection Agency 2009

I hereby introduce for further consideration and passage into law the attached Bill for Nigeria Computer Security and Protection Agency, 2009.

It is my hope that the honourable Members of the House of Representatives of the Federal Republic of Nigeria will consider and pass the Bill in the usual expeditious manner.

Please accept, Mr. Speaker, the assurances of my highest consideration.

Yours sincerely,

(Signed)
UMARU MUSA YAR'ADUA

ANNOUNCEMENTS

The Speaker: Will the following Members of the House please meet with me immediately after sitting:

- | | | |
|---|---|---------------|
| 1. Hon. Mohammed Saleh | - | Kaduna State |
| 2. Hon. Sani Sale Minjibir | - | Kano State |
| 3. Hon. Kabiru Jalo | - | Taraba State |
| 4. Hon. Bassey Edet Otu | - | Cross River |
| 5. Hon. Herman Hembe | - | Benue State |
| 6. Hon. Adah | - | |
| 7. Hon. Isah I. Umaru | - | Kaduna State |
| 8. Hon. Bethel Amadi | - | |
| 9. Hon. Godfrey Gaiya | - | Kaduna State |
| 10. Hon. Bello Suleiman | - | |
| 11. Hon. Christopher Isu Omo- | | Ebonyi State |
| 12. Hon. Rabe Nasir | - | Katsina State |
| 13. Hon. Obadina Olumuyiwa- | | Ogun Stat |
| 14. Hon. Ifaluyi Isibor | - | Edo State |
| 15. Hon. Samson Osagie | - | Edo State |
| 16. Hon. Ehiogie West Idahosa- | | Edo State |
| 17. Hon. Mutu Nicholas | - | |
| 18. Hon. Chairman, Committee on National Security | | |
| 19. Hon. Halima Hassan Tukur | | |
| 20. Hon. Chairman in charge of NYSC | | |

Visit of Mr. Bash Ali, OON

The Speaker: My dear Colleagues, we have in the Gallery, Mr. Bash Ali OON, World Boxing Champion.
(Applause)

PRESENTATION OF PUBLIC PETITIONS

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

Saving our Great Country Nigeria from International Embarrassment

Hon. John Halims O. Agoda (Ethiope East/Ethiope West): Mr. Speaker, in presenting this Petition, I am aware of Order VIII, Rule 3, Sub Rules (3) and (4) of our Standing Orders which does not permit debate but my worry is that if the House fails to take a decision on this Petition between now and Friday, then we may lose substantially as a nation.

The Petition is on the person of Bash Ali, the man you have just announced his name. I will read the Petition briefly and very few attachments which are significant to this Petition and the reason the House would need to hear this Petition between now and Friday.

The Petition is titled: *Save our Great Country Nigeria from this International Embarrassment.* Simply

0827

put, we are all aware of the position of Bash Ali in this country and indeed in the world and the World Heavy Weight Champion Governing Body gave this country opportunity to host the next round and this opportunity was presented to the National Sports Commission to make available just one simple request which the World Governing Body Authority prescribed. Bash Ali wrote a letter to the former President and also to the current President and Mr. President in response addressed a letter to the Hon. Minister of Sports, National Sports Commission. It reads:

Re: Bash Ali Boxing Project (Local Organising Committee)

I write with reference to a letter dated 28th September, 2009 copy attached to His Excellency from Mr. Bash Ali, OON, World Boxing Champion, regarding the above mentioned subject matter. I should be grateful if you would kindly treat as demand appropriate.

Please accept, Hon. Minister, the assurances of my highest consideration and esteem.

(Signed)

*David Ederien,
Principal Secretary to the President*

Mr Speaker and my hon. Colleagues, what is Mr. Bash Ali saying here? May I seek the leave of this honourable House to suspend Order VIII Rules 4 and 8 of our Standing Orders so that I can confidently present this matter that has national effect.

The Speaker: You sought the leave of this honourable House to present a Petition. If you are no longer presenting the Petition let us know and then you can now move for the suspension as soon as we have dealt with all other Petitions.

Wrongful Dismissal

Hon. Joseph Jaiyeola Ajatta (Oshodi/Isolo II): Mr. Speaker, I have a Petition from my constituent who was working with the Federal Road Safety Commission. He was working for a boss who unfortunately was getting some money for fuelling of vehicles which were wrongly parked and the money was supposed to be paid into the bank but his immediate boss was not paying the money into the bank until he was caught.

A committee was set up to look into what they were doing and they found them guilty. But individually, my petitioner was exonerated.

0828

The Speaker: Hon. Ajatta, do you want to suspend our Standing Orders as well?

Hon. Jaiyeola Ajatta: Not really. Let me mention that the petitioner was wrongly dismissed and he is appealing to this honourable House to look into his Petition so that he can be reinstated and his outstanding salaries and allowances paid to him.

May I lay this Petition on the Table?

The Speaker: Please, do.

Petition laid.

Wrongful Dismissal from the Nigeria Police

Hon. Mohammed Saleh (Sabon Gari): Mr. Speaker, this Petition is from an Ex-Policeman and seven others who felt that they were apparently wrongly dismissed from the service of Nigeria Police without justification.

Having gone through the Petition, it would appear as if there is need for this hallowed Chamber to look into their case. May I present the Petition?

The Speaker: Yes, please.

Petition laid.

The Speaker: Is there any other Petition? *(No response)* The Petitions are referred to the Committee on Public Petitions.

(Petitions accordingly referred to the Committee on Public Petitions)

Hon. Halims Agoda: Point of Order, Mr. Speaker!

The Speaker: What Order, Hon. Halims Agoda?

MATTER OF URGENT PUBLIC IMPORTANCE

Hon. Halims Agoda: Let me, with the permission of Mr Speaker and this honourable House, come under Order VIII, Rule 4 of our Standing Orders dealing with Matter of Urgent Public Importance.

I would not have bothered if the issue is not terminating by Friday. If this House fails to draw the attention of Mr. President or the Minister to the issue at stake, then by Friday the World body will take their final decision.

0829

0830

May I rely on this very Order to present this matter if I am allowed, Mr. Speaker?

The Speaker: I will put the question that we consider this as a Matter of Urgent Public Importance.

Question put and agreed to.

Resolved: That this honourable House do consider this matter as a Matter of Urgent Public Importance.

Hon. Halims Agoda: Thank you, Mr. Speaker. Let me move a short Motion before my explanation.

The Speaker: Please, we have only considered it urgent; you need to move for the suspension of our Standing Rules for us to consider it today.

Hon. Halims Agoda: May I with due humility and with sense of responsibility move for the suspension of the relevant Rule.

Hon. Igochukwu N. Aguma (Port Harcourt I): I second the Motion as moved by my Colleague.

Question put and agreed to.

Resolved: That the relevant House Rule be suspended so that the Motion can be taken immediately.

Imminent Withdrawal of 2009 World Boxing Championship Hosting Right

Hon. Halims Agoda: Mr. Speaker, my short Motion from Bash Ali and indeed on behalf of this country is for this distinguished Chamber to urge the President of this country to direct the Minister who is also the Chairman of National Sports Commission to immediately nominate a Member to join the Local Organising Committee set up by the Ministry of Niger Delta as required by the world governing body.

I so move.

Hon. Ike Chinwo (Obio/Akpor): I rise to support the Motion as moved by Hon. Halims Agoda.

Hon. Halims Agoda: Thank you, my hon. Colleagues. What is the issue at stake? Bash Ali is a known name in this country and indeed beyond this country. He is out to fight the mother of all battle again and the world governing body in charge of this competition gave Nigeria the opportunity to host that fight and Calabar has been selected as the venue.

The world body in giving the opportunity to Nigeria to host gave a condition which is that, first of all, a Local Organising Committee must be put in place. Secondly, a prescribed fee has to be paid which is called sanction fee.

Bash Ali, as a notable Nigerian who has been given an award by this country on the basis of this because he wants to showcase Nigeria and considering that this is a way of re-branding our country, wrote to the Minister of Sports to put in place a Local Organising Committee and to subscribe to the fee required by the international body. The Minister of Sports did not yield. Bash Ali now wrote a letter to the President of the Federal Republic of Nigeria which is here. The President replied and directed the Minister of Sports to comply but with all these, the Minister did not budge.

Bash Ali realising that Nigeria as a nation may miss this opportunity went to various ministries and banks to solicit for their help. One of the Ministries, the Ministry of Niger Delta came to his aid and decided to sponsor a part of this competition.

What is required by the world body is that even if there is sponsorship there must be a Local Organising Committee that would be put in place and the Ministry of Sports must also nominate somebody to be a member of the Local Organising Committee. The Minister was asked to nominate and that is the problem ever since. The Minister refused to nominate and the Ministry of Niger Delta, some banks and other institutions that are ready to sponsor said without the Ministry of Sports nominating, there is nothing they can do and the world governing body wrote recently that between now and Friday, if the Local Organising Committee is not put in place to set up the Agenda for this competition, then Nigeria should forget about the competition and it will be taken to the United State of America.

So, the question I am asking is this; what will it take the Ministry of Sports to nominate somebody that will work with the Local Organizing Committee? That is the problem. So this House is called upon to urge the Minister of Sport to nominate their own person; they are not to sponsor; they are not to make any financial contribution; it is just to nominate. This is the problem.

Hon. Emeka Nkem Ihedioha (Aboh Mbaise/Ngor Okpala): Mr. Speaker, Mr. Bash Ali is a patriot. He is a holder of national honour; he has won laurels for Nigeria for which we appreciate.

This is the House of Representatives of the Federal Republic Nigeria. We have our spelt out functions. From the Motion read out by my Colleague, he is asking this House to compel the staff of Mr. President to obey the directive of his boss. I feel pained; we have sufficient

0831

responsibilities through our Committee on Compliance to ensure that Motions and directives of this House are complied with. I do not think that this House has the responsibility to begin to compel a Minister to respect the wish of his boss. If the Minister chooses to disrespect Mr. President, I am sure Mr. President has appropriate ways and means of handling this matter. I do not think that this House should debate whether or not this House should mandate the Minister to obey the President.

The Speaker: My dear Colleagues, Mr. Bash Ali is in the Gallery, so he is witnessing the whole thing.

Hon. Independence Ogunewe (Ahiazu Mbaise/Ezinihitte): Mr. Speaker, while I will choose to align myself with the argument of the Chief Whip, I will also want to add that when my Colleague was presenting his Motion he kept making references to World bodies; we do not know the world bodies that he is talking about. Secondly, he talked about a title fight; we do not know what title fight he is referring to. Third, we do not know what title is at stake. Fourth, we do not know whether it is a professional fight or an amateur one. Fifth, he talked about the Ministry of Niger Delta showing interest in hosting.

I could hear an hon. Member ask if it is captured in the Budget? That is another issue entirely.

We appreciate the fact that Mr. Bash Ali is a wonderful citizen of this country but I would also want to point out that while the Chief Whip said that he had won laurels for Nigeria, we want to make a distinction. Bash Ali is a professional boxer; most of the titles that he had won are for Bash Ali. When you win titles as an amateur, it is for your country. It is just like a Medical Doctor; nothing separates Bash Ali from a Mechanic. He is a businessman, a pugilist.

I align myself with the Chief Whip in saying that this House should have better things to address at this point in time.

The Speaker: I will now give the Floor to Members who are in support of this Motion. Before I move on, I agree that these are very interesting points in the sense that this is the first time that I am seeing Hon. Independence Ogunewe and the Chief Whip actually aligning on a subject matter. *(Laughter)*

Hon Igochukwu N. Aguma: Mr. Speaker, I believe that as a House of Representatives, we are indeed the voice for the hopeless. I want to look at the cost-benefit of the actions of the Minister in trying to ensure that the dream of one citizen of Nigeria comes true. All of us here are dreamers; all of us here have ambitions and aspirations

0832

and I want to say that the frustration Bash Ali is getting today from the Agency of Government is not peculiar to him. In other fields and endeavours, common Nigerians like me are often frustrated by various Government Agencies.

A common Nigerian finds it difficult to get even a simple letter saying; sorry the Ministry is unable to participate in this programme for X, Y, Z reasons. You must not nominate but the process must be seen to come to an end. The man must be able to know whether this thing that he is doing will be fruitful or not. Yet we are talking about SERVICOM.

If you apply for loan or overdraft facility from corporate organisations like banks, sometimes they will write you saying; *sorry we cannot give you this facility*. You do not keep a man's dream and aspiration hanging. It is either you are doing it because it is professional or amateur or you are not doing it at all.

Hon. Olufemi Gbajabiamila (Surulere 1): Mr. Speaker, this is the first time that I am hearing or being educated that there is a difference between Professional Award, Amateur Award and whether you are receiving it for yourself or on behalf of your country.

I had thought all along that when this country sponsors people, for example, members of the Flying Eagles or the Super Eagles we talk about Nigeria; they are professional footballers but those awards or laurels are won on behalf of the country. I find it very disheartening that we can sit in this House and say that an arm of government or an agency of government that fails or neglects to do what may ordinarily be an administrative function is outside the purview of legislative scrutiny.

We have heard that Mr. Bash Ali is somebody we are very proud of on the one hand and on the other hand I am hearing that we cannot help him. The man has waited three days to the end of the expiration of the time, Friday. What does that mean? That means that he has come to the House of Representatives as a last resort. He has come that this is his only hope. He has received sponsorship from private organisations. All he is asking is that this House exercises its authority and its checks and balances over the Executive arm.

I do not understand how we can be serious in this House or in this country by putting in the front burner one of the policies of the Federal Government which is re-branding Nigeria but on the other hand we have a situation that can only take us back. How do you re-brand Nigeria when you cannot nominate a member as a condition for hosting a simple boxing tournament?

0833

I will implore us for whatever it is worth - it is not going to take anything away from this House - let us write and ask whoever is in charge to nominate somebody so that the competition can hold and Mr. Bash Ali can be proud of this House.

The Speaker: I think I should put the question.
Hon. Ike Chinwo has an Amendment.

Hon. Ike Chinwo (Obio/Akpor): My Amendment is that the flagrant disregard of Mr. President's directive by the Honourable Minister be investigated.

Hon. Stanley O. Ohajuruka (Umuahia North/South Ikwunano): Mr. Speaker, I decline to second the Amendment.

Motion lapsed.

The Speaker: Hon. Members, I will now put a question on Hon. Halims Agoda's Motion.

Question put and agreed to.

Resolved: That the House do call on the Minister of Sports, Chairman, National Sports Commission to nominate a Member to join the Local Organising Committee of the World Boxing Championship to enable Nigeria satisfy the condition precedent to actualising the hosting right that would expire on Friday, 16th October, 2009.

Hon. Paul Okwudili Eze (Igbo-Etiti/Uzo-Uwani):
Mr. Speaker, Point of Order!

The Speaker: Yes, Hon. Eze?

Continued neglect or refusal of the authorities of Ajaokuta Steel Company Limited to pay the salaries and allowances of their workers

Hon. Paul Okwudili Eze: My Point of Order is Order VIII (4) of our Standing Orders bothering on Matter of Urgent Public Importance. I am aware that the Rule does not allow for two such Motions.

The Speaker: Please go ahead.

Hon. Paul Okwudili Eze: I want to observe the continued neglect or refusal of the authorities of Ajaokuta Steel Company Limited to pay the salaries and allowances of their workers and the effect of such neglect on the general Nigerian public.

0834

For sometime now the workers have been taking the laws into their hands by blocking the Federal Highway roads that traverses Ajaokuta to Lokoja. Each time they will block the road and stop people from passing.

On the 8th of October in particular, they mounted a roadblock there and stopped people from passing to and from that road. At a stage, some Policemen that were accompanying a bullion van came to that point and shot sporadically through that roadblock injuring one of the workers seriously. The workers took the laws into their hands and became violent and started breaking the windshields of all the cars they found at that place.

The Speaker: You are already debating the Motion now. Do you want to consider this as a Matter of Urgent Public Importance?

Hon. Paul Okwudili Eze: Yes, Mr. Speaker.

The Speaker: Hon. Colleagues, I will put the question that we consider this as a Matter of Urgent Public Importance to be taken at the next legislative day?

Question put and agreed to.

Resolved: That the continued neglect or refusal of the authorities of the Ajaokuta Steel Company Limited to pay the allowances and salaries of their workers and the effect of such neglect on the general Nigerian public should be considered as a matter of Urgent Public Importance to be tabled before the House at the next legislative day.

PRESENTATION OF REPORTS

Report of the Committee on Justice on Chartered Institute of Accountants of Nigeria Act, 1965 (Amendment) Bill 2008 and Suit between the Chartered Institute of Taxation of Nigeria (CITN) and the Institute of Chartered Accountants of Nigeria (ICAN)

The Speaker: Hon. Colleagues, the next Business of the Day is Presentation of the Report of the Committee on Justice on the True position of developments concerning a Bill for an Act to Amend the Chartered Institute of Accountants of Nigeria Act, 1965 and for Other Matters Connected Therewith, 2008 and the opinion of the Committee in respect of a suit between the Chartered Institute of Taxation of Nigeria (CITN) and the Institute of Chartered Accountants of Nigeria (ICAN) standing in the name of Hon. Henry S. Dickson.

Members would recall that on Wednesday, 25th

0835

0836

February, 2009 the House mandated the Committee to advise the House accordingly on the Bill. The Report is ready.

Hon. Dickson is invited to present his Report.

Hon. Henry S. Dickson (Ekeremor/Sagbama): Mr. Speaker and hon. Members would recall that on 25th February this year, a referral was made to the Justice Committee for an opinion in connection with the subject matter that has just been read out.

You would also recall that about March or April this year, I had already presented my Report before this House. What we are expected to do with all due respect is to consider the Report that has already been laid if I have the directive and clarification from the Rules and Business Committee.

The Speaker: Hon. Chairman, you are moving a Motion, please.

Hon. Henry S. Dickson: May I, with all due respect, and in view of the clarifications I have made move that we consider the Report of the Justice Committee on the subject matter.

Hon. Ita Enang: Mr. Speaker, with respect, Hon. Dickson was asked by this House in the Committee of the Whole to present the written Report he wrote and lay it on the Table today so that when we get to item 8 on the Order Paper, that Report he has laid will then be considered at that time. Therefore, he is to move the Motion and lay that Report on the Table.

The Speaker: Yes, Hon. Henry Dickson, you used the word *consider* instead of *presenting*. Can you, please, clarify this?

Hon. Henry S. Dickson: Mr. Speaker, I did so because I had earlier laid the Report. However, I will take what Mr. Speaker is saying as an Order to lay it.

The Speaker: Do you have any Report to lay?

Hon. Henry S. Dickson: Yes I do.

The Speaker: Go ahead and lay it.

Hon. Henry S. Dickson: Mr. Speaker, may I, with all due respect, move that this House do receive the Report of the Committee on Justice on the True position of developments concerning a Bill for an Act to Amend the Chartered Institute of Accountants of Nigeria Act, 1965

and for Other Matters Connected Therewith, 2008 and the opinion of the Committee in respect of a suit between the Chartered Institute of Taxation of Nigeria (CITN) and the Institute of Chartered Accountants of Nigeria (ICAN)

Hon. Adebayo. F. Odulana (Ikeja): I rise to second the Motion as moved.

Question put and agreed to.

Report laid.

**Report of the Committee on Drugs, Narcotics
and Financial Crimes on the Petition by 71
Disengaged Staff of the National Drug
Law Enforcement Agency, (NDLEA)**

The Speaker: The next Business of the Day is Presentation of the Report of the Committee on Drugs, Narcotics and Financial Crimes on the Petition by 71 disengaged staff of the National Drug Law Enforcement Agency (NDLEA) standing in the name of Hon. Rabe Nasir. This was referred to the Committee on Thursday, July, 2009.

Hon. Nasir is invited to present the Report.

Hon. Rabe Nasir (Bindawa/Mani): Mr. Speaker, on this matter, I have had to speak to the Chairman, Business and Rules Committee of the House to whom I directly complained that I did not know about this schedule; nobody informed me and I just saw it like anyone else did.

The point is that the Report has been written but it still awaits the meeting of the Committee so that Members could endorse it. Until we do that, we will not be in a position to present it. We shall present it in any of the legislative days of next week.

The Speaker: It is all right.

Report, with the leave of the House, stood down.

ORDERS OF THE DAY

MOTIONS

**Rescission of Order IX, Rule 1 (6) of the Standing
Orders: National Legislative Service Institute Bill, 2009**

The Speaker: Hon. Colleagues, the first Order of the Day is the Motion for the Rescission of Order IX, Rule 1 (6) of the Standing Orders, National Legislative Service Institute Bill, 2009 standing in the name of Hon. Ita Enang and 18 others.

0837

Hon. Ita Enang is invited to move his Motion.

Hon. Ita Enang: Mr. Speaker, I move that this House - *(Interruptions)*

Hon. Mustapha Ahmed (Bauchi): Point of Order Mr. Speaker!

The Speaker: Hold on, Hon. Ita Enang. What is the Point of Order, Hon. Mustapha?

Hon. Mustapha Ahmed (Bauchi): Mr. Speaker, my Point of Order comes under Order (VIII), Rule 8 (9) and (14) of our new Standing Orders at page 28.

The basis of my Point of Order is that this Motion contravenes Order VIII, Rule 8. This is because there was no notice of this Motion as provided by Order VIII, Rule 8. With your kind permission I read:

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

- (i) *a motion or amendment made or offered in Committee of the Whole House;*
- (ii) *a motion for the adjournment of the House or of any debate;*
- (iii) *a motion that the report of a Select Committee be referred to a Committee of the Whole House;*
- (iv) *a motion for the withdrawal of strangers;*
- (v) *a motion for the suspension of a Member;*
- (vi) *a motion arising out of the Business of the Day made immediately after that business is disposed of and before any fresh matter is entered upon; and*
- (vii) *an amendment to a motion which has been moved without notice either under this Rule or under Rule 14.*

This Motion does not come within the exceptions. This is a Motion for us to consider a Bill which has been

0838

negated by this House. So if we want to hear it there must be sufficient notice pursuant to Order VIII, Rule (8).

For the purpose of emphasis, what I am saying is that there is no notice of this Motion given considering the importance of the Bill to be presented having been negated.

The Speaker: Chairman, Rules and Business Committee, can you react to Hon. Mustapha's Point of Order?

Hon. Ita Enang: Mr. Speaker, I will pray the House to take a short while to react to it. My prayer is that the Motion be stood down so that I can react to it at the appropriate time.

The Speaker: It is all right. The Motion is stood down.

Motion with the leave of the House stood down.

Review of Pension

The Speaker: Hon. Colleagues, the next Order of the Day is a Motion on the review of Pension standing in the name of Hon. Mohammed Ali Ndume and 9 others.

Hon. Ndume is invited to move the Motion.

Hon. Mohammed Ali Ndume (Damboa/Gwoza/Chibok): Mr. Speaker, the Motion is on the Review of Pension and it reads thus:

The House:

Notes that pursuant to Section 173(3) of the 1999 Constitution of the Federal Republic of Nigeria, which states that Pensions shall be reviewed every five years or together with any Federal Civil Service Salary reviews whichever is earlier;

Further notes that Pension is a major source of income for most of the retired Nigerian citizens who dedicated their lives to the service of the country in various capacities;

Worried that since 1999, Pension payment has remained the same while cost of living keep increasing on daily basis;

Disturbed that while the Federal Civil Service Salary has been reviewed twice since 1999 to date, the pension paid to retirees remains the same;

0839

0840

Aware that as representatives of the people, we swore to defend and protect the Constitution of the Federal Republic of Nigeria;

Resolves to:

Urge the Federal Government to review the Pension Scheme as required by the Constitution of the Federal Republic of Nigeria.

Hon. Solomon Agidani (Apa/Agatu): I hereby second the Motion ably moved by the Leader of the Minority, Hon. Mohammed Ali Ndume.

Question proposed.

Hon. Mohammed Ali Ndume: Mr. Speaker, as I said earlier, this Motion is straightforward. It is a constitutional requirement and I have read the portion of the Constitution which clearly states that pension should be reviewed every five years. We know that Public Service retirees have served this country diligently and we all know that in one way or the other, we have either relatives or people that we represent as pensioners.

Salaries are reviewed from time to time but for the past ten years, the pension being paid to retirees have never been reviewed. I am sure that the architects of our Constitution foresaw this type of situation. For example, there are Permanent Secretaries that are being paid ₦50,000.00 (Fifty Thousand Naira) as their pension monthly. This payment has been like that, for example, since 1999 when they started enjoying this pension. It is unrealistic that somebody who served this country diligently is being paid ₦50,000.00 pension since he

retired in 1999 and in the year 2009, he is still receiving the same amount of pension.

This Motion is service to our people. It is something that is necessary. Section 16 (2)(d) of our Constitution clearly states and I read:

The State shall direct its policy towards ensuring –

(d) that suitable and adequate shelter, suitable and adequate food, reasonable national minimum living wage, old age care and pensions, and unemployment, sick benefits and welfare of the disabled are provided for all citizens.

As I said, we are all in touch with our people and we know the reality on ground. This Motion is coming as a result of appeals by several pensioners that the cost of living has gone up but their pensions have not been

reviewed. It is the responsibility of this House as people's representatives to bring this to the notice of the Federal Government so that the pensions would be reviewed appropriately from time to time in accordance with our constitutional provision.

Hon. Solomon Agidani: In rising to support this Motion, I suggest that at the end of the debate, Members should support it because it is a constitutional issue. However, at the Committee level, I want to advise that care should be taken because I am sure that the reference being made by the Minority Leader has to do with Defined Benefits Pension.

With the Contributory Pensions Scheme, there is a direct relationship between salary and pension. So, at the Committee level, care should be taken to separate this.

The Speaker: Happy Birthday to you, Hon. Aro!

Hon. Aro Samuel Bamidele (Yagba East/Yagba West/Mopamuro): Thank you, Mr. Speaker. I agree with the Mover of this Motion. Let us forget about the constitutional issue as attached to this Motion. Let us look at it from the welfare perspective of somebody that has retired from active service and has contributed meaningfully to whatever he has.

Let us take the case of somebody that has spent about 35 in service and he is no longer active and you tie such a person to a fixed level of income. It makes it impossible for such a person to maintain the standard that he has already put in place.

I would agree as stated constitutionally that every five years, it is necessary for the Federal Government to augment or increase whatever is due to such Federal public servant so that they would not only be able to maintain their standard of living but also be self-dependent.

In totality, I agree with it.

Hon. Kolawole Ismaila (Boluwaduro/Ifedayo/Ila): Point of Order!

The Speaker: What Point of Order, Hon. Kolawole?

Hon. Kolawole Ismaila: My Point of Order is Order IX, Rule 6 of our Standing Orders. It reads thus: *No dilatory Motion shall be entertained by the Speaker.*

What I want to emphasise on the basis of this Order is that the Motion in question is already being addressed by the Committee on Pension Matters of the House. We held a Stakeholders' Forum in July which was to be

0841

declared open by your good self but declared by the Deputy Speaker. This issue has already been resolved by the Representatives of the Federal Parliament.

In attendance on that day were the Accountant General of the Federation, the Finance Minister and all the representatives of the Nigerian Union of Pensioners. It has been resolved and we mandated National Pension Commission to embark on the verification of Federal Government pensioners so as to determine the financial implication of this increase. We are already aware of this issue and the Committee of the House has taken it up and we are about to settle it.

The Speaker: It is all right.

Hon. Terngu Tsegba (Gboko/Tarka): I want to, first of all, draw the attention of the House to the fact that since the issue we are talking about is about an Act of Parliament, we cannot amend it by way of Motion. The first thing that the Minority Leader would have done was to come by way of Motion to amend the Pension Reform Act and propose any increase he is seeking.

When we were doing the Pension Reform Act of 2004, we made contribution of pension as a percentage of salary and this salary has been reviewed since 1999 twice to date. It means that Pension has been reviewed from salary increases. What the Minority Leader is talking about is the defined Benefit Scheme while we are now operating Contributory Pension Scheme.

What we said then was that the Federal Government would need to jerk up the funding of the scheme. The government has issued some bonds, which are kept with Pension Fund Administrators. All these bonds were supposed to attract interest for the benefit of the Pension holders, which means that the funds that are now with the Pension Fund Administrators attract interest for the benefit of pensioners. So, we cannot sit in this Chamber and come by way of Motion and advise the Federal Government to review pension.

The section of the Constitution that the Minority Leader, Hon. Mohammed Ali Ndume quoted is very clear. It talks about either the Pension or the salary, whichever is earlier and if the salary has been reviewed twice since 1999, it means Pension has increased appropriately. So, we should not entertain this kind of Motion. This Motion should, therefore, be rejected.

Hon. Kolawole Ismaila: Point of Order, Mr. Speaker!

The Speaker: Which Point of Order, Hon. Ismail?

0842

Hon. Kolawole Ismaila: Order IX, Rule 2(2) of our Standing Orders at page 32. It reads:

When the question of Order has been stated the Member who raised it shall resume his seat and no other Member, except with the leave of the Speaker or Chairman, shall rise until the Speaker or Chairman has decided the question after which the Member who was addressing the House or Committee at the time the question was raised shall be entitled to proceed with his speech giving effect to the ruling from the Chair.

Hon. Tsegba went ahead debating against the Motion before the question was decided by the House.

The Speaker: Thank you. I saw that coming. Hon. Colleagues, I am not going to rule on the Point of Order Hon. Ismaila raised because it came to us as an information to assist us in what we talking about here. He also concluded that they had not finished with the exercise.

In view of all these, I am going to give the Minority Leader of the House his right of reply so that we can take the question on this.

Hon. Mohammed Ali Ndume (Damboa/Gwoza/Chibok): Mr. Speaker, I want to explain to my hon. Colleagues that the Pension Scheme that Hon. Tsegba is talking about is the Pension Act that we have passed in this honourable House. As he said, it takes care of progressive payment but that is for those that are to benefit from the pension in the future. I am talking about Pensioners who are already collecting a fixed amount of pension as their retirement benefits. These people have not been adequately captured and taken care of by the Pension Act. Chapter 1, Section 1(3) of the 1999 Constitution of the Federal Republic is very clear and with all due respect to my Colleagues, I read:

GENERAL PROVISIONS - Any other law that is inconsistent with the provisions of this Constitution, (and that was the Section I quoted – Section 173(3)) this Constitution shall prevail, and that other law shall to the extent of the inconsistency be void.

Hon. Colleagues, my objective is not for or against the passage of this Motion. We have a responsibility because we know that we have pensioners out there who are inadequately paid. We know that their pension that is being paid, even before the 1999 Constitution of the Federal Republic of Nigeria took effect, has been stagnant yet we all know here that the cost of living in this country has skyrocketed. If we say, as representatives of our

0843

0844

people, that the Federal Government should not consider the fate of these Pensioners, so be it.

The Speaker: Hon. Colleagues, we need to move on, on this.

Question put and agreed to.

The House:

Noted that pursuant to Section 173(3) of the 1999 Constitution of the Federal Republic of Nigeria, which states that *Pensions shall be reviewed every five years or together with any Federal Civil Service Salary reviews whichever is earlier;*

Further noted that Pension is a major source of income for most retired Nigerian citizens who dedicated their lives to the service of the country in various capacities;

Worried that since 1999, Pension payment has remained the same while cost of living keep increasing on daily basis;

Disturbed that while the Federal Civil Service Salary has been reviewed twice since 1999 to date, the Pension paid to retirees remained the same;

Aware that as representatives of the people we swore to defend and protect the Constitution of the Federal Republic of Nigeria;

Resolves to:

Urge the Federal Government to review the Pension Scheme as required by the Constitution of the Federal Republic of Nigeria.

CONSIDERATION OF BILLS

Federal Capital Territory Water Board (Establishment) Bill, 2009

The Speaker: The Third Order of the Day is the Third Reading of a Bill for an Act to Establish the Federal Capital Territory Water Board and for Matters Related Therewith, 2009.

Members would recall that the House adopted the Report of the Committee of the Whole on the Bill on Tuesday, 28th July, 2009. I believe clean copies had been circulated to Member?

Several hon. Members: No.

The Speaker: Can the Chairman, Rules and Business speak on this, please?

Hon. Ita Enang: Mr. Speaker, with respect Sir, yesterday this Bill was to be taken.

The Speaker: Do you have clean copies circulated to Members or not?

Hon. Ita Enang: With respect Sir, I will refer this question to the Clerk of the House for the first time.

The Speaker: You have no idea whether or not this Bill has been circulated?

Hon. Ita Enang: Mr. Speaker, may I refer the question to the Clerk of the House.

The Speaker: No, Hon. Ita Enang.

Hon. Ita Enang: Mr. Speaker, may I request that this Bill be stood down with the greatest respect to Members of this honourable House, please?

The Speaker: It is all right, Hon. Ita Enang.

Bill with the leave of the House stood down.

The Nigerian Institute of Credit Administration Bill, 2009

A Bill for an Act to Establish the Nigeria Institute of Credit Administration and for Matters Connected Therewith, 2009 (HB. 135) –

Order for Third Reading.

The Speaker: Hon. Ita Enang, there is the Third Reading of a Bill for an Act to Establish the Nigeria Institute of Credit Administration. Do we have clean copies of that Bill?

Hon. Ita Enang: No, we do not have clean copies of the Bills.

The Speaker: When are we going to have clean copies of these Bills, please?

Hon. Ita Enang: I will consult immediately after the sitting.

0845

The Speaker: Very well, Hon. Ita Enang.

Bill, with the leave the House, stood down.

**Prevention of HIV and Aids-based
Discrimination (Provisions) Bill, 2009**

A Bill for an Act to make Provisions for the Prevention of HIV and AIDS-based Discrimination and to Protect the Human Rights and Dignity of People Living with and Affected by HIV and AIDS and other Related Matters (HB. 196) -

Order for Second Reading.

The Speaker: The next Order of the Day is commencement of debate on the General Principles of a Bill for an Act to make Provisions for the Prevention of HIV and AIDS-based Discrimination and to Protect the Human Rights and Dignity of People Living with and affected by HIV and AIDS and other Related Matters. The Bill was read for the First Time on Wednesday, 25th March, 2009.

The Leader of the House will move that the Bill be read the Second Time.

Hon. Leonard Okuweh Ogor (Isoko North/Isoko South): Point of Order!

The Speaker: Please go ahead with your Point of Order.

Hon. Leonard O. Ogor: I am relying on Order XII, Rule 14 of our Standing Orders at page 54: I read:

More than one Bill on the same subject matter may be introduced but when the Second Reading of a Bill has been agreed to or negated, the question shall not be proposed for the Second Reading of another Bill of the same subject matter during the same Session. On the Order of the Day relating to such a Bill being read, the Speaker shall direct that the Bill be withdrawn.

Mr. Speaker, as a House we have already debated this Bill; it has passed through Second Reading and had been referred to the Committee of this House. In line with our House Rule, I may only suggest that due to the fact that it is an Executive Bill, it can be referred to the Committee rather than this House taking another debate it.

The Speaker: Chairman, Committee on Rules and Business, can you respond to this Order?

0846

Hon. Ita Enang (Itu/Ibiono Ibom): Mr. Speaker, the Rules and Business Committee had looked at this Bill and compared it with another Bill earlier sponsored by Hon. Fancy Arole and we discovered that this Bill is more comprehensive. This Bill talks about almost a different thing from what the Bill our Colleague presented talked about and it was necessary to bring this Bill to the House, debate it and commit it to the appropriate Committee so that it can be taken; it is not completely the same.

The Bill sponsored by our Colleague only has five Sections and talks more about Fundamental Rights. Now, this other Bill that came from Mr. President, that is, HB. 196, has 31 Sections and it is more comprehensive and deals with every matter. What my Colleague said is not correct. All of us have the copies of the Bill.

The Speaker: Chairman Committee on Judiciary, can you comment on this?

Hon. Bala Ibn Na'Allah (Zuru/Fakai/Sakaba/D/Wasagu): Mr. Speaker, we should not have any problem on this issue as far as this Order is concerned. The Order talks about Bills on the same subject matter and then said similar. For Hon. Ita Enang to convince us, is the subject matter of the two Bills the same thing? If the answer is yes the next question is; are the Bills similar? If the answer is in the affirmative, then I do not think we should be arguing about it.

The Speaker: Hon. Ita Enang, is the subject matter the same?

Hon. Ita Enang: No and they are not similar, Sir.

Hon. Igochukwu N. Aguma (Port Harcourt I): Mr. Speaker, the Constitution and our House Rules prescribe the processes a Bill will go through before it becomes law. The intendment is that it should go to the Committee and be enriched. Therefore, if it is going in as five Sections and it comes out as 29 or 34 Sections, that is the enrichment we want. I believe we should stand it down.

Hon. Friday Itulah (Esan North East/South East): In ruling on this matter I would like to refer the Speaker to the Rule Hon. Leo Ogor earlier quoted. The Rule says: *The question shall not be proposed for the Second Reading of another Bill of the same subject matter during the same session.*

Even if this Bill were of the same subject matter we are in a different session. We are in the Fourth Republic, Third National Assembly, Third Session. When this issue came up, it was in the Second Session. Therefore, the Rule that he has quoted gives us the leave to take another subject matter.

0847

0848

The Speaker: For those wise men who put the Rules together, when they were talking about Session I am sure they meant a four-year Session.

Hon. Abdul Ningi (Ningi/Warji): Can my Friend and Brother, Hon. Ita Enang, tell us the exact heading of the first Bill so that we can make a comparative analysis of whether or not it is of the same subject matter with the other?

The Speaker: Hon. Ita Enang, can you read the subject matter of the first Bill?

Hon. Ita Enang: The subject matter is on HIV/AIDS

The Speaker: What is the title of the other one?

Hon. Ita Enang: The Title is: *A Bill for an Act to make Provision for the Prevention of HIV and Aids-based Discrimination and to Protect the Human Rights and Dignity of People Living with and Affected by HIV and AIDS*

The Speaker: Hon. Ita Enang, since you are reading the complete Title, can you read the complete Title of the first Bill please?

Hon. Ita Enang: I did not bring the Bill, Sir.

The Speaker: Hon. Arole Fancy, can you read the Title of the first Bill?

Hon. Fancy Arole (Surulere II): Mr. Speaker, The title of the first Bill is *An Act to Prohibit and Punish Discrimination against Persons living with HIV/AIDS*.

The Speaker: Hon. Ita Enang, would you like to respond?

Hon. Ita Enang: Mr. Speaker, this Bill came after our Colleague had already taken a Second Reading on the Bill and this is a Bill that was forwarded to us by Mr. President and sponsored by the House Leader.

I want to plead with Members of the House according to the Rules of the House that this being the Third Session of the Third National Assembly, this Bill is coming in the next Session. That Bill was taken in the Second Session. It is possible for us to take it by putting the question so that we can commit it to the appropriate Committee.

The Speaker: The Leader, please?

Hon. Tunde Akogun (Akoko-Edo): Mr. Speaker, if the timing of Mr. President's Bill to us has come very close to Hon. Fancy Arole's Second Reading of his own Bill, we should have consolidated them. But having regard to what our rules say, I would plead that we refer it to the same Committee so that it will be settled at that point.

The Speaker: My dear hon. Colleague from Delta State, you are in order. Therefore, the Bill will be consolidated and harmonised with the first Bill.

Question put and agreed to.

Bill with the leave of the House, referred to the relevant Committee, to be consolidated with the first Bill.

Corporate Prostitution and Exploitation of Women in Corporate Organisations (Prohibition) Bill, 2009

A Bill for an Act to Prohibit Corporate Prostitution and Exploitation of Women in Corporate Organisations and for Other Matters Connected Therewith, 2009 -

Order for Second Reading.

The Speaker: The next Order of the Day is commencement of debate on the General Principles of a Bill for an Act to Prohibit Corporate Prostitution and Exploitation of Women in Corporate Organisations and for Other Matters Connected Therewith, 2009.

This Bill was read for the First Time on Tuesday 21st July, 2009. I now invite Hon. Femi Gbajabiamila to move that the Bill be read the Second Time.

Hon. Femi Gbajabiamila (Surulere I): Mr. Speaker, I move that a Bill for an Act to Prohibit Corporate Prostitution and Exploitation of Women in Corporate Organisations and for Other Matters Connected Therewith, 2009 be read the Second Time.

Hon. Austin Nwachukwu (Ehime Mbano/Ihitte Uboma/Obowo): I rise to second the Motion as ably moved by Hon. Gbajabiamila that this Bill be read the Second Time.

Question proposed.

Hon. Femi Gbajabiamila: Mr. Speaker, first of all, I will touch on the morality before I go on to the legality or illegality of what is prevalent amongst Corporate Organisations particularly the Banking institution in Nigeria today.

0849

0850

We cannot shut our eyes, close our ears and pretend that we do not know what is going on today. A situation where women are exploited and used particularly by banks to attract funds must be condemned and not tolerated. A situation where you employ a woman in the bank, for example, in January and you tell this same individual that by September she needs to bring as much as ₦500 million in a space of nine months cannot be tolerated particularly when job security, incentives and promotion depend on those funds.

Relationships have been shattered; even marriages have been destroyed. It is this same money that these young ladies bring to the banks that we have just been told a couple of months ago were stolen by certain bankers and directors and given out willy-nilly without security. No wonder a lot of these banks are said to have liquidity problems because even these funds that are brought in are moved from one bank to another. They will tell you to bring the funds and move it out a month after. Therefore, there is no financial base; what we are experiencing is musical chairs, moving funds from one bank to the other. We all know how many ladies walk the corridors of offices from here to Federal Secretariat, private organisations knocking on doors and sometimes crying. I believe we have the responsibility to protect these individuals.

I make bold to say that I am not aware of any country in the world where bankers go from door to door soliciting for funds. Some of our banks in this country actually have foreign operations but I do not believe and I know for a fact that they do not engage or employ marketers to go around soliciting for funds. Why does it happen in Nigeria? Is it because we can allow anything to happen here? We are in the modern day where technology has advanced. There are various ways of advertising. There is the Internet, cell phones, televisions, mail and post.

I urge this House to take a critical look at this menace to our society. Having talked a little on the morality, I would be like to quote copiously from the Constitution and the other laws that affect this matter. I want to refer this House to Section 17(2)(b) of the Constitution of the Federal Republic of Nigeria, 1999. It says:

In furtherance of social order –

(b) The sanctity of the human person shall be recognised and human dignity shall be maintained and enhanced.

Section 17(2)(d) says; *exploitation of human or natural resources in any form whatsoever for reasons other than the good of the community shall be prevented.*

Section 17 (3) (b) says; *The State shall direct its policy towards ensuring that –*

(b) conditions of work must be just and humane, and that there are adequate facilities for leisure and for social, religious and cultural life;

Section 17(3)(h) also says; *the evolution and promotion of family life is encouraged.*

If we now go on to Section 34 dealing with Fundamental human Rights, Sub-Section 1(a) states that: *Every individual is entitled to respect for the dignity of his person and accordingly –*

(a) No person shall be subjected to torture or to inhuman or degrading treatment.

Article 23 of the United Nations Universal Declaration of Human Rights has the same provisions as our Constitution.

Besides the Constitution, we have in this country the National Institute of Marketing of Nigeria Act. Section 20 of that Act says:

If on or after the coming into force of this Act, any person who is not a Member of the Institute practices or holds himself out to practice as a member or as a Marketer for or in expectation of reward or takes or uses any name, title, addition or description implying that he or she is in the practice of Marketing commits an offence.

Section 16 of that same Act says: *Anyone who engages himself in practice of Marketing or holds out to be a Public Marketer shall be a Member of the Institute.*

What this means is that there is a law which specifies the act of Marketing. When people come to your office and ask you for funds and market their banks, they are actually practicing and violating the law which was passed by this body. That law, together with the Constitution, and together with all the moral questions that come with this Act, I would think there is the need for this House to look into and to prohibit.

What the Act simply says is that you cannot set unrealistic target for anyone who you employ to solicit for funds for you. The Bill is a bit more detailed than that.

Hon. Suleiman Abdulrahman Kawu
(Sumaila/Takai): I have listened to the sponsor of this Bill

0851

where he tried to explain the moral implication and illegality of this act. Beyond that, there is a point which we are supposed to look into.

In this House, all of us have a religion that we practice; Christianity or Islam. When we go back into our Holy books it clearly state that this action is illegal and it contradicts our belief both in Islamic and in Christianity.

One of our duties as legislators is to make laws for a better Nigeria. I do not think among us here there is anyone who will allow his or her daughter or sister or ward or anybody who is under his guidance to engage himself or herself in these dubious and immoral activities. There is need for us to support this Bill and to allow it become law.

The Speaker: It seems this is a very popular Bill and everyone wants to talk about it.

Hon. Garba Shehu Matazu (Matazu/Musawa): Let me start by saying that this is a House that is supposed to be making good laws for the good governance of our dear country, Nigeria. Right from day one, the Sponsor of this Bill, according to law, even though I am not a lawyer is swimming within something that is not determinable. How do you determine a prostitute?

Somebody has been employed by a bank and is given an assignment whether a man or a woman. Let me even remind my brother that it is not only females that do this; males also do it as part of their conditions of employment.

Let us not ridicule ourselves. This Bill should not pass through the Second Reading because if we dare do that then it means we would be doing injustice to ourselves.

Hon. Abike Dabiri Erewa (Ikorodu): Mr. Speaker, I am a bit confused about this Bill. I know that the intention Hon. Olufemi Gbajabiamila is to protect women but I believe that at the end of the day, this Bill will not protect us; rather the Bill will be demeaning to womanhood; that is the truth.

I want to say that if any man or anybody wants to help us as women, we should be talking about this House ratifying the Convention for the Elimination of all forms of Discrimination against Women (CEDAW). Then, when you talk about corporate prostitute I, as a woman, feel insulted that we are even using the word prostitution in a Bill.

Secondly, on the issue of banking, I am sure it has been addressed in this Parliament and the Banking Act can

0852

address that. However, we know that in the banking sector there is a problem. While I believe that Hon. Femi Gbajabiamila's intention is sincere, this is not the way to go about it. As a woman, I oppose this in every sense of the word and I think it is actually demeaning to womanhood.

Hon. Nkiruka Onyejeocha (Isuikwuato/Umunneochi): I will not say I am opposing this Bill but I have reservation with the title because we cannot close our eyes to the obvious. A lot of things are not going well especially in our banking industry. I do not care how we bring it to a stop.

I thank Hon. Femi Gbajabiamila for making us to realise that he has seen what we see as women. I am also happy that he has decided to bring it to the attention of this honourable House. I am appealing that this Bill should pass the Second Reading. We can delete words that we do not like. However, the fact remains that things are not going on well in the banking industry especially where it concerns the role of women.

Hon. Emmanuel Jime (Makurdi/Guma): First, I would like to say that I have always agreed in almost every fundamental way with Hon. Femi Gbajabiamila because of the industry that he has brought to issues on this Floor.

On this particular matter, with the greatest respect, I fundamentally disagree with the *raison d'être* of the Bill. My learned Colleague referred us to the Constitution very copiously and I think it is only appropriate that we should also refer to that same Constitution.

Section 15 of the Constitution also suggest that the responsibility of the Federal Government of Nigeria is to protect every Nigeria citizen as to be able to participate in any economic endeavour of his liking. To that extent, therefore, there are basic requirements of our laws that we have to understand as we discuss this matter.

The basic fabric of our economy today is rooted in capitalism. At the core of capitalism is profit-making. Therefore, I am not sure that the proper thing for a legislature to do is to proceed and legislate against profit-making because that is essentially what this particular Bill is trying to do.

The first thing we have to understand is that when a bank employs its employees, there are female employees and there male employees and the target that are given are not discriminatory in nature. Both the female and male employees of banks are required to meet the same targets. To that extent, I do not see what is discriminatory in the policies of the banks.

0853

0854

Hon. Sada Soli Jibia (Jibia/Kaita): Mr. Speaker, this proposed legislation, in the first instance, is discriminatory and it is against the provision of Section 42(1) of the Constitution.

With your permission, I read:

A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person –

- (a) *be subjected either expressly by, or in the practical application of, any law in force in Nigeria or any executive or administrative action of the government, to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions or political opinions are not made subject; or*
- (b) *be accorded either expressly by or in the practical application of any law in force in Nigeria or any such executive or administrative action, any privilege or advantage that is not accorded to citizens of Nigeria or other communities, ethnic groups, places of origin, sex religions or political opinions.*

Why is it restricted to women? There are other young boys in this institution that are being exploited as well. This Bill must be seen to protect all across the gender. Where, in any of our laws, is prostitution allowed? How can you determine corporate prostitution? What is corporate? If we allow this Bill, it will ridicule this institution. It is not fashionable and it is not in line with what we have in this country.

Hon. Folake Olunloyo Oshinowo (Ibadan South West/North West): Mr. Speaker, I am in support of this Bill. In supporting it, I would like to make a correction. Before we say anything we must get our facts right. An hon. Member made mention of targets being given to bankers as being targets between male and female bankers; that is wrong. I was a banker myself. They give female bankers higher target and it is on record. You can verify it anywhere.

The people that are opposing this Bill quoted the Constitution as protecting both sexes, which I agree. In the banking institution, as a young and female banker, they

will make you understand that you must not get pregnant in three years and I think that is a violation.

When they are employing a male banker, they do not give them such condition when they are being employed. Some men enjoy seeing female bankers prostitute, ready to do anything to keep their job but we do not enjoy it and we must put an end to it. I do not like the Title of the Bill but we must let this Bill pass Second Reading.

Whatever we think is not right in the Bill such as the Title, we can remove it later on. Let us put sentiment apart; there are young women out there looking for a way to be protected. I urge this honourable House to please allow this Bill to be read the Second Time.

Hon. Halima Hassan Tukur (Yauri/Shanga/Ngaski): Mr. Speaker, this Bill that I want to support is a very important Bill not only to me as a mother but also to my male Colleagues that are fathers. It concerns all of us because our daughters, sisters, and in-laws may have cause to go for interview and they will tell them that they must look beautiful or be good looking before they are appointed to do the job. It is like a beauty contest, where you have to walk for them to see the way you walk. You are asked to dress in ways that will attract clients to the bank for you to get the job.

The Speaker: Hon. Halima Hassan, I sincerely hope you are not suggesting that beauty contests are degrading to women?

Hon. Halima Hassan: They do, Sir. They will ask you to dress in a way that will attract more customers to your employers and that is what they are after. Apart from that, they do not benefit out of it; it is very immoral. At the end of the day, these female bankers are not going to benefit from it.

Hon. Abdul Ningi (Ningi/Warji): Mr. Speaker, we are dealing with a very serious and interesting subject matter and it is a subject matter that should interest us as Nigerians. Let me say that this Bill is not discriminatory at all. Rather, it is protective in nature. However, as parliamentarians and, in fact, the highest law making body in the land, what should occupy our minds are laws that are not only constitutional and implementable but also laws that have human face.

My biggest problem is with the caption: *Corporate Prostitution*. Apart from the religious stipulation and moral exhibition, I want to ask all of us whether or not prostitution is illegal in the context of Nigeria as a nation? We have so many lawyers here. Let us know whether or not there is any provision in our law that says prostitution

0855

is illegal. I am sure that as time goes on, other Members will help me.

What is prostitution then? Prostitution is defined as an exchange of body flesh and services for material benefits. How do you prove prostitution? It will be disastrous if we use this corporate prostitution as a major catchword in a law that we are trying to put in place because it has serious definitive problems.

However, if the sponsor of the Bill did not insert the words *corporate prostitution* but went to say *A Bill for An Act to Prohibit Human Exploitation in Corporate Organisation in Nigeria* that would go a long way in assisting this law and it is when the law is in the Committee stage that you will now do the A, B, C, D of exploitation. Definitely, it is inappropriate to use the words *corporate prostitution*.

There is no doubt that positive things have been said in the course of discussing this Bill. What we need to do is to take this matter into Second Reading while they will panel beat areas that are constitutional, legal, religious including, of course, amending the Title of this Bill.

Hon. Ogbuefi Ora Ozomgbachi (Ezeagu/Udi): I have listened with rapt attention to the contribution and reactions of my Colleagues to the Bill from Hon. Olufemi Gbajabiamila. He informed me that he was going to come up with this Bill. I encouraged him and also told him that he has to be very careful because in our society there are some pretensions about certain issues which exist and, of course, some people would say that the mention of certain words will offend their sensibilities whether religious or moral.

The issue of human exploitation by any name so called exists in too many corporate organizations in Nigeria particularly the Banking sector. When it is discussed, some people would shy away from it but when they are within the confines or secrecy of your office they will tell you that they are suffering from this harassment.

As the Chairman of the Committee on Banking, I can assure you that my office has been bombarded by telephone calls and also visits by ladies who work in banks complaining about human exploitation. I also want to say that when we had a Public Hearing we encouraged some of them to come and testify publicly; they were afraid to do that and gave the following reasons; One, that they would get stigmatised. Secondly, on arriving back to their banks they would be sacked. We appreciated their situations.

When the Bank Managing Directors appeared before us, we challenged them. Some accepted that things like

0856

that happen but they said that we should handle it with care. We questioned the issue of target setting especially when targets are set; some targets that are obnoxious and too high that invariably lead female bank workers to the point of compromising their integrity for the purpose of getting targets. Some Banks Managing Directors said well; we are going to adjust and make sure that instead of having individual targets that they were going to have group targets. Following from that we have been trying to assess the situation; much has not changed.

Mr. Speaker, I want to inform you and also this House that it is only on one incident just last two weeks that a man and his wife came to my office and submitted a Petition against a Commercial Bank in Nigeria saying that his wife has been exploited, pushed and persuaded by the Management of a particular Bank to compromise her personality and her freedom for the purpose of raising targets and he said that he is ready to appear before our Committee to challenge the bank leadership. This is to show you that if a married man could have the courage to say my wife has been so much insulted, it means that this thing is real.

My contribution is that let us not kill the Bill; let us allow it to pass through Second Reading so that at the Committee Stage we will panel beat it in order to address the mischief which it is intended to address.

The Speaker: I want Chairman, Committee on Capital Market, what is your take on this?

Hon. Ahmed O. A. Wadada (Keffi/Karu/Kokona): While I align with the ideals around and about the Bill sponsored by my Colleague, I question the Title and then I would want to remind our Colleagues that unless and until the take off of every given endeavour the stated Rules are adhered to, otherwise each and every step around and about it would go wrong. I have said it times without number in this hallowed Chambers that the Banking Industry in Nigeria has not been practising banking. What they have been doing is trading.

So long as the law in this country permits the establishment and operation of banks, we cannot stop them from operating as Hon. Emma said that we must remember the principle of capitalism. What we really need to do is to ensure that each and every sector of our economy operates within the confines of the law that established such operation.

What I am saying in essence is that no matter what we do around and about corporate exposition or corporate flaunting of our daughters, I think it is better put that way, does not mean that they are put to prostitution. What we should understand is that so long as the Banking industry

0857

in Nigeria continues to operate the way it does, we cannot run away from some of the ills we are thinking about.

As I earlier said, while I align with the ideals around the Bill, I would like to use this opportunity to remind my Colleagues that we must all be up and doing to ensure that the banking industry in Nigeria operates according to our laws.

Hon. Lawan M. Farouk (Shanono/Bagwai): Mr. Speaker, the issue Hon. Femi Gbajabiamila raised is certainly one that should worry all of us. Unfortunately, the more I listen to Hon. Femi presenting this Bill, the more confused I am.

Let me start from the moral issue he raised. Taking the Title of the Bill, *Corporate Prostitution*, how do you determine that what these employees do is prostitution? To me, that stigmatises women especially those who work in this sector because having tagged them as corporate prostitutes, what it implies is that any time you see one, you are seeing a corporate prostitute. I do not think it is in the interest of this honourable House to classify people seeking for employment or who go out of their way to look for ways to make ends meet as corporate prostitute. We have no criteria that we can use to determine that they are engaged in prostitution.

Secondly, on the issue of law, Hon. Femi Gbajabiamila cited a law that determines those who are supposed to be engaged in marketing. If indeed there is a law that defines those who should be engaged in marketing, why then do we have to enact another law? All we know is those who are marketing and who are not classified by this law as marketers are violating the existing law which means we do not necessarily have to enact a new law.

Thirdly, on the issue of arguing in defence of women, I believe that what this House should worry itself with is to look at ways that we can comprehensively address or come out with a legislation that can protect the sanctity of women and ensure that women or any other person is not exploited or discriminated against. Let me cite an example.

It is not only in this area that we find these cases. For instance, what happen to young students who are harassed by their lecturers for sexual favours? We need to come up with a legislation that should comprehensively address these issues and not limiting it to only the issue of those who serve in banks or classified as corporate prostitutes.

Hon. Aminu Waziri Tambuwal (Tambuwal/Kebbe): Mr. Speaker, I have listened

0858

attentively to the submissions of my Colleagues from both sides. I would want to crave the indulgence of this House to look at the intendment and motive of this Bill and leave out the imperfections, the semantics and address the realities. I believe that by the time we allow this Bill to go for Second Reading, it can serve as a foundation for addressing all those issues and concerns even addressed by the last speaker, Hon. Farouk Lawan concerning the inhuman treatment, degradation and exposure of our womenfolk to certain treatment that ordinarily they do not deserve simply because they are women.

If we look at this Bill from this perspective and allow it to go for Second Reading, this House will achieve a milestone legislation that will protect and promote the womanhood in Nigeria. It is my submission that we allow this Bill to go for Second Reading.

Some hon. Members: Put the question.

Question put and agreed to.

Bill read the Second Time and referred to the Committee on Women Affairs and Justice.

**National Judicial Institute Act, Cap. N.55 LFN
2004 (Amendment) Bill, 2009**

A Bill for an Act to Amend the National Judicial Institute Act, Cap. N.55 LFN 2004, to reduce the Membership of the Governing Board of the Institute to an Effective Size, to Specify the New Qualification for Appointment of the Administrator of the Institute to Reflect the Present Way of Funding the Institute as a Judicial Body, and to Provide For Matters Related Thereto 2009 -

Order for Second Reading.

The Speaker: Hon. Colleagues, the next Order of the Day is commencement of debate on the General Principles of a Bill for an Act to Amend the National Judicial Institute Act, Cap. N.55 LFN 2004, to reduce the Membership of the Governing Board of the Institute to an Effective Size, to Specify the New Qualification for Appointment of the Administrator of the Institute to Reflect the Present Way of Funding the Institute as a Judicial Body and to Provide For Matters Related Thereto 2009. It was read for the First Time on Wednesday, 22nd July, 2009.

Hon. Lanre Agoro is invited to move that the Bill be read the Second Time.

Hon. Lanre Adeniran Agoro (Irepo/Orelope/Olorunsogo): Mr. Speaker, I humbly rise

0859

0860

to move that a Bill for an Act to Amend the National Judicial Institute Act, Cap. N.55 LFN 2004, to reduce the Membership of the Governing Board of the Institute to an Effective Size, to Specify the New Qualification for Appointment of the Administrator of the Institute to Reflect the Present Way of Funding the Institute as a Judicial Body, and to Provide for Matters Related Thereto 2009 be read the Second Time.

Hon. Mohammed Sani Abdu (Alkalari/Kirfi): I do second the Motion.

Question proposed.

Hon. Lanre Adeniran Agoro: This Bill arises from the fact that if you take a critical look at our statutes books containing our laws, particularly Laws of the Federation of Nigeria; those green books before Mr. Speaker, you will find out that some of the provisions do not align with constitutional provisions.

The Constitution is the grundnorm of our democratic governance that we are engaged in. It is in the light of this that I want to make specific reference to hon. Members, then and now and those who will take it upon themselves, to also look at these statutes books and come up with Amendment. That is why the National Judicial Institute Act must be looked into.

When you look at NJI Act, it was made during the military era and one of those several provisions that contradict the constitutional provisions is Section 10(1) of the Act. I crave the indulgence of Mr. Speaker to just read that particular provision. It states as follows:

The Board shall cause to be prepared not later than 31st of October in each year an estimate of the Income and Expenditure of the Institute for the next succeeding year and when prepared, the estimates shall be submitted to the President for his consideration and approval.

If you look at this particular provision, it has hindered the powers of the Legislature as if we do not have the powers. What are those powers?

The first power I want to refer to is Section 80(2)(3) and (4). Section 80(2) says: *No money shall be withdrawn without appropriation by the National Assembly.*

The last one, that is, Sub Section (4) which I must make reference says:

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.

This particular provision also violates Section 162(9) of the Constitution where it is stated that

any amount standing to the credit of Judiciary in the Federation Account shall be paid directly to the National Judicial Council for disbursement to the heads of Courts established for the Federation and the States under Section 6 of this Constitution.

What this means is that this particular Section 10(1) has taken away completely our powers as a Legislature to legislate on the way and manner funds are spent.

The other issue is the size of the Board of the NJI. NJI as I am talking to you today has a 50-Member Board; I do not want to go into the composition. It involves all the CJs, that is, the Chief Judges of all the States of the Federation including the Federal Capital Territory. You have the CJN, Attorney General and so on and so forth. In these days where Government is now being reduced in size, NJI is under NJC and NJC, going by Section 153 of the Constitution only has 23 members. There is another body that is having only seven members but NJI has 50 members on its Board.

I believe that there is need for us to reduce the size. This is because we want to reduce the size of the Government. Secondly, all the Board members must move to Abuja and they must all take estates.

Let me use this statement to qualify this. When Russia was part of Soviet Union, they asked Lenin why the revolutionaries are so few. He said; the fewer, the better. Again, they asked him; why are they still few? He said; the fewer still, the better still. My proposal is that the number be reduced from 50 to 19. What we have done is to take the States CJs in what we have come to know as Six-Geo Political Zones in succession and the Board Chairman, who is the Chief Justice of Nigeria, has the powers to do it.

The next issue is that this House has the power to make laws and it indeed made the National Industrial Court Act, 2006, which has become an Act of the National Assembly. By this, the National Assembly made the National Industrial Court a Superior Court of Record. By my own proposition and what is in the extant Act, all the Heads of Courts of Record are Members of this particular Board. I have also decided to include the headship of National Industrial Court as a member while reducing it and that brings it to 19. If the House agrees with me or the

0861

0862

National Assembly agrees totally, the membership of the Board will be reduced from 50 to 19.

You will also recall the Inconsistency Law, that is, Section 1(3) of the Constitution which provides that

if any other law is inconsistent with the provisions of this Constitution, this Constitution shall prevail and that other law shall to the extent of the inconsistency be void.

The Chairman, Committee on Judiciary is here; the NJI has been submitting their Budget to NJC. They are just working within but the law has not made them to do so.

Lastly, the law goes to say that quorum will be formed by the Chairman and ten other members. What this literally means is that without the Chairman, no quorum is formed. Invariably by my own interpretation, if other 49 members are present and the Chairman is not present, it invariably means there is no quorum.

I can hear some of my Colleagues saying no. When you go to the Explanatory Note, it now says if the Chairman is not present they can appoint one member to preside over that meeting. What I am referring to here is inelegance in Drafting. If there is clarity of purpose when you are drafting legislation, then there must be elegance. So this is not elegant enough.

On this note, the rule for amendment is not in anyway exhaustive. I have called on Members to look into this and other areas of amendment and do support this Bill to be read the Second Time.

The Speaker: I will now put the question on the Second Reading of the Bill.

Question put and agreed to.

Bill Read the Second Time and referred to the Committee on Judiciary.

ANNOUNCEMENT

Katsina State Caucus Meeting

The Speaker: Hon. Colleagues, this is to inform you that the Katsina State Caucus will meet inside the Chamber immediately after sitting.

ADJOURNMENT

Hon. Tunde Akogun: Mr. Speaker, I move that this House do adjourn till tomorrow, Thursday, 15th October 2009 at 10.00 a.m.

Hon. Emeka Nkem Ihedioha (Aboh Mbaise/Ngor Okpala): Mr. Speaker, I do second the Motion that the House do adjourn till tomorrow, Thursday, 15th October, 2009 at 10.00 a.m.

Question put and agreed to.

Resolved: That the House do stand adjourned till tomorrow, Thursday, 15th October 2009 at 10.00 a.m.

The House adjourned accordingly at 5.03 p.m.