

0317

HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA

Tuesday, 14th July 2009

The House met at 11.00 a.m.

PRAYERS

(The Speaker in the Chair)

VOTES AND PROCEEDINGS

The Speaker: Hon. Colleagues, the House is called to order. I have examined and approved the Votes and Proceedings of Thursday, 9th July 2009.

OATHS

**OATH OF ALLEGIANCE
AND
OATH OF MEMBERSHIP**

The Speaker: My Dear Colleagues, any Member-elect who wishes to be sworn-in by taking his Oath may, please, come forward.

Thereupon, the following Member-Elect took and subscribed to the Oaths or made and subscribed the Affirmation required by law:

Vitalis Chukwuma Okafor, Member-elect (Ihiala Federal Constituency)

MESSAGE FROM THE PRESIDENT

**Public Service Institute of Nigeria
(Establishment) Bill, 2009**

The Speaker: Hon. Colleagues, I have before me a Message from the President of the Federal Republic of Nigeria. It reads:

6th July, 2009

*The Hon. Speaker,
House of Representatives,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear brother,

0318

**A Bill for an Act to Establish the Public Service
Institute of Nigeria for Enactment**

I hereby introduce for formal consideration and passage into law by the House of Representatives a Bill for an Act to Establish the Public Service Institute of Nigeria and for Matters Connected therewith.

While I hope that the Bill will receive the usual prompt attention of the Hon. Members of the House of Representatives, please accept, Mr. Speaker, the assurances of my highest consideration.

Yours sincerely,

(Signed)
UMARU MUSA YAR'ADUA

ANNOUNCEMENTS

Passing Away of Mrs. Veronica Ugwuanyi

The Speaker: This is from Hon. Ifeanyi Ugwuanyi. It reads: *With profound respect, I wish to announce the passing to glory of my mother, Mrs. Veronica Ugwuanyi, after a protracted illness.*

Mama was a devoted catholic, a caring mother, Family Matriarch, consummate Public Servant and in particular her spiritual inspiration. She would, therefore, leave a large vacuum in our lives.

Funeral arrangements in line with Christian injunction have been scheduled for Friday, 24th July 2009 at St. Patrick Catholic Church, Ohom Orba, Udenu Local Government Area of Enugu State by 11.00 a.m. prompt. She will be interred thereafter at the Family Compound.

My dear Colleagues, you are by this notified with the Schedule and accordingly invited to the funeral ceremonies.

I count on your prayers and support.

(Signed)
Hon. Ifeanyi Ugwuanyi

(A minute in silence was observed in honour of the deceased)

**Invitation from the Committee on
Women in Parliament**

The Speaker: This is from the Committee on Women in Parliament. It is signed by the Chairman, Hon. Nkiruka Onyejeocha.

0319

0320

The House Committee on Women in Parliament is inviting the entire Members of the House of Representatives to its First Annual National Summit scheduled to hold at the Transcorp Hilton on Wednesday, 15th July 2009 at 9.00 a.m.

All Members are invited to the First National Summit of Women in Parliament.

(Signed)
Hon. Nkiruka Onyejeocha.

Meeting of the South East Caucus

There will be a meeting of the South-East Caucus today in Committee Room 4.15 immediately after the sitting.

Please be punctual.

(Signed)
Chief Whip

PRESENTATION OF PUBLIC PETITIONS

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

Wrongful dismissal by the Nigeria Police Force

Hon. Austin Nwachukwu (Ehime Mbano/Ihite Uboma/Obowo): Mr. Speaker, I have a Petition from one of my Constituents, Mr. Uchenna Anyanwu. If you will allow me, I will just read one line out of his Petition and the Prayers so that I can just submit it.

He said: *I was enlisted into the Nigeria Police Force in 1974 and was wrongfully dismissed from the Nigeria Police Force because I resisted the forceful takeover of my legal wife by my then boss.*

The Speaker: Hold on please. Is this a joke?

Hon. Austin Nwachukwu: Mr. Speaker, it is a petition, please.

The Speaker: Can I examine this Petition before you continue.

(The Hon. Speaker examined the Petition)

Hon. Austin Nwachukwu: Mr. Speaker, as I said earlier, I want to be very exact on what my Constituent wrote here so that it will not look as if I am trying to add my own words. He said *I got enlisted into the Nigeria Police Force in 1974 and I was wrongfully*

dismissed from the Nigeria Police Force because I resisted the forceful takeover of my legal wife by my boss.

My boss then did not like my guts to have stood up to my right, possessed what legitimately belongs to me and hurriedly set up a kangaroo trial to dismiss me from the Nigeria Police force without fair hearing.

His prayer is that *notwithstanding the humiliation as a Christian, I bear no grudge against my former boss or the Nigeria Police Force but for what happened to me. My only request is that this obviously wrongful dismissal be annulled and changed to retirement with full benefits. It is in the interest of moral equity, justice and fairness to treat it accordingly as I have asked.*

I do not know whether he still wants his wife, but he said he wants to be reinstated.

If you will allow me, I would want to present this Petition on the Table.

The Speaker: Go ahead. Chairman, Committee on Public Petitions, there should be no Public Hearing on that Petition, please.

Petition laid.

The Speaker: The Petition is referred to the Committee on Public Petitions.

(Petition accordingly referred to the Committee on Public Petitions)

PRESENTATION OF REPORTS

Report of the Committee on Labour, Employment and Productivity on the Labour Act, 1999 (Repeal) Bill 2009

The Speaker: Hon. Members, the first Business of the Day is Presentation of the Report of the Committee on Labour, Employment and Productivity on a Bill for an Act to Repeal the Labour Act, 1999 and make Comprehensive Provisions on Minimum Labour Standards for Nigeria and for Matters Connected Therewith, 2009 standing in the name of Hon. Ado Audu Dogo.

This Report was referred to the Committee on Tuesday, 9th September 2008. The Report is ready. Hon. Dogo is invited to present the Report.

Hon. Ado Dogo Audu (Jama'a/Sanga): Mr. Speaker, I move that this House do receive the Report

0321

of the Committee on Labour, Employment and Productivity on a Bill for an Act to Repeal the Labour Act, 1999 and make Comprehensive Provisions on Minimum Labour Standards for Nigeria and for Matters Connected Therewith, 2009.

Hon. Adamu A. Gurai (Shira/Giade): Mr. Speaker, I do second the Motion.

Question put and agreed to.

Report laid on the Table.

**Report of the Joint Committees on Labour,
Employment and Productivity and Justice on the
Establishment of the Occupational Safety and
Health Commission of Nigeria**

The Speaker: The second Business of the Day is Presentation of the Report of the Joint Committee on Labour and Productivity and Justice on a Bill for an Act to provide for the Establishment of the Occupational Safety and Health Commission of Nigeria to Promote and Secure the Safety and Health of all Workers and other Persons from Risks arising out of Work Activities in the Workplace and for Other Matters Connected Therewith, 2008 standing in the name of Hon. Ado Dogo Audu.

This Report was referred to his Committee on 14th October 2008. The Report is ready. Hon. Ado Dogo Audu is invited to present the Report.

Hon. Ado Dogo Audu: Mr. Speaker, the second Report is ready but the Bill was referred to the Committee on Labour and Justice but the Chairman, Committee on Justice has not signed his copy of the Bill.

The Speaker: Chairman, Committee on Justice, please. *(No response)* Is his Deputy here?

Hon. Patrick A. Ikhariale (Esan Central/Esan West/Igueben): Yes, Mr. Speaker, I am here.

The Speaker: Is there any comment on the situation report on this particular Report?

Hon. Patrick A. Ikhariale: I have no comment.

The Speaker: Are you aware of this Report?

Hon. Patrick A. Ikhariale: I am not fully abreast.

The Speaker: When are you going to?

0322

Hon. Patrick A. Ikhariale: During the Public Hearing.

The Speaker: Can you, please, brief me immediately afterwards and let us sort this out?

Hon. Patrick A. Ikhariale: I will, Sir, but it is not the problem.

Hon. Solomon Agidani (Apa/Agatu): Mr. Speaker, as the former Chairman of the Committee on Labour the Act being repealed and re-enacted by this Report is the Labour Act of 1999. There is a Trade Union (Amendment) Act of 2004.

I have just requested the Clerk to, please, find out and reconcile the position of these two laws.

The Speaker: We shall do that but I hope you have taken note?

Hon. Solomon Agidani: Thank you, Mr. Speaker.

The Speaker: The Deputy Speaker, please?

(The Deputy Speaker in the Chair)

CONSIDERATION OF BILLS

**Political Parties Registration and Regulatory
Commission (Establishment) Bill, 2009**

A Bill for an Act to Establish the Political Parties Registration and Regulatory Commission and for Other Matters Connected Thereto, 2009 (HB. 237) –

Order for Second Reading.

The Deputy Speaker: Hon. Colleagues, we are not going to take the first Order of the Day today; that is a Bill for an Act to Establish the Political Parties Registration and Regulatory Commission and for Other Matters Connected Thereto, 2009. We are not taking that Bill for today.

**Police Act, 1967 Cap. P19 2004 LFN
(Amendment) Bill, 2009**

A Bill for an Act to Amend the Police Act 1967 Cap. P19 2004 LFN and for Matters Connected Therewith, 2009 (HB. 234) –

Order for Second Reading.

The Deputy Speaker: The Second Order of the Day is the commencement of debate on the general

0323

0324

principles of a Bill for an Act to Amend the Police Act, 1967 Cap. P19 2004 LFN and for Matters Connected Therewith, 2009. The Bill was read the First Time on Wednesday, 13th May, 2009.

I now invite Hon. Tunde Akogun to move that the Bill be read the Second Time.

Hon. Tunde Akogun (Akoko Edo): Mr. Speaker, I rise to move the Second Order of the Day that a Bill for an Act to Amend the Police Act, 1967 Cap. P19 2004 LFN and for Matters Connected Therewith, 2009 be now read the Second Time.

Hon. Sokonte H. Davies: I rise to second the Motion moved by the Leader.

Question proposed.

Hon. Tunde Akogun: This Bill seeks to further amend the Police Act by providing for duties of the Police on Election Day. Experience has shown under the existing level framework that due to the specific nature of the duties of the Police on Election Day, the Police are hamstrung in effectively providing an atmosphere for a free and fair election.

The Bill, therefore, seeks to provide additional responsibilities on the Police while on election duty. The Bill provides for security of lives and property during Campaign and Voting. This ensures the safety of Electoral Officers, candidates and of course electoral materials.

This Bill would be better appreciated in view of a complementary Bill on the Electoral Offences Commission which is sought to be created to investigate and prosecute Electoral Offences set out in Part 8 of the Electoral Act, 2006.

With such specific duties to the Police, electoral standard would easily be enforced and breaches effectively punished.

I therefore urge my fellow distinguished Colleagues to support this Bill for Second Reading.

Hon. Ali Mohammed Ndume (Damboa/Gwoza/Chibok): Mr. Speaker, I am in support of this Bill which principally is being enacted or amended to emphasise the role of security agencies during and after elections. However, what is left out in the draft of the Bill would be included during the consideration of the Bill at the Third Reading level.

This Bill must emphasise that the Police, in the discharge of its responsibilities as enumerated in the Bill, should stand impartial in the role it plays during, after or on the day of election. The major problem that we normally have with security institutions or agencies during the election is that the government in power uses the Police, the Army and whatever to achieve or

perpetrate their interest. It is, therefore, very important for this Bill to stating clearly and even making it punishable if in any way the other political parties or individuals that are interested in the election can prove beyond reasonable doubt that any security agent has been partial before, during or after the election and that punishment should be spelt out clearly in the Bill.

Hon. Sani Sale Minjibir (Minjibir/Ungogo): I rise to support the intendment of this very noble Bill with the simple addition which will further seek to buttress the point raised by my Leader that we should include in this Bill the need to insist that the Police and other security agencies remain unbiased in the discharge of their duties.

We have read of so many reports of instances where Policemen were allegedly involved in massive thumb printing and stealing of ballot boxes to places that were not clearly designated as polling areas.

We have had instances where security agencies were used to make sure that the will of the people was seen not to prevail. We must therefore insist that the security agencies and the Police remain as unbiased as is humanly possible.

Hon. Austin Nwachukwu: I wholeheartedly support the Amendment of this Police Act, 1967 with one or two reasons. The role of the Police Force in our lives cannot be over-emphasised. We are all aware that policing is in consonance with everyday life. We say that the fear of God is the beginning of wisdom but to the citizens, the fear of the Police Force is the beginning of good behaviour.

I am saying this with all sense of purpose that we amend this Act and bring in items that could help improve the society so that orderliness and good play could be the order of the day. Why I am saying this is because when you amend the Act, fresh ideas and fresh information that are in tandem with best policies and practices across the globe would have been put in for us to have a very efficient Police Force in the country.

The Police Force under the present leadership of Mr. Okiro are doing their best but with proper and

0325

0326

better laws put in place for them to work I am sure they could do better.

I want to lend my voice to say I am in total support of this Bill being amended.

Hon. Sokonte Davies (Degema/Bonny): Mr. Speaker, I wholesomely support this Amendment because it is going to move the Police Force from mere or passive participants in the electoral process to active participants as far as it concerns the security of life and property.

Some of the problems we are having in this country that have cast a pall on the credibility of elections is that the Police does not have the capacity to actively monitor and bring to book those who contravene the electoral processes right from campaigns down to the declaration of results.

Therefore, with this amendment so sought, it will empower the Police Force to be alive to its responsibilities and to be proactive in forestalling likely events that will scuttle or diminish the credibility of elections in this country.

Therefore, I urge all my Colleagues to give this Amendment their wholesome support.

Hon. Mohammed Ali Wudil (Wudil/Garko): This is a very good Bill because it seeks to protect the lives and property of the citizenry before, during and after elections because there are so many allegations attached to our security personnel particularly during and after elections. This Bill will make the difference; maybe it will change the attitude of our Police.

Therefore, I urge all my Colleagues to rally round this Bill in good time to pass it to make our election as free as ever.

Hon. Patrick Obahiagbon (Oredo): Of course, anything that would enhance the powers of the Police not just for purposes of seasonal elections but that will enhance their duties *de die in diem*, that is, from day to day is, of course, something that meets my support and something that should meet the support of any responsible Nigerian.

I just want to think aloud. Beyond the Amendment, what happens next? Will the Police have the requisite, moral courage and fibre to discharge their Constitutional duties functions without fear or favour; let or hindrance and ensure that justice is done even though the heavens fall? The quiddity of the matter is the moral courage of the Police to discharge their responsibilities.

Secondly, those who use the coercive apparatus of the State for their Machiavellian; *mercito-falian* and *forcian*, *gambadostic* intentions by the sheer Amendment of this Act, will they stop to deploy the coercive apparatus of State to manipulate the Police Force? These are the big questions. If they so do, will the Police be as refractory as a mule to say, like the Roman Gladiators who were about to die; *in the service of our fatherland, we salute thee*. We do not have the courage to do that.

Thirdly and finally, another big sociological question is that those who sit in the apogee of power; in the Police echelons who are given pecuniary to disburse down the rank and file of the Police Force to enable them to resist manipulations by the Political Class, will they disburse the money to the rank and file? These sociological questions should be examined and juxtaposed with this Amendment. Otherwise, the Amendment standing by itself is like the hanging Garden of Babylon.

Hon. John Halims O. Agoda (Ethiopia East/Ethiopia West): Mr. Speaker, under the general principles of a Bill, the discussion can revolve both on the merits and the demerits of the Bill.

Listening carefully to the flow of reason so far from my Colleagues and particularly from the Sponsor of this Bill, I do not see what we are discussing today as a necessary reform in the Police as an institution.

First and foremost, the Police institution and the personnel are part of Oath taking in this country whereby the Police takes Oath and tells its citizen that his personal interest will not override the public good and goods. There are existing Acts including the Nation's Constitution, the Penal Code and the Criminal Code that have given general powers to the Police whereby the Police is enjoined to give general protection; whether to a candidate in an election, an Electoral Officer or an ordinary citizen of Nigeria.

The Constitution and other existing Acts have given these very powers to the Police. Therefore, I refuse to accept what has been presented before us today as a Reform Act. What is necessary as a nation is to see how the Police Force should be adequately funded; it is to see how the Police personnel should be trained and retrained. It is not necessarily coming to us with a piece of paper under the guise that this is a part of a reformist agenda by giving the Police additional force to protect candidates and electoral officers; I refuse to accept. It is not reform in itself because there are existing laws that have given the Police the general powers to provide security to everybody and so we should be serious as a government and as a society to

0327

0328

fund, train and retrain the Police for professional conduct.

Hon. Yakubu Umaru Barde (Kajuru/Chukun): Mr. Speaker, I want to lend my voice to what my Colleague, Hon. Halims Agoda, has just said. I have gone through this Bill and the question I asked myself was, if the Police have other laws that had been enacted that protect them and mandate them to do their duties, maybe what we are going to do here is just trying to put things in theory but practically, we must ask ourselves question. Who gives the Police money for election monitoring? This is a fundamental question. We want the Police to be unbiased in making sure that everybody has a level playing ground and then somebody is there who funds the Police to go for election monitoring. Again, how can they be impartial?

If we look at our Police Force today, if you post them to various Polling Units, usually politicians are approached for logistics and feeding; maybe because the money given to them was not enough. Therefore, we should not just look at it in the sense of trying to do a reform that we will not even achieve anything at the end of the day but rather let us look at how we can make the Police independent; independent in the sense that their funding is not done by any governor or government official who is in power at that time.

If we really have to reform the Police, this Amendment should go beyond what is just written now.

Hon. Kayode Idowu (Boripe/Odo Otin/Ifelodun): Mr. Speaker, personally, the Amendment is very good. Why do I consider it very good? Anything relating to law has to be clearly written and, therefore, it should be clearly expedient and followed.

When you look at the Police, you will find out that there is no clear definition of their functions as regards electioneering activities during election time. When you look at this Amendment, you will find out that we are trying to define functions of Security outfits during elections. The only thing is that I want this Amendment to be more detailed than the one that we are considering.

Equally, it is important that by the time it is committed to the Committee they will expatiate on it. We should not overlook the fact that the number of Officers and men of our Police Force is far from being sufficient. On a more serious note, the strength of the Police Force should be between two and five million people.

On that note, one will now look at it as effectively providing security throughout the period of elections.

In summary, the number of Police Force should be increased. The funding, training and everything has to be looked into by the time you are considering this particular Act.

What I am saying in essence is that the intendment of this particular Amendment is very good and acceptable. I encourage my Colleagues to support this Amendment so that it will sail through the Second Reading after which other details can be inserted into it and eventually every other security apparatus should definitely have clearly defined functions during elections.

Hon. Garba Abdullahi Bagudo (Bagudo/Suru): Mr. Speaker, this Amendment is not only timely but also necessary. To me, if this Amendment is effected in the law it will go a long way in restoring the lost glory and image of Nigeria. Not only that, it will go a long way in making the world now think otherwise about Nigeria. Nigeria has been accused of malpractices during elections. Let us try to see that we reform. If the use of Police can make elections free and fair in Nigeria, everybody in this Chamber should, please, support this Amendment.

Let me just give one example. Only last week President Obama chose to go to Ghana because according to people's views Ghana is the first country among the countries in Africa that has adhered strictly to the rule of law and that Ghana ran its elections free and fair. I am not sure but this is the majority opinion. If that is the case, Nigeria has a duty, as the giant of Africa, to show example to all other African countries by conducting free and fair elections.

I therefore call on all other Colleagues to, please, support this Amendment so that we can restore our lost glory.

Hon. Olufemi Gbajabiamila (Surulere I): I believe this Bill is very redundant and superfluous if I have ever seen one such Bill in my life. All this Bill is talking about is calling on the Police to do their work as already provided for in the Constitution. Section 215 of the Constitution is very clear and explicit that the Police shall be responsible for the security of lives and property.

To say we want to pass a Bill during elections; do we then pass another Bill during census activities? Do we then pass another Bill during National Festivals for the Police to do their job? This is a complete waste of Parliamentary time.

What I am saying is what the Supreme Court has said that where there is already provision in the

0329

0330

Constitution it becomes redundant, a waste of time and superfluous for us to repeat that in a law.

If at all we are trying to reform the Police and we have to do that by way of a Bill, then I will encourage the authors of this Bill to bring another Bill but this time stating clearly what the Police should not do during elections, not what the Police should do during election because that is already provided for. That will be more effective as a reform for purposes of our elections.

In order that we do not waste our time and move on to a more serious and positive thing, I would urge my Colleagues to throw this Bill away and let them bring it back in another form.

Hon. Andrew Uchendu (Ikwerre/Emohua): I want to join a few of my Colleagues that have spoken against this very Bill. No matter the contents and the effect that the Bill will have, we must put it within proper framework. A situation where we just pick one provision from a whole Act and start amending makes nonsense of Parliamentary Procedure. The holistic knowledge and the total package of what the Act is intended to achieve would be lost. We should cease from accepting and amending a one item provision; let us look at these things holistically.

Secondly, if you understand fully the contributions so far made, you will see that contribution of Members is on the Electoral Law and Procedure. Why are we discussing this very issue under the Amendment of the Police Act? Why do we not put it in the incoming reform of the Electoral Law? We will at that point understand what they are talking about.

Let us hesitate in passing this Bill; let us keep it in view. When the new Electoral Reform Bill comes in we will properly inject into that law what the Police should do and what they should not do; that is the only way we can understand what we want to achieve.

Why I am saying this is that it is this same Parliament that received the 2006 Electoral Bill; reviewed it properly and injected into it what has deepened democracy today in Nigeria. Considering what the Court of Appeal and the Supreme Court had passed we have enough that we will now put into the new Electoral law, not this type of one line Amendment.

Hon. C. I. D. Maduabum (Nnewi North South/Ekwusigo): I would support that the Bill should sail through Second Reading and be referred to the appropriate Committee. In doing that, there are so

many issues that we need to take into consideration.

There have been so many proposed Amendments to the Police Act that is pending before the Police Committee of this House. This is one of such amendments. Therefore, if it is sent to that Committee they should consider all the Amendments before coming up with a Report.

The truth is that Section 4 of the Police Act is very comprehensive. It covers the Police power in conducting elections. Section 4 of the Act is almost an omnibus provision that gives the Police power to protect lives and property. It gives Police power to execute and to enforce all laws passed by the National Assembly.

It is very dangerous to be picking various issues for the purpose of amending them because if another issue comes out, you will go and amend whereas all you need is an omnibus power which already exists in the Police Act.

However, I would strongly recommend that we allow this matter to go to Second Reading and be referred to the Committee on Police Affairs so that they will take all the Amendments of the Police Act together. That is just an opinion I have.

Hon. Leonard Okuweh Ogor (Isoko North/Isoko South): Mr. Speaker, we all know and agree that yes; the Police has been given specific functions as clearly stipulated in the Police Act but I think this Bill is going a step further by going to specifics and in respect of specifics, it goes further to even reinforce some specific provisions of the Constitution and in the whole process guaranteeing that freedom of opinion. It is also making it lawful that yes, it is your right as a citizen to vote and be voted for and in the process of you campaigning for election, it is your right that the Police must provide you with maximum security. That is not what is on ground today. What this Bill is trying to do here is to make sure that the Police authorities give voting materials that specific security.

I believe that the essence of this Bill is to address the problems that we have had as they bother on our political lineage. The experience we all know is not a very rosy one. Today, as a people and a nation, we have seen the whole situation and we are now saying that yes, assign specific functions to the Police authority to make sure that they stay at the Polling Booth to have an eye on what is going on.

We must appreciate the fact that we are giving the Police authority a specific function and it will not be in

0331

the interest and tenet of our dreams of 2011 if anything goes contrary to this function

I would, therefore, appeal to my Colleagues that whatever we can do as a Parliament to contribute in making sure that we have a very transparent election should be done. If we disagree with such provisions, it is our responsibility to add to that Bill because Section 4 of the 1999 Constitution has given us powers to make good laws for the good governance of our country. Therefore, I urge hon. Colleagues to, please, allow this Bill to go through the Second Reading after which we can go in there and add more contributions in making sure that our election is guaranteed at the end of the day.

Hon. Abdullahi Umar Faruk (B/Kebbi/Kalgo/Bunza): Mr. Speaker, I concur with those who believe this Bill should go through the Second Reading. The simple reason is that we all know that we have problems in the way and manner our Police Force is discharging its duty on electoral matters, among other duties. This Bill is giving us the opportunity to amend it in such a way that we can refocus the duties of the Police towards working for the citizenry, not for the Government of the day. For this very simple reason, I believe we should allow it to go for the Second Reading.

At the end of every election, we often complain that Policemen have been used to intimidate other voters or other candidates. If this is a reality, then we have to look at what the problem is. I tell you that the simple problem as a partaker in this political dispensation is that the attitude and perception of the ordinary Policeman is that he is working for the regime, not for the people. If it is our current laws that actually gave that notion to the Police to think they are working for the regime and not for the people, then we have to amend it. Therefore, reform is about correcting whatever lapses there are in the existing Act. I believe we should allow it to go for the Second Reading.

It is not exactly what is provided now that we must abide by; we are to amend as is necessary. I believe we want to make the Police Force proactive not only on electoral issues but on general duties of the Police.

The Police is an indispensable security agency in the country because in all aspects of our lives; the administration of justice and the protection of lives and properties, the Police is there. Besides, the contemporary issue regarding community policing is not in our law currently so we need to incorporate it so that we know that we are changing the orientation of the Police; the personnel even from their training that they are working for Nigeria. Our Constitution says the

0332

government of the people, for the people, by the people.

All of us including the Police do not consider that. I think we should start thinking that this country is for all Nigerians not for the government of the day.

Hon. Stanley O. Ohajuruka (Umuahia North/South Ikwunano): I want to draw the attention of this House to the constitutional responsibilities of the Nigeria Police Force. You will all agree with me that the Nigeria Police Force is vested with one function and that is enforcement. Of all the laws enacted by this Parliament, enforcement is the most important. The Police is not given any other responsibility other than to aggregate all of the laws enacted by this Parliament and enforce them. Now, Election issues are apart of those issues that require Police enforcement. I have never seen any nation in the world, except for this exercise that we are about to undertake, whereby you have to enact another set of special laws for the Police to enforce; it sounds very amazing.

This is also akin to enact a special law asking the Police to now behave in a certain way, say in the operations of the EFCC. It is the Police that the EFCC uses to enforce arrest; it is the Police that the ICPC uses to enforce arrest; it is the Police that Federal Inland Revenue Services uses to enforce whatever they are doing. How can we now enact a special Act for the Police outside what is already provided?

Hon. Colleagues, it is not as if the Nigeria Police and their activities are the problem; they are not. We will run into a situation where we will even create more problems for ourselves. If we now enact this law, the Police will now see themselves as superior to even the Electoral body whereby they will now see this added responsibility as such.

Today, the law made by us says that no Nigerian should be detained for more than twenty hours. People are detained for one week and in some cases two weeks. If you give them this responsibility this same Election materials may not even be given to some Constituencies; they will withhold it and if you go there they will tell you this is a law you have passed. Please, let us not allow ourselves to run into militarization; I consider it as militarization of our electioneering system. We will run into another deep problem other than the one we already have.

Hon. Emmanuel Jime (Makurdi/Guma): Mr. Speaker, I most humbly would like to add my voice to those who have supported the passage of this instrument at the Second Reading. Let me start very quickly by addressing what I believe are a few misconceptions in

0333

0334

my view of what this Amendment Bill is expected to do.

First, I agree completely that we have much legislation in place that can enforce electoral credibility. However, it goes without saying that perhaps the greatest problem in our time and the greatest problem of this Parliament particularly is that electoral reform is key and that we have decided as an article of faith in this green Chamber that we would pursue electoral reform vigorously.

Police reform is also consistent in many ways with electoral reform. There is indeed no way that we can expect to have electoral reform without reforming the Police and indeed the way that policing have been brought to bear on our electoral processes thus far.

Yes, I agree that there are laws and that the problem we have as at today is the inability of the Police to carry out their functions. However, the most important element of this legislation or this piece of Amendment Bill is that this Bill does not contravene the Constitution. It appears that is the argument some of our Colleagues proffer. What it does, in my view, is that it adds value to the Constitutional provisions that are already in existence. Moreover, as a Parliament, all we are enjoined is to pass laws that do not contravene the Constitution. To the extent that this particular Bill does not contravene the Constitution so far, there is no harm in this Parliament passing this Bill as an Amendment to the existing Police Act.

I argue further that what is immediate before us in

this Parliament, as I said, is electoral reform and effective policing is key to that. I do not understand why we seem to argue on this Floor that the only way that we can bring electoral reform is by ensuring that only the Electoral Act is brought to the Floor of this House and reformed.

The Police Act and the functions of the Police, as far as elections are concerned, is part of the electoral reform. So, I do not subscribe to the view that we have to wait until the Electoral Act is brought to this Floor for Amendment before we proffer to Nigerians the fact that we are ready to amend the electoral system.

By initiating the Amendment of the Police Act, we have already started sending the right signal that we are prepared for electoral reform, which is key. This is the message that we should be sending forward as a Parliament.

Therefore, I believe and concur with the suggestions that have been made earlier that we can

take this Bill to the Second Reading. When we get to the Second Reading, we are allowed during that stage to bring on board some of the other issues that we are raising here one of which is the matter that borders on financing and independence of the Police. These are matters that we can as a Parliament take when we look at this Bill at the Second Reading.

Therefore, I urge my Colleagues that we can take this matter at the Second Reading and those other issues will follow naturally.

Hon. Olufemi Gbajabiamila (Surulere I): Point of Order!

The Deputy Speaker: Go ahead, please.

Hon. Olufemi Gbajabiamila: My Point of Order is Section 215(3) of the Constitution. I am bringing that based on the comments from my Colleague who spoke last. It says:

The President or such other Minister of the Government of the Federation as he may authorise in that behalf may give to the Inspector-General of Police such lawful directions with respect to the maintenance and securing of public safety and public order as he may consider necessary and the Inspector-General of Police shall comply with those directions or cause them to be complied with.

My Colleague has said that the provision of this Act do not contravene or contradict the Constitution. I agree absolutely but that is not my contention. Our contention is the Supreme Court. (*Interruptions*)

The Deputy Speaker: Hon. Femi Gbajabiamila, he was not answering what you have raised. He was only making his contribution.

Hon. Olufemi Gbajabiamila: Can you hear me out, please?

The Deputy Speaker: I cannot hear you out. Somebody brought a note here regarding some Constitutional Orders that you raised and I said it was out of Order because you have the right to speak. I neither read it nor allowed him to speak.

Somebody should be allowed to contribute on a Bill. It is a general principle and he can contribute.

Hon. Olufemi Gbajabiamila: I am only trying to enrich the debate in this House.

0335

0336

The Deputy Speaker: No, you want to contribute again.

Hon. Olufemi Gbajabiamila: Let me just say that there is a Supreme Court ruling on the matter. My advice is that we step this Bill down so that I can provide that ruling tomorrow.

The Deputy Speaker: Thank you. You are ruled out of Order.

Hon. James Idachaba (Idah/Ibaji/Igalamela/Ofu): Mr. Speaker, I am trying to buttress and align myself with the points raised by Hon. Jime with reference to the provision of the Constitution especially Section 214 (2)(a) and (b). I read thus:

(2) Subject to the provisions of this Constitution –

(a) The Nigeria Police Force shall be organised and administered in accordance with such provisions as may be prescribed by an Act of the National Assembly;

(b) the Members of the Nigeria Police Force shall have such powers and duties as may be conferred upon them by law;

Who made the law? It is the Parliament and that is the National Assembly. Therefore, what has been put forward before us today is to amend the Police Act, which was equally passed by this Parliament to ensure that the Nigeria electoral system is cleansed up. We have to understand the fact that we are still in a nascent democracy and if we want to sustain our democracy, we should be able to make amends from time to time to ensure that we meet up with international standards.

We are saying that we want the Police Force in addition to their constitutional duties to take part actively in securing electoral materials and electoral officers during election periods. They have been doing this job; unfortunately, they have not been doing it satisfactorily.

I can quote instances or situations in my area during elections. In certain Polling Units, you cannot even see a single law enforcement agent, not even a Civil Defence Corp or Warder, not to mention the Police.

Therefore, I am quite in support of this Amendment to the Act. I am suggesting as an additional Amendment that we should ensure that enough funds are provided for the Police Force to

ensure that they are trained and re-trained to know the nitty-gritty of what they are expected to do during election periods.

Hon. Ifaluyi Isibor (Egor/Ikpoba/Okha): I am joining my Colleagues to ask that the Bill should pass the Second Reading for so many reasons one of which is that a more detailed work would be done on it at the Committee level. I agree here that no number of Amendment or Bills will be too much for the Police Force of the Federal Republic of Nigeria.

We have seen Police in so many dimensions; positively or negatively but we want it to be skewed towards the positive side of what we all expect our Police should look like. If there is any Motion, Bill or any Amendment in this Floor that is geared towards making Police a better Police Force, I think all Members should support it. If we spend one year to deliberate specifically on the Police, I think we would come out better and Nigerians would come out better.

Police has come to a level that we have lost confidence in them. Some we have confidence in them but what we are saying is that any Act of this type that has come forth. Even the mode of dressing of the Policemen is not encouraging. When you look at them vis-à-vis their American counterpart you would like to appreciate and embrace the Policeman who is from America but a Nigerian Policeman on black and black, first of all, is very repulsive. These are areas we have to examine at the Committee level to ensure that we give the better outlook that is enticing, better pay packet, better environment.

Many Policemen transferred from one State to another; you will be surprised to learn that they are still sleeping at the veranda of this Police Headquarters and you are asking to get the best out of them; it is not fair. Therefore, we should support any Amendment here on this Floor. Therefore, I urge my hon. Colleagues to allow this Bill sail through Second Reading so that we can do a better job to it.

Hon. Ekperikpe Ekpo (Abak/Etim Ekpo/Ika): Mr. Speaker, I rise to support this Bill to pass through Second Reading and be committed to the Committee. The fact is that inadequate security at the Polling Stations has contributed to low turnout of Voters. It will do us good if we allow the Bill to go through to make sure that the Police are always available at the Polling Stations and to cover campaigns as provided for.

Secondly, in the past, it might have been somehow difficult for some candidates from other Political Parties to gain Police protection during campaigns and

0337

elections but this will give them leverage and, of course, entitle them to such Police protection within those periods. My worry is the number of Policemen that we have in Nigeria. Do we have enough that can take care of this responsibility?

Thirdly, do we talk about ensuring adequate security with batons and teargas? These are the issues. I would like a situation where at the Committee level some of these nitty-gritties will be considered to make sure that when we are talking about providing security, they should be well equipped so that we do not at the same time expose citizens of Nigeria who have taken the responsibility of becoming policed to danger at the Polling Station.

Hon. Sadiq Asema Muhammed (Ajaokuta): Having listened carefully to my earlier Colleagues, I am overwhelmed by the contributions I have heard so far. There is only one salient issue that I want to remind our Colleagues that as long as this Parliament has the power to amend any law in this country and as long as we can in that process reduce or add to such Amendments, I will humbly request my Colleagues that their apprehensions can be taken care of by the Committee on Police Affairs when considering this Amendment in their meetings so that by the time it comes back for Third Reading most of these problems would have been resolved.

I believe very well that this is an opportunity for us to talk on the Nigeria Police. If we do not have this opportunity how can we move forward with the problems we have been accusing the Police of from time to time. Most especially, during our elections we used to have problems concerning the Police; I do not think anyone of us will say he is not experiencing it. We have these laws in place but these laws have not been effectively put into use. It is on this note that I will humbly request my Colleagues to, please, let this Amendment go for Second Reading.

Hon. Saliu Abdulkareem (Adavi/Okehi): I do not only want to join my Colleagues in supporting this Amendment but to also say that I strongly support all the arguments that have been canvassed in favour of this Amendment. This is an opportunity for us to holistically look at the Police as it operates based on the organisational structure, the command structure, the finances and, in fact, the entire structure of the Nigeria Police. To me it is an opportunity for us to take this issue once and for all and to ensure that a better job is done so that we can put the Police in a better perspective as has been demanded by Nigerians.

You will recall that you are a former Chairman of the House Committee on Police Affairs and you know series of complaints that we have had about the Police

0338

and we have tried in the past to join you to resolve this matter. Today, you have that opportunity in history to preside over a Bill working towards the Amendment of the Police Act. I am urging you to seize this opportunity to take this issue holistically and ensure that this is done once and for all.

I support the Amendment of this Bill and I urge my Colleagues to, please, support it.

Hon. Ita Solomon J. Enang (Itu/Ibiono Ibom): I speak in support that this Bill should pass Second Reading not because I love it so much but because the Public cannot be shut out of contributing to this Bill.

First, I will read Section 4 of the Police Act which is sought to be amended by the addition of Section 4 (a) which is the subject of this Bill. It says:

The Police shall be employed for the prevention and detection of crime, the apprehension of offenders, the preservation of law and Order; the protection of life and property and the due enforcement of all laws and regulations with which they are directly charged and shall perform such Military duties within or outside Nigeria as maybe required of them by or under the authority of this or any other Act.

This Bill seeks to do an expansion of the provisions herein and it is right so to do. I had listened to some of my Colleagues who said that if we have to pass this law, then during Census we may have to pass another law on the Police and effect yet another Amendment to deal with some other issues but I want to draw the attention of my Colleagues to the fact that we have the Financial Intelligence Unit as part of the functions of the Nigeria Police. Part of the job of the Police is to prevent crime in the financial sector. Yet this House passed the Economic and Financial Crimes Commissions Act. It was in this House that in 2000, despite all opposition and the existence of the Criminal Code, the Penal Code, the Criminal Procedure Act, the Evidence Act and all other enabling laws this House passed the Independent Corrupt and Other Related Offences Act. Therefore, it is better to err on the path of surplusage of laws than where there is a doubt as to the existence of laws.

I also submit that when you have an exigency, you will sometimes play in such a manner that you satisfy the public just not to allow a vacuum. There have been cases where there had been complaints by the minority parties that any State that is controlled by a Governor of a particular political party like the Action Congress,

0339

0340

when the PDP is going on campaign and the Governor of that State is in control of the Police - the Constitution allows the Commissioner of Police in that State to obey the Governor of that State, except with a superior authority of the Inspector General of Police - members of the minority parties are not given protection. That is what this Bill seeks to do.

The Bill in Clause 1 seeks to protect people who go on campaign, Clause 4(a) deals with protection during campaign, Clause 4(b) seeks to protect Electoral Officers; Clause 4(c) seeks to protect candidates who are campaigning during elections while Clause 4(d) seeks to create peaceful atmosphere for elections.

In the situation that we are now, we pass laws to make it lawful and satisfy the yearnings of the public. We are all wise but we should hear the public, the Inspector General of Police and the Attorney General of the Federation who are deemed to be the authors of this Bill. We should hear persons who were party to making recommendations for these Bills in the course of the Political Reforms Conference.

On an account of that, I pray and commend that this Bill should pass Second Reading.

The Deputy Speaker: I will now put the question that the Bill be read the Second Time.

Question put and agreed to.

Bill read the Second Time and referred to the Ad-hoc Committee on Constitution Review, Police Affairs and Justice.

Centre for Democratic Studies (Establishment) Bill, 2009

A Bill for an Act to Establish the Centre for Democratic Studies and Other Related Matters, 2009 (HB. 235) -

Order for Second Reading.

The Deputy Speaker: The third Order of the Day is commencement of debate on the General Principles of a Bill for an Act to Establish the Centre for Democratic Studies and Other Related Matters, 2009.

Hon. Ita Enang, do we not have an Act like this?

Hon. Ita Enang: Mr. Speaker, we have the Institute for Democratic and Legislative Studies Act, 2007 which was assented to by Mr. President on 30th

July, 2007. There is an Act like that in existence assented to and it is in operation now.

If I may draw your attention, the Bill that we now have from Mr. President is to establish Centre for Democratic Studies whereas the one in existence is the Institute for Democratic and Legislative Studies. We may decide to make an Amendment to one of them but I throw it to the Floor, if you do not mind.

The Deputy Speaker: What you have there is Legislative and Democratic Studies and what you have here is Democratic Studies?

Hon. Ita Enang: Yes Sir. The Institute for Legislative Studies should be particularly dedicated to the Legislature while the Institute for Democratic and Legislative Studies Act, 2007 is dedicated to Democratic Studies.

The Deputy Speaker: But we have the Democratic Studies there?

Hon. Ita Enang: Yes Sir. That is why the Bill is brought together with the Act for the House to take a decision.

The Deputy Speaker: Hon. Colleagues, I think Hon. Ita Enang should go and do some work on this Bill and see the difference between this one and the one that we already have in place. Can you, please, come back tomorrow and tell us what the differences are?

Hon. Ita Enang: I will write them out to every Member, Sir.

Hon. John Halims Agoda (Ethiope East/Ethiope West): Mr. Speaker, in addition to the instruction given to the Chairman, Rules and Business Committee, I am aware that there is an Act known as National Democratic Institute which was in place in the past and on the basis of which an institute was set up as NDI. If this law is coming up in this manner, I am of the view that that Act ought to be repealed.

The Deputy Speaker: Hon. Ita Enang should go and look at it again.

Hon. Ita Enang: Mr. Speaker, I remember the Centre for Democratic Studies which was headed by one Prof. Omo Omoruyi. I will re-examine it very well and bring the Report in writing tomorrow.

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

0341

The Deputy Speaker: Which Order?

Hon Mustapha Ahmed: It is a Constitutional Order; Section 315 of the 1999 Constitution. It is talking about the same thing. It is just by way of contribution that I am bringing this Point of Order.

The Deputy Speaker: Read the Order.

Hon. Mustapha Ahmed: Section 315 of the 1999 Constitution says:

Subject to the provisions of this Constitution, an existing law shall have effect with such modifications as may be necessary to bring into conformity with the provisions of this Constitution and shall be deemed to be –

- (a) *an Act of the National Assembly to the extent that it is a law with respect to any matter on which the National Assembly is empowered by this Constitution to make laws.*

The effect of this Section, as you rightly observed, is that this Bill seeking to establish a Centre for Democratic Studies is an existing law and is captured by Section 315. Therefore, it cannot be correct for this National Assembly to re-enact it because the existing law is defined in sub-section 4(b) of the same Section which says;

- (b) *existing law means any law and includes any rule of law or any enactment or instrument whatsoever which is in force immediately before the date when this section comes into force or which, having been passed or made before that date, comes into force after that date.*

Hon. Ita Enang has rightly observed that there was something like this. The modification which this Constitution is asking to be done is on the shoulders of Mr. President, not this National Assembly. Therefore, I agree with the observation of the Speaker that this is an existing law and for us to re-enact it, we would run counter to Section 315 of this Constitution.

The Deputy Speaker: Thank you, Hon. Mustapha. What I directed the Chairman Rules and Business Committee to do is to go and read the contents

of the Bill and the Act. The subject may be the same but the content may be different. That is why I asked the Chairman to go and find out if there are similarities in the contents. Are they the same or they are not?

Hon. John Halims Agoda has also brought another one making them three. Let him go and look at the three. If their content and the subject are the same, why should we go ahead and enact another law that is in existence? That is exactly what I directed the Chairman to do.

(Bill with leave of the House stood down)

CONSIDERATION OF REPORTS

Report of the Joint Committee on Appropriation and Finance on the Investigation into the Implementation of the 2009 Appropriation Act

The Speaker: The Fourth Order of the day is the consideration of the Report of the Joint Committee on Appropriation and Finance on the investigation into the implementation of the 2009 Appropriation Act. Hon. Members would recall that the Report was laid on 28th May, 2009.

Hon. Isa Mohammed will now move for the consideration of the Report.

Hon. Isa Mohammed Ashiru (Makarfi/Kudan): I move that the House do consider the Report of the Joint Committee on Appropriation and Finance on the Implementation of the 2009 Appropriation Act and approve the recommendations therein.

Hon. Mustapha Khabeeb (Jahun/Miga): I second the Motion moved by Hon. Isa Mohammed.

Question put and agreed to.

Resolved: That the House do consider the Report of the Joint Committee on Appropriation and Finance on the Implementation of the 2009 Appropriation Act and approve the recommendations therein.

Report of the Committee on Governmental Affairs on Use of Sirens in Nigeria (Regulation) Bill, 2009

The Speaker: The fifth Order of the Day is the resumption of consideration of the Report of the Committee on Governmental Affairs on a Bill for an Act to Regulate the Use of Sirens in Nigeria and for Other Matters Connected Therewith, 2009.

0343

0344

Hon Members would recall that on Wednesday, 13th May, 2009, consideration of the Report was deferred and the Bill re-committed to the Committee on Governmental Affairs for re-presentation.

I now invite Hon. Leo Okuweh Ogor to move that we resume the Consideration of this Report.

Hon. Leonard Okuweh Ogor (Isoko North/South): With due humility, I move that this House do resume the Consideration of the Report of the Committee on Governmental Affairs on the Bill for an Act to Regulate the Use of Sirens in Nigeria and for Other Matters Connected Therewith and approve the Recommendations therein

Hon. Hassan Ahmadu (Balanga/Biliri): I hereby second the Motion moved by Hon. Leo Ogor.

Question put and agreed to.

Resolved: That the House do resume the consideration of the Report of the Committee on Governmental Affairs on the Bill for an Act to Regulate the Use of Sirens in Nigeria and for Other Matters Connected Therewith and approve the Recommendations therein.

The Deputy Speaker: I think we cannot take more than these two Reports.

Hon. Tunde Akogun (Akoko Edo): I move that the House do resolve into Committee of the Whole to resume consideration of these Reports.

Hon. Shehu Baba Agaie (Agaie/Lapai): I rise to second the Motion moved by the Leader that this House do resolve into Committee of the Whole to consider these Reports.

Question put and agreed to.

House in Committee of the Whole

Report of the Joint Committee on Appropriation and Finance on the Investigation into the Implementation of the 2009 Appropriation Act - CONSIDERED IN COMMITTEE OF THE WHOLE

The Chairman: The first Report we are taking is the Report of the Joint Committee on Appropriation and Finance on the Investigation into the Implementation of the 2009 Appropriation Act.

I call on the Deputy Chairman of the Committee on Appropriation to brief the House on their findings.

Hon. Mohammed Ashiru Isa (Makarfi/Kudan): Mr. Chairman, this is the Report on the Investigation into the Implementation of the 2009 Appropriation Act by the Joint Committee on Appropriation and Finance.

Preamble

The House on Wednesday, 13th May 2009 mandated the Joint Committee on Appropriation and Finance to look into the Implementation of the 2009 Appropriation Act and report back within two weeks.

Consequently, the Joint Committee engaged the Hon. Minister of Finance and Members of his Staff to solicit detailed information that would facilitate the work of the Joint Committee.

The Minister of Finance, through the Director General of Budget Office and the Accountant General of the Federation submitted the following documents:

Revenue

1. Revenue accrued to Federal Government from January to April 2009.
2. Actual Releases to MDAs between January and April 2009.
3. Actual figures and percentage of Budget Implementation from January to April 2009.

Analysis of the Information

An analysis of the submission revealed the following:

1. The report covers four months i.e. January to April 2009.
2. Over 99 *per cent* of the revenue assumptions used in the Appropriation Act were consistent with the submission by the Executive.
3. There was shortfall in revenue due to:
 - (a) Militant activities in the Niger Delta region resulting in the disruption of oil exploration which reduced the daily output from the targeted 2.292 million barrels per day to about 2.05 million barrels per day (10.56 *per cent* reduction in output).
 - (b) There were some reductions in Nigeria's OPEC quota during the first four months of the year.

0345

4. The excess Crude Account is being used to cushion the shortfall in the Revenue. The sum of ₦119.12 billion was drawn to augment the shortfall in the Federation Account and Federal Government's share of this amounted to ₦51.79 billion, that is, 52.68 *per cent*.
5. The sales of government houses and other transfers totaled ₦127.37 billion during this period.
6. All told, however, Federal Government's actual revenue was ₦27.98 billion higher than the budgeted figures during the first four months of the year 2009.
7. Given the above, therefore, enough funds were available for full implementation of the Budget as passed for the period under review, that is, January to April 2009.

Implementation

Personnel

Releases for salaries and wages were as passed (that is, 100% for the corresponding period).

Overhead

Although releases were meant to cover the first two quarters of the year, that is, 50 *per cent* of the annual allocation, despite assurances that the Recurrent Budget had been fully released as passed, some of the MDAs were not given their correct allocations. In fact, releases to MDAs varied between 19 *per cent* – 50 *per cent*.

Capital

The Capital Project Implementation varied widely from the 2009 Appropriation Act. Although there was no revenue shortfall during the period under consideration, yet there was selective implementation of Capital Budget since many projects that were included in the Act were deliberately not funded. This runs contrary to the 2009 Appropriation Act. In fact, we gathered that, as a matter of policy, the Capital Budget is officially being funded at 70 *per cent* level.

Observation

The Committee observed that it should be noted also that in addition to revenue sources indicated in the Reports from the Budget Office, there are other revenue streams that could be tapped to further enhance full implementation of the Budget. For instance, while the 2009 Budget predicated the Exchange Rate of the Naira

to the US Dollar at US\$1 to ₦125, the dollar, in fact, fetched about 1:145 for most of this period stated.

This is 20 *per cent* increase in revenue accruable from Nigeria's dollar earnings.

The Chairman: This has been the brief of the Chairman, House Committee on Appropriation. Therefore, we are taking the recommendations. I will read the first recommendation and then allow Members to make comments on that.

Recommendation (i): *This House rejects the claim by the Executive that the Budget cannot be fully implemented on account of inadequate funding.*

Question proposed.

Hon. Halims Agoda (Ethiope East/Ethiope West): Mr. Chairman, first, let me honestly and sincerely thank the Joint Committee that put together this informative document.

Today, with this Report, this honourable House has been vindicated that the Executive has no choice but to implement the budget because we have enough funds. Now, the earlier assertion the Executive gave relating to the reduction of OPEC quota and the militant activities notwithstanding, under item 6 of the Report, the Committee reported to this House that well over ₦27 billion excess was realised.

It is known all over the world that the growth of any nation is dependent on the faithful implementation of the Capital component of a Budget. If we have enough revenue as indicated by the information gathered from the Budget Office, why will the government not implement the Budget faithfully? Let me say with all sense of responsibility that this Joint Committee has given Nigerians the true picture of what the House of Representatives stands for and I stand here to congratulate them and to say that they have done a beautiful work. This House must stand by to ensure that the Executive implement the Budget to the letter.

Hon. Ogbuefi O. Ozomgbachi (Ezeagu/Udi): Mr. Chairman, let me also join Hon. Halims Agoda in thanking the Joint Committee on Appropriation and Finance of which I am a Member for a job well done. I believe that it is an obligation on the part of government to always tell the citizenry the truth at every given point in time.

A declaration was made by the government that because of revenue shortfall, the Budget that this august National Assembly sat for several months line by line to give to this nation could not be implemented - a Budget

0346

0347

that is intended to usher in the transformation in this country, a Budget that will have to provide the immediate critical infrastructure in critical sectors of this economy; power, growth, agriculture and works.

We felt aglow that after the conclusion of this Budget that the Executive was going to be religious in its implementation. Later we started getting this information that because of a shortfall in revenue the Budget could not be implemented. The Executive owes it as a duty to tell the nation why the Budget is not being implemented now that this Report has shown that it is not because of revenue shortfall.

This government promised the nation 6,000 megawatts of electricity by December this year. There is nothing on ground to show that we are going to deliver and yet we have the money. Various roads are included in this Budget for implementation or execution. Time is of the essence; this is July. If by now the Budget is not being implemented not because of want of money but because of some other reasons best known to the MDA's; it calls for great worry.

I believe that in line with Recommendation (ii) that this House should insist that this Budget must be implemented to the letter. Our President is known by his adherence to the rule of law. Mr. President should realise that the Appropriation Act is an Act of the National Assembly and that he should ensure the implementation of 2009 Appropriation Act as he does for other laws passed by the National Assembly.

Hon. Ubale Jakada Kiru (Bebaji/Kiru): Mr. Chairman, when this issue was first raised on the Floor of this House, the initial response was not that favourable. Today, I believe we are vindicated. The truth has come out clearly that indeed the Executive Arm of Government is at fault. Implementing the 2009 Budget at only about 25 *per cent* in a selective mode is a disservice to the nation.

Evidence before us today has told Nigerians the truth of the situation. Attempts by the Executive to explain the selective implementation in terms of poor revenue and other related factors have come out clearly to be false. This House has the duty to not only adopt the recommendations on this Report but also remind the Executive Arm of Government that deliberate refusal to implement the 2009 Budget law is an impeachable offence.

We cannot continue to accept this attitude. In 2007, we had this problem; the Budget was only partially implemented below 40 *per cent*. In 2008, implementation again was below 40 *per cent*. Here we are in 2009; records have so far shown that the

0348

implementation is only about 25 *per cent* at the end of the second quarter. I am sincerely afraid that unless this trend is changed, by 31st of December 2009 we are going to end up in the same situation as we were in 2007 and 2008 and this would have been the greatest disservice to this nation.

I therefore propose that our resolution should include a reminder to the Executive Arm of Government that deliberate refusal to implement the Budget or to implement it selectively amounts to an impeachable offence.

Hon. Mohammed Ali Ndume (Damboa/Gwoza/Chibok): Mr. Chairman, this is a very important Report that all of us have been waiting for. The only thing that we stand before our electorates to represent is what is actually in the Appropriation Act.

Last year there were these excuses here and there and the Budget was implemented only to the level of about 30 *per cent*. The selective implementation of this Budget when you talk to various MDAs claiming that the instruction came from above and ultimately from the President is very unfair to this honourable House and to the country in general. This is the President who preaches daily about the rule of law and for the President to give out instruction that this law should be selectively implemented, as my Colleague said, is clearly an impeachable offence.

That is not even the problem. We said several times, for example, that we from the North East during the passed eight years, as a result of misunderstanding and grumblings between the former Vice President and the former President, the North East Zone was truly short-changed in terms of roads, health, water, agriculture and everything.

Mr. Chairman, you are the Deputy Speaker of this honourable House. You are the number six citizen of this country. On a serious note, the road to Nafada, which you have told the people and as the Deputy Speaker in this House for two years; I do not know what you have been telling them now.

In my own case, as a Minority Leader, I have a 16 km road that has been appearing in the Budget. Even though it is just 16 km, by all standards, that is in the minority. Nevertheless, that has not been implemented. If you compare North-West Zone to North-East Zone, you will discover that North-West has over twenty-two dams while North-East has only six dams.

We put the construction of Dams in the North-East for the past years – (*Interruptions*)

0349

0350

Hon. Suleiman Abdulrahman Kawu (Sumaila/Takai): Are you talking of North-East or Nigeria?

Mohammed Ali Ndume: No, that is a comparative analysis; these are facts and figures, you cannot void them.

Hon. Suleiman Abdulrahman Kawu: Do not negate your contributions to this House by this statement.

Mohammed Ali Ndume: These are figures and they do not lie. With this Report, I do not understand why the President would have any excuse.

The House should, in addition, investigate what the various MDAs are doing with the various releases that they keep with them. Monies would be released but the project in the budget would not be implemented. What happens to the monies that are being released timely to the MDAs?

What is happening is that there is a new form of corruption perpetuated by this government. Monies are allocated for various projects, they will keep them in the banks for a certain period, negotiate interest under the table, and that makes it easier for them to acquire illegal wealth instead of executing the project. The House cannot shy away from this and cannot be sentimental in dealing with this issue or trying to protect issues based on sentiments other than the facts on ground.

If it is not that there are certain sentiments or interests in it, why is it that we are not treated equally? Why is it that even the selected budget is happening in other regions and not happening in other regions? I want to say here for record purpose that the North-East and particularly the South-East are the two sub-regions that are short-changed in the implementation of this Budget. Therefore, the House should go further to know why the North-East and South-East are the most short-changed in this budget process. Something should be done drastically and we should stand up to it because this is the only thing we can tell our electorates at the end of the day.

Hon. Suleiman Abdulrahman Kawu: Mr. Chairman, I listened to my Leader attentively and I quite agree with him. It is a general belief that the Executive has failed to carry out its duty as the Leader of Nigeria today.

Refusal to implement the budget causes a lot of hardship to Nigerians but I am drawing the attention of Hon. Mohammed Ali Ndume that we from the North-West Zone of Nigeria are also complaining that nothing

has been on ground in 2008 and 2009. We have so many failed projects in 2008 and 2009 and nothing has been done. It is a general belief that they are

implementing these projects based on their personal interest, not in the interest of the people of North-West Zone.

The Chairman: And it is not supposed to be North-West interest.

Hon. Suleiman Abdulrahman Kawu: I am drawing the attention of this honourable House to what

I have observed which is that whenever there is an issue which borders on national importance, we are not supposed to leave it to the Zones, States or Local government. It is a problem that is affecting Nigerians generally. We are not happy with what is happening. Actually the government has failed to perform its duty as an elected democratic government. Therefore, it is not the voice or the position of all the minorities. He is talking as Hon. Mohammed Ali Ndume. However, as a minority in the House of Representatives, we are vehemently against the process of implementing the 2009 Budget.

The Chairman: Thank you, Deputy Minority Leader. You have responded to your Minority Leader. Unfortunately, in your response also you made reference to the North West. At the end, you said we should not take zonal interest and that we should be addressing issues nationally. This means that you have joined the Minority Leader.

Hon. Leo Okuweh Ogor: Mr. Chairman, I have an observation because it is as if we are doing the Second Reading. I am a bit surprised that we are going into another debate. We should go into clause-by-clause consideration of the Report that is before us rather than people being recognised to speak on issues that are already in the Report.

The Chairman: I remember that the last time we took your Report on Siren, Members were allowed to make comments and it was because of those comments that it was re-committed to your Committee.

So, you are ruled out of Order.

Hon. Olufemi Gbajabiamila (Surulere I): I would not catalogue what has happened in South-West or South-East, North-West or North-East. I would take it from a national perspective.

I believe this is the case of attack being the best form of defence when the Executive do not implement

0351

0352

the Budget. The Appropriation Act is like every other Act passed by this Parliament. In fact, it is probably the most important one that we can pass simply because it goes to the very heart of governance and, therefore, the Executive cannot be seen to be cherry-picking and trying to decide which one they will implement and the one they will discard.

We have had Presidents come here, address the National Assembly, and say that they would try to implement the budget 100 *per cent* and we all clapped as though the President is doing us a favour; that is wrong. The budget is meant to be implemented 100 *per cent*.

I want it to be very clear that as one of the speakers said, the non-implementation of the budget is an impeachable offence.

The Chairman: Hold on, Hon. Gbajabiamila. House Leader, can you please move a Motion to suspend the relevant Rules so that we can sit beyond 1.30 p.m.?

Hon. Ita Enang: Mr. Chairman, suspending the Rule is not necessary.

The Chairman: Is it in the new Rule?

Hon. Ita Enang: Yes, Sir.

The Chairman: It is all right, you are the custodian. Go ahead, Hon. Femi Gbajabiamila.

Hon. Olufemi Gbajabiamila: As I was saying, if certain Members of this House believe that the implementation of the Budget is skewed towards a particular Zone, it makes that offence even more impeachable because again our Constitution is being infringed under Section 42 which says you cannot discriminate against any other part of Nigeria or place of origin;

Therefore, this is a matter that we need to look at very seriously. Recommendation (iii) says: *Further urges the Executive Arm of Government to take appropriate disciplinary measures against any individual or entity that violates the spirit and/or letter of the Appropriation law of the land.*

It is for this arm of government, not the Executive arm of government who, in the first place, is the one authorising implementation. It is not for them to take disciplinary action, it is the Legislative Arm of Government that is responsible for the checks and balances to take disciplinary action.

I will ask that this House sets up a major congressional hearing on the Implementation of Budget 2009. It is very important that we do that and bring the Executive right from the top to come and answer questions as to what exactly is going on. It makes the offence even more grievous when you are now attacking a separate but equal arm of government for the reason you are not implementing the budget.

Hon Andrew I. Uchendu (Ikwerre/Emohua): Mr. Chairman, I agree fully with other previous speakers on this issue but we will try as much as possible to make haste slowly because we should not fall into any trap. It is obvious that all budgets are based on revenue projections and those projections are based on assumptions; the assumptions may or may not be realised.

As the Deputy Chairman, Committee on Appropriation has reported, there have been decline in oil price and in production in which case the global revenue projections for the year would not be met and if that will not be met, then there will be shortfall in the implementation of the budget.

However, my Deputy Chairman has pointed out that during the period under review, there was no revenue shortfall, in which case there should be full implementation of the budget. Therefore, I want to suggest, before we enter into that trap, that we amend Clause (i) by putting the words *for the period under review*, that is to say, *urge the House to reject the claim by the Executive Arm of Government that the Budget during the period under review cannot be fully implemented on account of inadequate funding.*

The point I am making here is that there was no revenue shortfall within this period; it was fully realised. So, we reject that claim but let us not go into the period outside that. That is my amendment.

Hon. Ita Enang: Mr. Chairman, this document is very educative and in addition to complimenting the Chairman of the Committee, I also compliment my Colleague and Friend, Hon. Mohammed Kawu for speaking so nationally because it has not been the tradition of this House. It is only recently that issues of region and where you come from and cheat has crept into the Floor of this House and I pray that at all times we should be nationalist in our contributions and not speak about our area on the Floor of the House.

First, I want to raise a question to the Chairman of the Committee. I have noted here that the Excess Crude Account was being used to cushion the shortfall in the revenue. How can you use the Excess Crude fund to cushion any shortfall when the Appropriation Act says

0353

0354

that you cannot touch that money unless it is appropriated? Who appropriated? Was there a Supplementary Appropriation? How could you use it? So Chairman of Committee on Appropriation and Finance, did you see it? Was there any request to this House?

The Chairman: Is it a legal Account?

Hon. Ita Enang: It is a legal account but the

President cannot touch it. We have legalized it by creating it. When we created a benchmark of US\$45 per barrel, we stated in the same Act that any amount above US\$45 per barrel should be kept in a particular account at the Central Bank and that that money should not be touched except as approved and for projects and purposes approved by the National Assembly. It was not to be at the discretion of the President.

I also want to ask on Personnel; as at yesterday nurses in the country were on strike; Radio, Television and Theatre Workers were on strike, PHCN workers were on strike, ASUU was on strike. What for? It is for the Payment of monetisation. Why? How? Was it provided for? It was provided for in the budget. Was it released? It was released.

Who held the money and allowed workers and leaders to be marched like students to the bank to be shown that the money will be paid before the strike was suspended. This is because on page 3 here, it says *Personnel releases for Salaries and Wages as passed, that is, 100 per cent.*

If these moneys were released who held it because this House should be interested. It is a calculated sabotage, not just of the government but of the entire democracy. If a set of workers in the country could wait and allow over 30 *per cent* or 40 *per cent* of the labour force to go on strike only to smile and wear suit and follow them to the bank. Meanwhile it was them that kept the money, should we still sit and keep quiet and not ask; what is their intention and their action against democracy? We should be more serious. I pray that the Committee should look at it.

Finally, I want to say that this House should be serious. For the past ten years, I think we have been very diplomatic. I would not want to use hard words but it is time for us to tell Mr. President that unless you can show evidence of actual implementation of this budget it will be just mere ceremony for us to receive the President again in this Chamber for the next budget because it is wrong. We will be demeaning the Legislature and they will just take us as people coming to sing chorus for them to echo. It is very bad.

Hon. Ahmed Aliyu Wadada (Keffi/Karu/Kokona): Hon. Colleagues, this is a very sensitive issue; it is sensitive in all ramifications whether from the perspective of governance or from the perspective of our responsibilities as representatives. If you look at it from what a contemporary polity should be, it is sensitive.

Democracy that serves as a vehicle to governance is about wellbeing. That is why it is for the people by the people and wellbeing cannot be entrenched without a dynamic, effective and concerned leadership.

No matter how dynamic, effective and concerned leadership is, it cannot achieve its set objectives without funds. We, as responsible and responsive representatives, have been saddled with the responsibility of appropriating funds. I do not want to talk about any region; neither do I want to talk about any political party because there has to be Nigeria first before AC, ANPP or PDP and there has to be Nigeria first before North East, North West, North Central and whatever. I am taking it from the nationalistic perspective.

We cannot sit here and allow our rights as to the responsibility given to us as spelt out by the Constitution of the Federal Republic of Nigeria to be toyed around with at the detriment of the people that we are representing. Today, because of what Budget implementation within the period in question has been, we are virtually turned to Executives as far as our responsibilities are concerned. There is none of us here that is not faced either with the request from his constituents to sink a borehole, provide electricity and road for them which, of course, we all know has nothing to do with the responsibilities we have.

The time has come for us to call a spade a spade and the time is no other time than now. It has to be done not the way you and I want but the way that it has been stipulated by the Constitution. We have no grudge, no sentiment and no bias against anybody. We are Nigerians, for Nigerians and Nigerians must be given what they deserve.

Hon. Aminu Shehu Shagari (Yabo/Shagari): I sincerely support this recommendation by the Joint Committee on Finance and Appropriation. I would like to do this for the following reasons.

I met a very highly placed individual in the Executive on a flight to London after we had passed this year's Budget. And he asked saying *this Budget that you people have passed, there is going to be a problem.* I ask which kind of problem? He said *where are the funds?* I became very concerned because I knew he

0355

0356

was in a very good position to know. And I said, do you mean it is going to be like 2008? He said *if you are lucky you would get implementation like in 2008*. This became very frightening!

Looking at Point 6 under Revenue Analysis where it says that the *Federal Government actual revenue was ₦27.98 billion higher than the budgeted figures during the first quarter of 2009*, the Executive Arm, with due respect, has no cause to withhold this budgeted revenue to the deserving sectors that have the right to utilise them.

For instance, in the Steel Sector where I am privileged to be the Chairman, we are shouting Vision 2020 and many professionals have opined that if we do not finish the construction of Ajaokuta Steel Complex by 2011 forget Vision 20/2020; that we may not even make 50 most developed nations by 2020. Money has been budgeted for at least the Technical Audit of Ajaokuta Steel Complex and subsequent completion by 2011. Nothing has been released to this Sector as I speak to you now. We spoke to the Hon. Minister of Steel just two days ago and she said nothing has been released to her for the actualisation of this budgeted figure.

I humbly suggest that we uphold this recommendation and the other recommendations underneath that.

The Chairman: Recommendation (i) says: *The House rejects the claim by the Executive that the Budget cannot be fully implemented on account of inadequate funding.*

After the word *Budget*, insert the Clause: *for the period under review*. Is there any Seconder?

Hon. Leonard Okuweh Ogor: May I, with due humility, second the Motion moved by Hon. Uchendu.

The Chairman: The sentence will now read: *The House rejects the claim by the Executive that the Budget for the period under review cannot be fully implemented on account of inadequate funding.*

Amendment put and agreed to.

The Chairman: Recommendation (ii): *The House should insist that in line with President's mantra of strict adherence to the rule of law, the 2009 Appropriation Act must be complied with to the letter.*

Hon. Leonard Okuweh Ogor: My Amendment seeks here that the House should insist on the

implementation of the 2009 Appropriation Act and it should end there.

The Chairman: Is there any Seconder?

Motion lapsed.

Hon. Emmanuel Jime (Makurdi/Guma): Mr. Chairman, the Proposed Amendment that I have is that Recommendation (ii) should now read as follows:

The House should insist that in line with the President's mantra of strict adherence to the rule of law, the 2009 Appropriation Act must be complied with to the letter, failing which this House will not hesitate in invoking all constitutional sanctions against the inability of the President to implement the Budget as passed.
(Applause)

Hon. John Halims O. Agoda (Ethiopia East/Ethiopia West): May I with due humility, respect and dignity to this Green Chamber, second the Motion moved by my Friend, Hon. Jime.

Amendment put and agreed to.

The Chairman: We have passed recommendation (ii) now as amended. Recommendation (iii) says: *The Executive Arm of Government must be admonished to take appropriate disciplinary measures against any individual or entity that violates the spirit and/or letter of the Appropriation Act.*

However, that Recommendation is overtaken by the Amendment we have just made.

Hon. Solomon Agidani (Apa/Agatu): My Amendment reads thus:

In view of the fact that the portion of the Budget that is financed by oil is predicated on three benchmarks of production; price of oil and Exchange Rate of the Naira to Dollar, this House insists on reference to it by the Executive should any of these parameters change within the financial year.

Hon. Ifaluyi Isibor (Egor/Ikpoba/Okha): I rise to second the Amendment proposed by Hon. Agidani.

Amendment put and negatived.

The Deputy Speaker: We have finished with Amendments because we have finished with the

0357

prayers. The only thing we may have now is additional prayer.

Hon. Ita Enang: I have two additional prayers.

The Chairman: We will not take more than one. So, you have to choose one.

Hon. Ita Enang: My Amendment reads thus: *That the House do cause investigation to find out persons who withheld monies budgeted for monetisation payment to workers and all salaries and emoluments whatsoever with a view to finding out persons who caused the workers' strike in the country.*

The Chairman: Is any Member seconding the Amendment? (No response)

Amendment lapsed.

Main Question as amended put and agreed to.

Resolves:

- (i) Urge the House to reject the claim by the Executive Arm of Government that the Budget cannot be fully implemented within the period under review on account of inadequate funding;
- (ii) That the House should insist that in line with the President's mantra of strict adherence to the rule of law, the 2009 Appropriation Act must be complied with to the letter failing which the House will not hesitate to invoke constitutional sanctions against the President.

The Chairman: Hon. Colleagues, we have shown that we are all nationalists. It is not about politics; Members of the Opposition have spoken and Members of the Majority Party have equally spoken their minds. We are trying to see how to correct this system. It is not that we want to say anything against anybody but we believe that the nation belongs to all of us.

In a situation whereby 100 per cent of the Overhead is released and implemented, we cannot see any reason just minimal or small percentage of the Capital should be implemented.

Moreover, this Overhead is meant to be released just to oversee the activities of the implementation of the Capital. Then, if the Capital is not implemented, what is the point of releasing 100 per cent of the

0358

Overhead? In addition, they will not return the Overhead at the end of the year. They will only return part of the Capital to the Treasury. If they are truly patriotic, they should return the Overhead just the way they are returning the Capital to the Treasury. Therefore, we are calling on those who are responsible for the implementation of the Budget that it is like any other Act.

We are all living witnesses here when about three weeks ago a letter came from the Federal Inland Revenue Service that we are not paying our taxes correctly. Immediately, we ordered the Finance Department to commence deduction of the right taxes of our allowances. It is the same thing. It is a law. We passed that law and they are following it. This law should also be followed.

I am not talking about opposition; it is not about opposition but it is all about our nation.

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

Hon. Baba Shehu Agaie: I second the Motion that the House do revert to Plenary.

Question put and agreed to.

Resolved: That the House do revert to Plenary.

(The Deputy Speaker resumed the Chair)

The Deputy Speaker: Hon. Colleagues, the House in the Committee of the Whole, considered the Report of the Joint Committee on Appropriation and Finance on the Investigation into the Implementation of the 2009 Appropriation Act and approved as follows:

Amended Recommendations (i) and (ii).

Recommendation (iii) was overtaken by the Amendment of Recommendation (ii).

Leader of the House, please?

Adoption of Report

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

Hon. Baba Shehu Agaie: Mr. Speaker, I rise to

0359

0360

second the Motion moved by the House Leader.

Question put and agreed to.

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

ANNOUNCEMENT

Visit of the Deputy Speaker of the Namibian Parliament

The Chairman: I am inviting all Hon. Members to my office at the New Wing this afternoon at 2.30 p.m. to meet with the Deputy Speaker of the Namibian Parliament who is visiting.

ADJOURNMENT

Hon. Tunde Akogun: I move that this House do stand adjourned till tomorrow, Wednesday, 15th July 2009 at 2.00 p.m.

Hon. Baba Shehu Agaie: I rise to second the Motion that the House do stand adjourned till tomorrow, Wednesday, 15th July 2009 at 2.00 p.m.

Question put and agreed to.

Resolved: That the House do stand adjourned till Wednesday, 15th July 2009 at 2.00 p.m.

The House adjourned accordingly at 2.01 p.m.