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HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA

Thursday, 2nd April, 2009

The House met at 11:00 a.m.

PRAYERS

(The Deputy Speaker in the Chair)

VOTES AND PROCEEDINGS

The Deputy Speaker: Hon. Members, I have examined and approved the Votes and Proceedings of Wednesday 1st April, 2009.

ANNOUNCEMENTS

**Visit by the National Association of
Political Science Students, University of Abuja**

The Deputy Speaker: Sitting in the Gallery today are the National Association of Political Science Students, University of Abuja.

Can you please rise up for recognition?

(The Students rose for recognition)

**Visit by the Planning Committee
Department of Horticulture, University of Jos**

The Deputy Speaker: We also have the Planning Committee, Department of Horticulture, University of Jos 100 Level Students. Can you please rise up?

(The Students rose for recognition)

Meeting of Committee on Marine Transport

The Deputy Speaker: This is to inform all members of Committee on Marine Transport that there will be a Committee meeting today Thursday 2nd April, 2009 by 2:00 p.m. at Committee Room 3.27, New Building, House of Representatives.

Signed
Hon. Ifeanyi Ugwuanyi
Chairman

PRESENTATION OF PUBLIC PETITIONS

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The Deputy Speaker: Any member who has a petition to present to the House may please rise to do so.

**Investigation of the Death of
Mr. Mutibayo Awosika**

Hon. Abike Dabiri Kafayat (Ikorodu): Mr. Speaker, I have a petition from the family of Mr. Mutibayo Awosika. On the 1st of October, 2008 Mr. Awosika was believed to have been shot to death at a Police Check Point but up till today the family has no idea of what is happened. The matter is still with the Police and they are asking this House to investigate the matter.

With your permission Mr. Speaker, may I lay the petition?

The Deputy Speaker: Please lay the petition.

(Petition laid)

Non-Payment of Terminal Benefits

Hon. Ihiabe Samson Positive (Dekina/Bassa): Mr. Speaker, I have a petition from one of my constituents, Engr. Bob Alfa. He was formerly the Managing Director/Chief Executive of the National Shipping Line. The gentleman was arrested during the military administration for a period of three years languishing in the prison yard but no offence committed.

In 2002, the Federal High Court in Lagos freed him of all the allegations levelled against him. Up till today, he has not been paid since he left the office. He contributed his quota to the development of that area for a period of 30 years. He would like justice to be done to him.

By your express permission I would like to lay the petition on the Table.

The Deputy Speaker: Please, do so.

(Petition laid)

Wrongful Dismissal from Service

Hon. Faruk Abdullahi Umar (B/Kebbi/Kalgo/Bunza): Mr. Speaker, I have a petition from Citizen Faruk Shehu Bonga who until last week

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was a staff of Nigeria Security and Civil Defence Corps. His petition is against unlawful dismissal from Service by the Civil Defence, Immigration and Prison Service Board. His offence is having obtained permission to go on study leave without pay for one year in the UK. When he resumed he was asked to leave the Service.

May I have your permission to lay the petition on the Table?

The Deputy Speaker: Please, do so

(Petition laid)

Mr. Uje Okodua against the Nigerian Rubber Research Institute of Nigeria, Edo State

Hon. Friday Itulah (Esan North East/South East): Mr. Speaker, I have a petition brought to the House by one of my Colleagues, Mr. Uje Okodua. Mr. Uje Okodua is a staff of the Nigerian Rubber Research Institute of Nigeria, Edo State. What he has experienced in his place of work is what I will call the height of man's inhumanity to man.

For showing interest in taking part in the local politics of the place Uje Okodua was arrested by the Police, his salary was seized but later restored and as I speak, Mr. Okodua is on suspension for no justifiable reasons. Being aware of the position of this House as the last resort to the common man, he has asked for the intervention of the House.

Mr. Speaker, if it pleases you and my hon. Colleagues, I would like to lay this petition on the Table. It is my prayer that the urgency that it deserves, be given to it.

The Deputy Speaker: Please, do so.

(Petition laid)

Wrongful Termination of Appointment

Hon. Sadiq Asema Muhammed (Ajaokuta): Mr. Speaker, I have a petition from one of my constituents, Alhaji Abbas Sani Mohammed who before now worked with the National Space Research and Development Agency, Abuja. His appointment was unduly terminated and he wants the intervention of this House.

May I have the privilege to lay this petition on the Table?

The Deputy Speaker: Please, do so.

(Petition laid)

Enforcement of House Resolution

Hon. Patrick Obahiagbon (Oredo): Mr. Speaker, this is a Petition that caused the question whether House Resolutions are made in vain.

I have a Petition here signed by Mr. Emmanuel Balogun, my constituent. It is a petition he signed for and on behalf of rationalized Police Officers. The fact of this petition is that sometime in 2007, the then Inspector-General of Police Mr. Sunday Ehindero retired some officers from the Police Force which, according to them, was without recourse to Due Process. According to the Police Act, they have not served for 35 years nor have they arrived at the mandatory age of 60 years.

Following what in their own view was this unduly asking them to get out of the Police Force, they wrote a Petition to the House of Representatives and the House sat on the matter and resolved that they should be recalled. But they were bewildered and wondered if this is not a country of law. Up till now, the Resolution of the House on their matter is still hanging like the hanging Garden of Babylon.

I am aware that there is a Legislative Compliance Committee of this House. They have petitioned this House, calling on the House to give vent and Parliamentary emblemization to its Resolution.

Mr. Speaker, with your permission, I seek to lay the Petition on the Table.

The Deputy Speaker: Please, do.

(Petition laid)

In absence of any other petition, all petitions are hereby referred to the Committee on Public Petitions.

(Petitions accordingly referred to the Committee on Public Petitions)

MATTER OF URGENT PUBLIC IMPORTANCE

**Political Crisis in
Ogun State House of Assembly**

Hon. John Halims Agoda (Ethiope East/West): Point of Order!

The Deputy Speaker: Which Order?

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Hon. Agoda: The Point of Order is Order VIII, Rule 4. With the leave of the House, I would also add Rule (7) on Suspension, page 27. The marginal note says Matter of Urgent Public Importance.

Mr. Speaker with your permission, I will read: Order VIII, Sub Rule 4 (i) at page 26:

The matter for discussion shall, if possible, be referred to the Speaker (which I have done) prior to the commencement of the day's Sitting and the Speaker shall refuse to allow the claim unless he is satisfied that the matter is definite and urgent.

The Deputy Speaker: Please, go ahead with your Matter.

Hon. Agoda: This nation and as a people, we need peace to develop. We need law to develop because the hallmark of development is for us as a people to agree and disagree and prepare to live in peace.

I am worried that the recent political development that has taken place in Ogun State House of Assembly in particular and indeed Ogun State in general, is something that should worry this Honourable Assembly and indeed, the entire country as a nation.

The Ogun State Assembly for over one month, as against the constitutional requirement spelt out in Section 104, has been unable to sit. Not only that, we have information on our hands that very soon by next week, the two factions that are involved in crisis are ready for a show-down.

The simple question is: we do not want Nigerians to die again and property to be destroyed. If I am allowed to go by way of a Motion and perhaps direct this House, I would be able to substantiate with evidence and document to the satisfaction of this House that there is need to be pro-active to end what may end as political impasse.

Thank you.

Question put and agreed to.

Resolved: That the House do take the political crisis in Ogun State as a Matter of Urgent Public Importance.

The Deputy Speaker: Hon. Halims Agoda, move that we suspend the relevant Rules in order to take this Motion.

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Hon. Agoda: Mr. Speaker, I move that the House do suspend its relevant rules in order to take the Motion on Ogun State House of Assembly crisis.

Hon. Suleiman Abdulrahman Kawu (Sumaila/Takai): Mr. Speaker, I rise to second the Motion.

Question put and agreed to.

Hon. Agoda: My Motion before this honourable House this morning is the Ogun State Motion.

The House:

Notes the recent reports on the inactivities of the Ogun State House of Assembly as an affront of the Social, Economic and Political Interest of the Ogun State people and the potential threat to the peace, stability, law and order of the Gateway State;

Concerned that if all Stakeholders in the political development of the country do not take steps to nip in the bud the emerging crises in Ogun State, it might sooner than later have a spill-over effect on other parts of the country.

Regrets that the reasons for the political log-jam have to do with disagreements resulting from over ambitions, personality clashes, exercises in ego gratifications and political differences;

Disturbed that the Ogun State House of Assembly has failed to sit for upwards of about four weeks when the House is not on the usual recess.

Worried that the lack of Sitting of the House is manifestly approaching a violation of the Constitution which stipulates the minimum number of Sittings a State House of Assembly must attain in any given Legislative Year in accordance with Section 104 of the 1999 Constitution which is the grand norm of the present political system.

Realizes how disturbed the House of Representatives have been about the Ogun State imbroglio and the grave consequences the crisis hold for the political stability of the entire nation.

Considering the power vested in the National Assembly by the Constitution to act and to take action in circumstances such as those that have been unfolding in the Ogun State House of Assembly in the last couple of weeks;

Resolves to:

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- (i) Request the Inspector-General of Police to immediately deploy all necessary security apparatus to provide adequate security to the Ogun State House of Assembly with a view to enable Members resume their legislative duties without any further encumbrance from any quarter.
- (ii) Caution the Ogun State Police Commissioner on the need to accord due regard to the State House of Assembly as a key constitutional framework for the blossoming of democratic practices in that State.
- (iii) Warn the feuding Parties in Ogun State House of Assembly and the Government of the State that the House of Representatives will be compelled to invoke the powers granted it by Section 11 (4) of the 1999 Constitution if the Assembly fails to reconvene on or before 14th April, 2009.

I beg to move.

Hon. Suleiman Abdulrahman Kawu (Sumaila/Takai): Mr. Speaker, I rise to second the Motion ably moved by Hon. Agoda.

Question Proposed.

Hon. Halims Agoda: Mr. Speaker, what we are about doing today is in complete fulfilment of the constitutional responsibility given to this House as truly exemplified by Section 4 of the 1999 Constitution. We are enjoined as a House to make laws and take responsibility that will ensure that there will be peace in all parts of Nigeria as a nation.

Ogun State was created in 1976 and when that dear State was created, the hope, aspirations and the yearnings of the founding fathers was to ensure even development for the entire people. It was noted that that State had been a very peaceful State even during the military era where you have crises in many States.

This very solid foundation that the State had laid over the years seems to be crumbling by the recent political discrepancy that is happening in that State. I have documents and Newspapers that are comments and editorials of various Newspapers over that crisis. They contain comments of many prominent Nigerians, calling on the National Assembly to take action. Others are calling on the political leaders in that State to take action and some calling on the traditional rulers to also take action.

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What I will be doing in the cause of my presentation is that I will take Paper by Paper and just read out the headings to demonstrate the seriousness of the crisis we have on our hands.

Several hon. Members: No!

Deputy Speaker: Hon. Halims Agoda is protected, please.

Hon. Halims Agoda: Thank you Mr. Speaker.

Deputy Speaker: You should take them one by one but read the headings only.

Hon. Halims Agoda: I will do that Sir. Maybe before I go to the other details, let me take the papers one by one to demonstrate and summarise. This is the *Punch* Newspaper of Friday March, 6th 2009 on page 2. The bold title is: *PDP to summon Daniel, others over Ogun crises, Police Commissioners removed and Local Government Chairman arrested.*

The *Nation* Newspaper of Saturday, 7th March, 2009 at pages 52-54 has its title as: *Daniel versus Ogun law makers: who wins the battle for the Gateway State?* The *Punch* Newspapers of 8th March, 2009 at page 13; the heading is *Ogun crises and the assault of allied forces.* Again the *Punch* Newspaper of Tuesday 10th March, 2009 at page 11 titled: *Ogun Crises, Ogbulafor to lead PDP peace team, Bankole, Obasanjo-Bello may boycott parley.* The *Punch* Newspaper of Monday, 16th March, 2009 at pages 9 and 10 titled it thus: *Ogun crises, Adegbite, Lawmakers differ over elders' neutrality, Obasanjo not aware of the faceoff.*

Mr. Speaker, this is another *Punch* Newspaper of 20th March, 2009 at page 30 and the heading is: *Ogun State House of Assembly, where are we going?* The *Nation* Newspaper of Tuesday, 4th March, 2009 page 13 says: *Ogun Crisis the futility of the action.* The *Punch* Newspaper of 25th March, 2009 at page 70 reads: *Ogun State House of Assembly - petition by Rt Hon. Tunji Egbetoku, the Speaker of the House.* The *Nation* Newspaper of Wednesday 25th March, 2009 at pages 51-53 says: *Osun, Ogun two of a kind in politics.*

The *Punch* Newspaper of Tuesday, 31st March, 2009 at page 10 says: *Ogun crises, CP behind our inability to reconvene - the Hon. Speaker.* The *Daily Sun* of Tuesday 17th March, 2009 at page 10 says: *Ogun PDP crises peace talks dead-locked.*

If you have your time to go through the details of these Newspapers which are the aggregate views of Nigerians and the editorial position of respected

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newspapers over this subject matter, then you will know that a political crisis is looming in Ogun State. If this distinguished Assembly fails to nip it in the bud, it has the likelihood to extend to the entire country.

In the heat of the crisis, the Ogun State House of Assembly wrote to the Senate President and indeed petitioned the Senate Committee on Public Petition and that of the House.

Now, this is the letter the Ogun State House of Assembly wrote to the Senate President, with your permission, I read:

*Senate President,
Federal Republic of Nigeria
National Assembly,
Abuja.*

Dear Sir,

Ogun State House of Assembly under Guard

I wish to intimate you on certain unholy development in Ogun State especially as it affects the State House of Assembly. It would be recalled that the Ogun State House of Assembly has recently been locked in a battle to assert her independence from the subjugation of the Governor of the State.

Many laws have been passed by the House of Assembly, assented to but which the Governor has often recalcitrantly refused to implement. Some of these laws include the House of Assembly Commission Law, Border Region Development Board Law and the House of Assembly Self-Accounting Bill among others.

This the House perceived as not being in tandem with the letters and spirit of the Constitution of Nigeria and the principle of democracy and the Rule of Law.

The House therefore, called on the Senate President to use his unique position to avert major political crisis.

In the course of the worrisome development the House of Assembly wrote three letters to the police; starting with the one of 6th March, 2009, it is lengthy and I may not want to read.

The Deputy Speaker: Just read the headings

Hon. John Halims O. Agoda: The heading, Sir, reads:

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*The Commissioner of Police,
Ogun State Police Command,*

Dear Sir,

***Re-Security Situation in and around Ogun State
House of Assembly***

Another one written on the 11th March, 2009 reads:

*The Honourable Commissioner of Police,
Police Headquarters,
Ogun State.*

Dear Sir,

Ogun State House of Assembly Sitting – Security Alert

The Third one was written on the 12th March, 2009 and the title is:

*The Honourable Commissioner of Police
Ogun State,*

Dear Sir,

Request for Reply to our Correspondences

And in each of the letter they were stamped received by whom it was addressed.

The Deputy Speaker: Hon. John Halims O. Agoda, was there any reply to those letters that you have just read?

Hon. John Halims O. Agoda: There was no reply and that was why the last letter was meant to remind the Police Commissioner of what happened to the two previous letters written to the Commissioner of Police.

The Deputy Speaker: All right, go ahead.

Hon. John Halims O. Agoda: My worry is this; that under the Constitution of Federal Republic of Nigeria, Section 104 is very clear and it says:

A House of Assembly shall sit for a period of not less than 181 days in a year.

In the same vein, it does apply to the National

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Assembly under Section 63 of this Constitution. It enjoins Members of the National Assembly to have a compulsory sitting for 181 days.

Now, the question we should ask ourselves is, if more than one month is gone from the date plus the regular recess which the Assembly Members are entitled to, has the Constitution not been breached?

When we were sworn in, including the Ogun State House of Assembly members, we all pledged that the Constitution must be respected.

I am worried that the Governor of the State who is the Chief Security Officer of the State cannot claim innocent of the development that is happening in that State. No government can exist under a democratic system where the Parliament that was voted legitimately by the people of the State cannot sit. It means that that government has broken down. What is happening in Ogun State is a very serious matter which if care is not taken, the National Assembly may be compelled to invoke our Constitutional responsibility as spelt out by Section 11(4) of the 1999 Constitution and by your grace may I read:

At any time when any House of Assembly of a State is unable to perform its functions by reason of the situation prevailing in that State, the National Assembly may make such laws for the peace, order and good government of that State with respect to matters on which a House of Assembly may make laws as may appear to the National Assembly to be necessary or expedient until such a time as the House of Assembly is able to resume its functions and any such laws enacted by the National Assembly pursuant to this section shall have effect as if they were laws enacted by the House of Assembly of the State

Once this law is invoked, the implication is that that State is in crisis and the possible interpretation of that is that if they are unable to manage the affairs of the State then they are calling on Mr. President and the National Assembly to further take their responsibilities into action and the implication is obvious.

I beg to submit.

Hon. Abdul Ningi (Ningi/Warji): Mr. Speaker, my Colleague, Hon. John Halims O. Agoda, had said everything that needs to be said on this very important matter. Ten years into democracy we still have the

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mindset and the mentality of not only colonialism but also the military.

In the House Committee on Police Affairs, what we did first was to send the Deputy Chairman of the Committee to the Inspector-General of Police narrating what has been narrated by the sponsor of this Motion and we gave the Inspector-General of Police three days to respond.

Having failed to respond, I invited the Inspector-General of Police to my office and in fact I told him that the Police is not just there to protect the Governor and the Commissioners and other State Paraphernalia and Agencies of Government. I further told the Inspector-General of Police that what is happening in Ogun State is like a coup and that it is in the interest of the Governor to realize that he cannot function without the State Assembly.

The Inspector-General of Police narrated the situation he finds himself but unfortunately he said that enough was not done. I raised this question to the Inspector-General of Police that supposing it was the Governor that was not sitting, were the Commissioners not sitting in their offices, he said they were sitting. I further asked to know what was preventing the State House of Assembly from sitting. He said that the Members of the State House of Assembly were guaranteed to come and sit but that there were mobs around the State House of Assembly that come to patrol the gate of State House of Assembly. He further said that the Police were there to make sure that the safety of the Members of State House of Assembly was guaranteed while they sat.

But those were too lean for an excuse because Abeokuta is not such a big city where people will do things without information getting to the Police. I told the Inspector-General of Police that people have been mobilised to come to the gate of the State Assembly to prevent Members from entering. Why can the Police not find out those behind it? Certainly, it was not an ordinary protest by the general public.

Consequently, I said that this House would be moving a Motion on this matter; and that the Inspector-General of Police would be made to come before the honourable House to give reasons why he cannot protect a very important segment of the Constitution. Unfortunately, because of the mindset and because of the orientation they have, most Police Commissioners in their various States thought that their primary responsibility rests only in securing and protecting the Governor and his Cabinet. Unfortunately, that is not true.

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In fact, I gave an analogy that if in future people decide to prevent the President from entering his office in the Villa, would the Police fold their arms and look the other way? The answer is *no*. In other words, if a group of people decides to block the gate of the National Assembly to prevent Distinguished Senators and hon. Members from entering to do their legitimate assessment, will the Police fold their arms?

In a nutshell, what is happening in Ogun State is an orchestrated way of making sure that State Assembly does not sit. This House must give notice to the Governor, the Government and the people of Ogun State that it is in their best interest to allow Members of the State Assembly to sit because failure to sit will provoke and invoke crisis and constitutional breach. Therefore, this House has a history, a constitutional tradition of taking over governance of a failed State. We did it in Plateau and Ekiti State respectively. If peace does not return to Ogun State, this House will invoke Constitutional Order 11, Sub (IV), which gives us the right to take over the responsibility of the administration of a failed State.

Therefore, it is in the best interest of everybody - the nation, State and all of us to understand that in this fight, it is not a win, win situation or a lose, lose situation. Politics is about give and take. Therefore, this House must call for peace; not peace of the grave but real peace to prevail; each part of the ingredient of a State must be allowed to work. The governor is working but the State Assembly is not working. That means, it is a military dictatorship that is taking place in Ogun State. It is a one-way government that is being practised anywhere the legislature is not allowed to work. We have come out from *one-way government* ten years ago and we must not allow it to continue.

I therefore call upon this House to give support to this very important Motion and direct what we need to do as a Police Committee. We have done so much but we have not achieved enough. This House, using its resolutions, will give us enforcement to be able to do what we needed to do and we know what we need to do.

Hon. Ali Ndume (Damboa/Gwoza/Chibok): Mr. Speaker, I want to first of all commend the mover of this Motion for its timeliness and the way he actually presented it. I also want to commend the Chairman of the Police Committee for giving us a background of what he has done so far to arrest the situation. I said that this Motion is very timely and it will serve as a notice to the Government so that if there is failure we will invoke Section 11 of the Constitution.

As at now, that constitutional provision has already been triggered because the State Assembly has

not sat for over one month; and there is a constitutional requirement as to the number of days that a House of Assembly should sit. I am therefore calling on the House to support this Motion because if it is Ogun State today, it can be this National Assembly tomorrow because the difference between military regime and a civilian regime is only this Institution. Once this Institution is not functioning, as the Chairman of the Police Committee said, we are just having a kind of dictatorship or an era that is just equivalent to military regime.

I therefore call on Colleagues to support this Motion and make it so strong so that a strong signal will be sent and sanity brought immediately to the good people of Ogun State.

Hon. Patrick Obahiagbon (Oredo): Mr. Speaker, let me start by saying that I am consensus *ad idem* with the very eloquent clinical seminar submissions of the mover of this Motion; a Motion that adds a lot of evidential substratum in demonstrating the fact that the prayer for the Motion is one that should enjoy the total support of this Parliament.

I must equally thank the Chairman of the Police Committee for bringing to our knowledge that the Police Committee of the House was not recumbent, they are the recusant while the State of pandemonium and *topsitovidum* lasted in Ogun State. It is audible to the deaf and visible to the blind that the conditions *sine qua non* for invoking Section 11 Sub Section (IV) of the 1999 Constitution in Ogun State is right.

I agree with the submissions of the mover of the Motion that Ogun State today is a failed State. That is because we have three organs of Government recognised by the clear provisions of the 1999 Constitution. One of the vital organs recognised by the 1999 Constitution has gone into a state of slumber. How dare it that orchestrated and seemingly Executive *chronograph contacacation* of events. Is this what a responsible Parliament should allow? No. Again, what has come under focal incepts and biceps which this Parliament must deprecate and *poo-poo* is the fact that the security *apparatus* of Ogun State and the Federal Government has not been value neutral. It is important we use this opportunity and occasion as has been said, to bring to the attention of the security apparatus of the State that they do not exist.

Hon. Gbenga Oduwaiye (Ijebu-Ode/Ijebu North East/Odogbolu): Mr. Speaker, Point of Order! My Point of Order is Order of Privilege. It will be irresponsible of me -

The Deputy Speaker: Read the Order.

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Hon. Gbenga Oduwaiye: It is Order V Rule 1(b) on Page 11: Matter of Privilege:

Whenever a matter of privilege arises, it shall be taken into consideration immediately.

It will be irresponsible of me to sit in this Chambers and watch a Colleague from Edo State describe my State as a failed State. I want to request that that language is not in conjunction with the aspirations and wishes of the people of my State. *(Interruptions)*

Last week in Edo State, the convoy of the Commissioner of Police was ambushed and people were killed. Somebody cannot come here and call my State a failed State, I will not take that.

The Deputy Speaker: What Hon. Patrick means here is that the Police have failed the nation as far as Ogun State is concerned. However, I believe he has a way of reframing his statement.

Hon. Patrick Obahiagbon: Thank you so much Mr. Speaker for your protection. I was almost coming to the end of my submission. I must not fail to say before I sit down that agreements and disagreements are necessary ingredients that overhaul any democratic machinery. But such agreements and disagreement must be seen to be devoid of cranky ploys and political deliquescence.

It is the cranky ploys and political deliquescence that has set at variance a vital organ of government in Ogun State. It is the cranky ploys and political deliquescence that lay a clear present danger in Ogun State. It is the cranky ploys and political deliquescence that threaten peace and security in Ogun State.

That is our worry, and I urge that it should be the worry of Parliament.

The Deputy Speaker: He has apologised. Let me take one Member from Ogun State who wants to speak for the Motion, please.

Hon. Dave Salako (Ikenne/Remo North/Sagamu): Mr. Speaker, please permit me to say at this juncture that this Motion cannot come at a better time than it has today. This is because when I retrospect and remember what is going on in Ogun State for the past few weeks I become dismayed and disgusted. In fact, I have had sleepless nights.

Our Constitution is very clear; it recognises the separation of powers. There is an arm of government which is the Executive; there is the Legislature, which

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is the State Assembly we are referring to. If now the State Houses of Assembly are not allowed to perform their Constitutional functions then something is wrong somewhere.

Of course, what has been said in Section 104 of our Constitution cannot be over emphasised. The Constitution is the grand norm of our rules in this country. They must sit for a particular time in their tenure; and of course, if we go by what is going on now they may not be able to accomplish that time.

Therefore, the time is now ripe that this noble House wades into the occurrences and the inadequacies of what is going on in Ogun State by ensuring that the State Assembly Members go back to their work. They cannot do so to endanger themselves or their lives if the Police are lacking in their duties.

Therefore, I implore you all to support this Motion.

Hon. Olufemi Gbajabiamila (Surulere I): Mr. Speaker, I want to make it clear that what is happening in Ogun State has been going on for sometime. The fact that this House has sat back not until now was not a manifestation of weakness or dereliction of duty or responsibility. Instead, it was in recognition of the independence of Ogun State. However, Hon. Agoda has very eloquently captured and underscored the importance of upholding the Constitution. I would want to add a little to that as far as the Constitution is concerned. He has quoted copiously but I will want to add a particular Section of the Constitution, Section 1(2). If I may read, it says:

The Federal Republic of Nigeria shall not be governed nor shall any person or group of persons take control of Nigeria or any part thereof except in accordance with the provisions of the Constitution.

Under the Constitution, a State is governed by three arms and the three arms enjoy a symbiotic relationship. Where one arm is not functioning, then the provision of our Constitution has been breached because then it cannot be said that the State is being governed in accordance with the provisions of the Constitution. I want to tie that provision of the Constitution together and read it together with Section 11(4) and emphasize that the provision of Section 11 is actually an automatic trigger. It does not even require a Motion, a Bill or anything. It is an automatic trigger that once a House is not sitting, any member of this House can bring a law without any pre-conceived Motion or Bill and make laws for that State. This is very important and that provision is put there so that

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there will not be a vacuum in the governance of a particular State.

Presently, there has been a vacuum in Ogun State for over a month. It is the people of Ogun State that will suffer the consequences.

Mr. Speaker, I would further add without much ado, that we invoke Section 11(4) and begin in earnest to make laws for the people of Ogun State. *(Applause)*

The Speaker: Honourable Colleagues, I want to take those who want to speak against the Motion.

Hon. Gbenga Oduwaiye (Ijebu North/Ijebu North East/Ogun Waterside): Mr. Speaker, I am a democrat and I believe in the principles of separation of powers as enshrined in our Constitution. Again, I believe very deeply in the Constitution of the Federal Republic of Nigeria. As such, I agree totally with the spirit of Section 11(4), as regards the powers of this House to legislate, if there is a vacuum of legislation in Ogun State.

However, my disagreement with this Motion is as to what is adduced to be the cause of the House not being able to sit. As a constituent in that State, I want the House of Assembly to sit and make laws for the good governance of the people of Ogun State. In fact, it will be absolutely irresponsible of me, as an elected representative from that State, to sit here while fingers are being pointed at the Executive Arm of Government in the State as being the one debarring the Members of the House from sitting.

I want to state on record that I very much object to my State being referred to as a failed State.

Hon. Friday Itulah (Esan North East/Esan South East): Point of Order, Mr. Speaker!

The Speaker: Yes, Hon. Friday Itulah.

Hon. Friday Itulah: Mr. Speaker, my Point of Order is Order IX, Rule 4 on page 32. It reads:

A member must confine his observation to the matter under discussion and must not introduce irrelevancies thereof.

The matter that he is raising has to do with the Motion that is on ground and the prayer therein. There is nothing in that Motion that makes reference to the invocation of Section 11(4); rather, it is asking the Commissioner of Police to prepare grounds to enable the House to sit. This House is not invoking Section

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11(4) of the Constitution. So, the speaker must confine his observation to the matter under discussion.

The Speaker: Maybe he was only reacting to the observation made by some members on Section 11(4).

Go ahead, Hon. Gbenga and stick to the issue under discussion.

Hon. Gbenga Oduwaiye: Thank you Mr. Speaker, and I also thank Hon. Itulah for bringing us back to the crux of the matter. As I said, I am not against filling up the vacuum in Ogun State House of Assembly, but we cannot sit here when fingers are being pointed.

What we need to do as a higher parliament to the Ogun State House of Assembly is to mediate and ensure that the proper machinery is put in place to make the House of Assembly to sit. We must limit ourselves to that.

The Speaker: Chairman, House Committee on Justice, do you want to speak against the Motion?

Hon. H. S. Dickson (Sagbama/Ekeremor): No, I am in support of the Motion. I just want to make an amendment.

The Speaker: I am calling on those who want to speak against the Motion. *(No response)*

Honourable Colleagues, I will put the question so that we can put this issue to rest.

Question put and agreed to:

The House:

Noted the recent reports on the inactivities of the Ogun State House of Assembly as an affront of the Social, Economic and Political Interest of the Ogun State people and the potential threat to the peace, stability, law and order of the Gateway State;

Concerned that if all Stakeholders in the political development of the country do not take steps to nip in the bud the emerging crises in Ogun State, it might sooner than later have a spill-over effect on other parts of the country.

Regretted that the reasons for the political log-jam have to do with disagreements resulting from over ambitions, personality clashes, exercises in ego gratifications and political differences;

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Disturbed that the Ogun State House of Assembly has failed to sit for upwards of about four weeks when the House is not on the usual recess.

Worried that the lack of Sitting of the House is manifestly approaching a violation of the Constitution which stipulates the minimum number of Sittings a State House of Assembly must attain in any given Legislative Year in accordance with Section 104 of the 1999 Constitution which is the grand norm of the present political system.

Realized how disturbed the House of Representatives have been about the Ogun State imbroglio and the grave consequences the crisis hold for the political stability of the entire nation.

Considered the power vested in the National Assembly by the Constitution to act and to take action in circumstances such as those that have been unfolding in the Ogun State House of Assembly in the last couple of weeks;

Resolved to:

- (i) Request the Inspector-General of Police to immediately deploy all necessary security apparatus to provide adequate security to the Ogun State House of Assembly with a view to enable Members resume their legislative duties without any further encumbrance from any quarter.
- (ii) Caution the Ogun State Police Commissioner on the need to accord due regard to the State House of Assembly as a key constitutional framework for the blossoming of democratic practices in that State.
- (iii) Warn the feuding Parties in Ogun State House of Assembly and the Government of the State that the House of Representatives will be compelled to invoke the powers granted it by Section 11 (4) of the 1999 Constitution if the Assembly fails to reconvene on or before 14th April, 2009.

Hon. Sani Saleh Minjibir (Minjibir/Ungogo):
Point of Order, Mr. Speaker!

MATTER OF PRIVILEGE

Misinformation and degraded patented Propaganda by The Daily Independent Newspaper

Hon. Sani Sale Minjibir (Minjibir/Ungogo): Mr. Speaker, I would like to cite Order V - Privileges; and I will read the relevant Orders.

Order V, Rule 1, page 11 reads: *Privileges are the rights enjoyed by the House collectively and by the members of the House individually conferred by the Legislative Houses (Powers and Privileges) Act. 2004 and other statutes, practices, precedents, usages and customs.*

Order V, Rule 1(b) says, *whenever a matter of privilege arises, it shall be taken into consideration immediately.*

I will also like to add that our Rules under the same Order IV on page 12 gives us the right to entertain issues in the Press, publications of books and other such media.

I have sufficient concern to intimate this Parliament of a publication in the Daily Independent Newspaper of Wednesday, 1st April, 2009 at page B6, entitled Constituency Project Fund for Law Makers or their Constituents. Before I go ahead to make my presentation, I would like to crave your indulgency and that of the House to please permit me to quote from the pages of the said publication.

It started by saying that *Federal Law Makers on Wednesday last week awarded themselves ₦60 billion as constituency fund allocation for 2009 fiscal year.* They drew the instant eye of opposition leaders who called it a big fraud. Because of time, Members can avail themselves with a copy of the publication. I will only quote from the relevant portions as I said earlier.

It goes on to say, *ever since the beginning from fiscal year 2000, allocation for Constituency projects have always been among the several items in Federal Government Budget which the National Assembly routinely processed into Act, but the explanation for*

funds from the National Assembly Members for the fund and what a good number of Nigerian Public thinks, has always been in conflicts.

It is no different in the instant case, not a few believes that Senators and Members of the House of Representatives have become used to it as "pocket money" from the Executive to earn the much needed cooperation with the Presidency.

Critics say very few, if any, among the law makers undertake a project work, whether for water supply,

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rural electrification, roads or rehabilitation of school facilities in their respective Constituencies.

I will jump to another paragraph. It is a comment by a former Senator who was trying to explain the role that Legislators play in Constituency projects. He said: *Legislators were merely required to identify projects which they wish to be sited in there Constituencies for inclusion in the budget.*

There are so many items that I have underlined which I want the honourable House to please be patient with me so that we can exhaustively deliberate on this matter because I have raised this issue under matter of privileges. I believe that there is sufficient ground for this House to invoke its Rules to suspend whatever part of our extant Rules in order to give us the leeway to discuss this issue exhaustively because it is also a matter of Urgent Public Importance. This is because it concerns our Constituents. It touches on the farthest corners of this country even where there is no Federal presence.

There is a reference here which says that payments are being made to accounts of Hon. Members. It reads: *the Secretary-General of Conference of Nigerian Political Parties (CNPP) Mr. Willy Ezeogu, who said that the allocation which gives at least two hundred million to each of the 469 Member of the National Assembly is a great waste.*

I want to emphasize one simple fact, that my involvement as a Member of this honourable House from 2003 till date, whenever it comes to issues of Constituency projects it has been limited to two things. I should identify which project I want based on the choices allocated to House Membership. I should also go and site the location of that project.

From 2003 till date, nobody and nowhere has it been reflected that any sum of money has been given to me personally, Sani Sale Minjibir, to execute projects in any of my Constituencies. I believe that since that is the situation that applies to me as a Member, the same will also be true of all my Hon. Colleagues in this House. The issue should be taken very serious.

As a vibrant Parliament, there is need for the populace to trust and believe that we would always act in their best interest and that cannot be over emphasized. As such, we must take all necessary steps to make sure that this misinformation and degraded patented propaganda which has been assaulting the sensibilities of the Nigerian people since 2000 is put to rest. The fact of the matter is that issue of monies which were alleged to have been paid into the accounts of hon. Members for the execution of constituency

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projects is nothing but fallacy. It only exists in the mind of those who are creating those impressions.

We have had instances where allegations are being made in certain States of Governors paying constituency project funds direct to hon. Members. I do not know anything about that but one thing I do know for sure is that the State of Kano where I come from, which has one of the most vibrant constituency project initiatives in the whole country, proceeds on very transparent and fair grounds.

I challenge anybody to go to my State. In all the nooks and crannies, with very minimum efforts, you will be able to identify constituency projects done by the State government. The same is also true of this Parliament. Every time this issue comes up, we tend to turn a blind eye to it yet it is a very serious issue. I crave the indulgence of my Colleagues to suspend the extant rules so that Members will be allowed to contribute on this issue.

Due to constituency projects for 2008 which are being executed under the MDGs initiative, well meaning Nigerians have already sent personal communications to the President and Commander in Chief, thanking him for giving his support to those laudable programmes. The MDGs for 2009 which are very important to our constituents are yet to be started. In my opinion we must try as much as possible to take a look at this issue holistically.

The Deputy Speaker: We have just passed a Motion trying to correct some of the abnormalities in a State. It is equally important that we put the record straight that we are not in charge of executing contracts anywhere in the country. All we do is to identify a location, appropriate fund to that project and allow the Executive to do their job. That is exactly what we are doing.

Let me say at this point that it is not only Kano State Governor; but if an opposition Governor like that of Kano can do that, it will benefit his constituents. I believe that PDP Governors are doing better. So Hon. Sani Minjibir, I want to say that your Governor is copying from PDP Governors in what he is doing.

Let everybody know that Members of the National Assembly, including Members of the State Assemblies are not in any way responsible for the execution of contracts. We in the National Assembly have constituencies and each Member is asked to provide a place where a borehole maybe drilled, primary schools to be built and primary health centres may be built. Once you identify that location, your job has finished. The remaining one is for the Executive and not ours.

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I believe this is noted.

PRESENTATION OF REPORTS

Report of the Committee on Defence on Conditions to Call on the Armed Forces to Suppress Insurrection Bill, 2008

The Deputy Speaker: The only Business of the Day is presentation of Report of the Committee on Defence on Conditions to Call on the Armed Forces to Suppress Insurrection Bill, 2008 standing in the name of Hon. Oluwale Oke.

Hon. Members will recall that the Bill was referred to the Committee on Wednesday, 28th May, 2008. Hon. Oluwale Oke is invited to present his Report.

Hon. Oluwale Oke (Obokun/Oriade): Mr. Speaker, I move that this House do receive the Report of the Committee on Defence on a Bill for an Act to prescribe conditions under which the President of the Federal Republic of Nigeria can call out the Armed Forces to suppress insurrection and for related matters.

I so move.

Hon. Uche Ekwunife (Anaocha/Njikoka/Dunukofia): Mr. Speaker, I rise to second the Motion as moved by Hon. Oluwale Oke.

Question put and agreed to.

Resolved: That the House do receive the Report of the Committee on Defence on a Bill for an Act to prescribe conditions under which the President of the Federal Republic of Nigeria can call out the Armed Forces to suppress insurrection and for related matters.

ORDER OF THE DAY

MOTIONS

Constitution of the Public Complaints Commission

Deputy Speaker: The first Order of the Day is a Motion on the constitution of the Public Complaints Commission standing in the name of Hon. Ita Enang and 59 others.

Hon. Ita Enang is invited to move his Motion.

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Hon. Ita Enang (Itu/Ibiono Ibom): Mr. Speaker, this is a Motion for the constitution of the Public Complaints Commission.

The House:

Notes that the Public Complaints Commission was dissolved in March 2000 when the seat of the Chief Commissioner became vacant at the expiration of the incumbent's six-year term;

Aware that in 2004, a Bill to amend the Public Complaints Commission Act was sent by the then President Chief Olusegun Obasanjo to the National Assembly but was negatived as being in breach of Section 315(5) of the 1999 Constitution;

Further notes that Section 2(1) of the Public Complaints Commission Act provides that the Chief Commissioner and other Commissioners shall be appointed by the National Assembly and shall be persons of proven integrity and shall possess such other qualifications as the National Assembly may determine;

Further aware that memos were forwarded to the Speaker and by the Speaker to the Senate President for the constitution of the Public Complaints Commission but action on the matter is still pending;

Acknowledges that the Public Complaints Commission occupies a strategic position in enhancing good governance, equity and justice in the polity;

Concerned that it is not in the public interest that the office remains vacant and complaints unattended since the Commission plays an advisory role to the legislature by drawing attention to laws that are defective;

Worried that the National Assembly appropriates for the Public Complaints Commission every year though there are no Commissioners in office;

Recognises that it has become imperative that the National Assembly should exercise its constitutional responsibility to appoint the Commissioners Act;

Resolves to:

Call on the President of the Senate, the Speaker of the House of Representatives and the Leadership of the National Assembly to take steps towards appointing Commissioners for the Public Complaints Commission

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in accordance with the Public Complaints Commission Act.

I so move.

Hon. Munguno Mohammed Tahir (Munguno/Marte/Nganzai): Mr. Speaker, I rise to second the Motion as moved by Hon. Ita Enang.

Question Proposed.

Hon. Ita Enang: Mr. Speaker, the Public Complaints Commission is the only known Commission, Agency or Body where the law vests in the Legislature the power to appoint and constitute the membership. The Public Complaints Commission is established by the Public Complaints Commission Act, cited as P 37 in Laws of the Federation Cap 14. With your leave, Section 1 of the Law reads thus:

There shall be established a Commission to be known as the Public Complaints Commission in this Act referred to as the Commission which shall consist of a Chief Commissioner and such number of Commissioners as the National Assembly may from time to time determine.

This law says that it is the National Assembly that shall appoint. Section 2 of the same Act says;

The Chief Commissioner and other Commissioners shall be appointed by the National Assembly and shall be persons of proven integrity and shall possess such qualifications that the National Assembly may determine.

Also, Section 315 of the 1999 Constitution recognises the Public Complaints Commission Act as one of those existing laws which can only be amended by the process set out for the amendment of the Constitution if it is to be amended. That is, Section 315 of the 1999 Constitution which has the National Youth Service Act, the National Security Agencies Act and the Land Use Act. It was in recognition of this Section that this House in its wisdom in the year 2004 rejected the Bill sent by Mr. President on this subject.

In 2004, Mr. President forwarded a Bill for an Act to Amend the Public Complaints Commission Act which we published as HB. 62 and he sought to amend two Sections. First, he said we should amend it to read; *the Commissioner and other Commissioners shall be appointed by the President subject to confirmation by the Senate* and he also sought the power to remove.

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By the Votes and Proceedings of 20th January, 2004 this House rejected the Bill and negatived it. With your leave, let me just read the Clause that this House resolved:

Question that the Bill be now read a Second Time put and negatived because Bill is in breach of Section 315(5) of the Constitution.

The House recognised that it is the National Assembly that should constitute that body but up till now that body has not yet been constituted. It is on the basis of this that the former Speaker of the House of Representatives, Hon. Aminu Masari sent a memo to the Senate President on this matter. I have attached this memo and the memo that the Rules and Business Committee wrote. I have also attached the memo that other persons originated and the brief on this matter.

If the Legislature has been complaining that the Executive has not been smart in the performance of certain functions vested in her, it is not right that the Legislature on its part has not exercised the only power vested on it by the whole Act, which is power of appointment up till now.

I therefore pray this House to accede to my only request, which is to resolve that the Senate President, the Speaker of the House of Representatives and the Leadership of the National Assembly do constitute the Public Complaints Commission. This is because for nine years now, we have been budgeting for that Commission whereas there are no Commissioners.

I have attached all these documents and circulated to Members in my brief. Therefore, I pray that you support this Motion.

I so move.

Question put and agreed to.

The House:

Noted that the Public Complaints Commission was dissolved in March 2000 when the seat of the Chief Commissioner became vacant at the expiration of the incumbent's six-year term;

Aware that in 2004, a Bill to amend the Public Complaints Commission Act was sent by the then President Chief Olusegun Obasanjo to the National Assembly but was negatived as being in breach of Section 315(5) of the 1999 Constitution;

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Further noted that Section 2(1) of the Public Complaints Commission Act provides that the Chief Commissioner and other Commissioners shall be appointed by the National Assembly and shall be persons of proven integrity and shall possess such other qualifications as the National Assembly may determine;

Further aware that memos were forwarded to the Speaker and by the Speaker to the Senate President for the constitution of the Public Complaints Commission but action on the matter is still pending;

Acknowledged that the Public Complaints Commission occupies a strategic position in enhancing good governance, equity and justice in the polity;

Concerned that it is not in the public interest that the office remains vacant and complaints unattended since the Commission plays an advisory role to the legislature by drawing attention to laws that are defective;

Worried that the National Assembly appropriates for the Public Complaints Commission every year though there are no Commissioners in office;

Recognised that it has become imperative that the National Assembly should exercise its constitutional responsibility to appoint the Commissioners Act;

Resolved to:

Call on the President of the Senate, the Speaker of the House of Representatives and the Leadership of the National Assembly to take steps towards appointing Commissioners for the Public Complaints Commission in accordance with the Public Complaints Commission Act.

**Sudden and Mysterious Disappearance of
Mr. Jude Onunze from the Custody of
Nigeria Police at Kuje Station, Abuja**

The Deputy Speaker: The second Order of the Day is a Motion on sudden and mysterious disappearance of Mr. Jude Onunze from the custody of the Nigeria Police at Kuje Station, Abuja, standing in the name of Hon. Paul Okwudili Eze and 43 others.

Hon. Eze is invited to move his Motion.

Hon. Paul Okwudili Eze (Igbo-Etiti/Uzo-Uwani): Mr. Speaker, I will proceed to read the Motion as contained in the Order Paper.

The House:

Notes that Mr. Jude Onunze, a native of Aku in Igbo Etiti Local Government Area of Enugu State and resident in Gudaba Village in Kuje Area Council of Abuja, FCT, was arrested and detained in Kuje Police Station from 1st – 4th January, 2009 on the allegation of criminal intimidation by one Mr. John Ogbonna;

Worried that all efforts by his relations and his in-law who is a Police Officer to take him on bail was refused by the Kuje Divisional Police Officer on the premise that the allegation borders on threat to life and therefore calls for thorough investigation.

Disturbed that when the Okwor family and friends came back on Monday, 5th January, 2009 to take him on bail, they were told that Mr. Jude Onunze had been released the previous night, being Sunday.

Further worried that since the purported release by the Kuje Police Station, Mr. Jude Onunze, had not been seen or heard from and all efforts to trace his where about have proved abortive.

Resolves to:

- (i) Mandate the Joint Committees on Human Right, Police Affairs and Judiciary to investigate this incident and report back to the House within two weeks;
- (ii) Exhort the Inspector-General of Police to wade into the matter and cause Mr. Jude Onunze to be produced.

Hon. Igwe, Paulinus Nwagu (Ezza North/Ishielu): Mr. Speaker, I rise to second the Motion.

Question Proposed.

Hon. Paul Okwudili Eze: Mr. Speaker, wonders shall never end. This is a very pathetic and agonizing story of my constituent, Mr. Jude Onunze. He was reported to the Police by one Mr. John Ogbonna on 1st January, 2009.

The allegation was that Mr. Onunze told him that somebody had threatened to kill him, (Mr. John Ogbonna). Therefore, the police was invited and the Police arrested Mr. Jude Onunze to compel him to name the person who made the threat.

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While he was in the Police custody, he called his elder sister, Mrs. Kate Okwor, who came there and started bringing food to him. The husband of Mrs. Kate Okwor, a Police Officer, came and applied to take Mr. Jude Onunze on bail, but the DPO refused, maintaining that the matter was a threat to life and needed thorough investigation.

On 3rd January, 2009, Mrs. Kate Okwor brought food for her younger brother, but instead of calling Jude Onunze to come and take the food, the police took the food from her and asked her to go. She was worried and wondered why. The DPO on hearing the protest intervened and told her to go with her husband and that they should come back on Monday, when Mr. Jude Onunze should be granted bail.

When she brought food on Sunday, the same event repeated itself. Then to their consternation on Monday when they came to take Mr. Jude on bail, the Police told them that Mr. Jude had been released the previous evening, being Sunday night. All effort to trace Mr. Jude Onunze has proved abortive.

On the 8th of January, 2009 the Aku Welfare Association Federated, a Socio-Cultural Organization that sees to the welfare of the citizens of Aku that are resident outside Aku Community, wrote a petition to the Inspector-General of Police, complaining about the disappearance of one of their members from the Kuje Police Station.

The Inspector-General of Police promptly re-acted by minuting the letter to the Commissioner of Police, Abuja, FCT, to act on that petition. After a long time when nothing was heard, the Aku Welfare Association Federated wrote a painful reminder to the Inspector-General of Police on the incident. Part of that letter is worth reading to this House to ventilate your mind on what has happened since the disappearance of Mr. Jude Onunze.

If the House permits me, I will read part of it:

It is important to state that the Deputy Commissioner, Mr. Ekpe at the Command Headquarters, Abuja spearheaded the investigation in this matter. On 16th January, 2009, Mr. Ekpe, invited the Divisional Police Officer in charge of Kuje Police Station, Mr. Ronald Oko, to his office for interrogation.

The testimonies of Mr. Ronald Oko and that of Mr. M. N. Chindo, the DCO were at variance in many aspects, as to the day and circumstances of release of Mr. Jude Onunze from the Police Cell; and reveals ex-facie a poor attempt to cover the real issue.

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We also know, as a matter of fact, that the IPO, P.C. Peter Aguo and CRO in the station said different things before the DCP, Mr. Ekpe and members of the Aku Welfare Association Federated, concerning their actions towards the missing suspect.

Surprisingly, after the Kuje Police authorities made discordant testimonies, before the DCP, Mr. Ekpe and members of Aku Welfare Association, the matter took a different dimension as the DPO, Mr. Ronald Oko, started arranging for a secret meeting with the Chairman of the Aku Welfare Association, Mr. Marcell Ezeagu.

It was not possible for Mr. Oko to meet the Chairman of Aku Welfare Association alone because the Chairman invited other members of the Association to appear in the meeting scheduled by the DPO, Mr. Oko.

At the meeting which was held on 19th January, 2009 at City Park behind Diamond Bank, Wuse II, Abuja, at 5.00 p.m., the DPO Kuje was shocked to see the members of the Aku Welfare Association in attendance. He was therefore, restrained and told the people that Jude Onunze, was not missing but that they should give him more time.

The members enquired how long a time it would take. (Interruptions)

The Deputy Speaker: Hon. Igwe, could you please, summarise.

Hon. Igwe, Paulinus: I am going through the story to let you know how the Police have been mumbling up this investigation. The truth remains that up till this moment, Mr. Jude Onunze is still missing. This is the breadwinner of a family of five. His children have not been going to school. He has his aged parents in the village who have been told that their son is missing. You can imagine the state of the commotion in the family.

I cannot go on and on but to let you know that the integrity of this House is on test about our concern on the life of a common man in this country.

I urge Mr. Speaker and Hon. Colleagues, to please grant this Motion as moved.

Question put and agreed to.

The House:

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Noted that Mr. Jude Onunze, a native of Aku in Igbo Etiti Local Government Area of Enugu State and resident in Gudaba Village in Kuje Area Council of Abuja, FCT, was arrested and detained in Kuje Police Station from 1st – 4th January, 2009 on the allegation of criminal intimidation by one Mr. John Ogbonna;

Worried that all efforts by his relations and his in-law who is a Police Officer to take him on bail was refused by the Kuje Divisional Police Officer on the premise that the allegation borders on threat to life and therefore calls for thorough investigation.

Disturbed that when the Okwor family and friends came back on Monday, 5th January, 2009 to take him on bail, they were told that Mr. Jude Onunze had been released the previous night, being Sunday.

Further worried that since the purported release by the Kuje Police Station, Mr. Jude Onunze, had not been seen or heard from and all efforts to trace his where about have proved abortive.

Resolved to:

- (i) Mandate the Joint Committees on Human Right, Police Affairs and Judiciary to investigate this incident and report back to the House within two weeks.
- (ii) Exhort the Inspector-General of Police to wade into the matter and cause Mr. Jude Onunze to be produced.

CONSIDERATION OF BILLS

National Integrated Rural Development Agency (Establishment) Bill, 2008

A Bill for an Act to Establish the National Integrated Rural Development Agency and other Matters related Thereto, 2008.

Order for Third Reading.

The Deputy Honourable Members would recall that the House adopted the Report of the Committee of Whole on the Bill on Thursday, 5th March, 2009. Clean copies have been circulated to Members to enable them peruse the content.

I therefore, call on the Leader of the House to move that the Bill be read the Third Time.

Hon. Baba Shehu Agaie (Agaie/Lapai): Mr. Speaker, I rise to move that A Bill for an Act to

Establish the National Integrated Rural Development Agency and other Matters Related Thereto (HB. 99) 2009, be read the Third Time.

Hon. Ita Enang (Itu/Ibiono-Ibom): Mr. Speaker, I rise to second the Motion.

Question put and agreed to.

Bill read the Third Time and passed.

Hydroelectric Power Producing Areas Development Commission (Establishment) Bill, 2009

A Bill for an Act to Establish the Hydroelectric Power Producing Areas Development Commission and Vest it with the responsibility of Managing the Ecological menace due to Operation Matters, 2008.

Order for Second Reading.

The Deputy Speaker: The first Order of the Day is commencement of debate on the General Principles of a Bill for an Act to Establish the Hydroelectric Power Producing Areas Development Commission. The Bill was read the First Time on Tuesday 16th December, 2008

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

Several hon. Members: The Bill is not in the Order Paper.

The Deputy Speaker: Is the Bill not listed in the Order Paper? Chairman Rules and Business, do you have Supplementary Order Paper?

Hon. Ita Enang: Yes, Sir. We have published Supplementary Order Paper and further circulated copies of the Bill from the Senate.

The Deputy Speaker: Hon. Baba Shehu Agaie are you ready to take that Bill?

Several hon. Members: We do not have copies of the Bill.

The Deputy Speaker: Hon. Colleagues I understand that the Bill was circulated by the Committee on Rules and Business. Bills are always put in our Pigeon Holes; those that are circulated on the floor are just for those who may have forgotten their copies or their Reports at home. He has the date it was circulated. Will you be satisfied if he tells you the date?

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Hon. Ita Enang: Mr. Speaker this is a Bill which came from the Senate and we circulated it on the 14th of February, 2009 to all the Members and today we came with 100 sets which we gave to honourable Members as they were coming into the Chamber. They have it here with them and this is extra circulation.

Deputy Speaker: Hon. Baba Shehu Agaie please, move your Motion.

Hon. Baba Shehu Agaie (Agaie/Lapai): Mr. Speaker, I move that a Bill for an Act to Establish the Hydroelectric Power Producing Areas Development Commission and Vest it with the responsibility of Managing the Ecological menace due to Operation Matters, 2008 (HB. 160) be read a Second Time.

Hon. Rufus Omeire (Ideato North/South): Mr. Speaker I rise to second the Motion. .

Question proposed.

Hon. Baba Shehu Agaie: Mr. Speaker this Bill is just like old wine inside a new bottle. As a third time Member of this House, this Bill was initiated in the first Assembly of which it under went all the legislative hurdles up to Presidency for assent. Unfortunately, the former President could not assent to the Bill and that is why it is still resurfacing.

In the first National Assembly, I was a Member of the House Committee on this Bill; we went round all the States affected. They include Kebbi, Kogi, Kwara and Niger States. We saw, we were not told. We knew the damages these people have suffered. Most of them lost their houses; most of them were even killed by the flood then. This Bill seeks to control or if possible, eliminate the ecological problems facing these areas as a result of Hydroelectric Power activities.

This Bill if it is blessed by the National Assembly will enjoy its funds through 30 percent total revenue generated by the companies and authorities from Hydroelectric Power Dams in any member State. Secondly, they are to enjoy 50 percent Ecological Fund from the Member States. Thirdly, they are to enjoy 40 percent from the Annual Appropriation Project from Federal Government or the Commission's Annual Budget. At the same time, they will enjoy some facilities such as loans, gifts, grants, *et cetera*.

This Bill is our own because we all reap the fruits of these Dams through Power consumption. Yesterday it was NDDC, today it is HYPADDEC, and tomorrow it will be something else.

So my honourable Colleagues, I crave your indulgence to support this Bill in totality.

The Deputy Speaker: You said that this Bill is *an old wine in a new bottle*. They also emphasized that this is our baby; that the Bill was once passed by this National Assembly and in particular by this House of Representatives. It was even sent to the President for assent; unfortunately, he did not assent to it. What we are doing now is to return the Bill to the Executive for assent.

Therefore, I do not think we need to talk much on this Bill. Rather, I will like to put the Question that the Bill be now read the Second Time.

Hon. Bala Ibn Na'Allah (Zuru/Fakai/Sakaba/D/Wasagu): Mr. Speaker, the issue touches on committal of Bills and it has to do particularly with Order XII, Rule 5 (1) on page 52, which reads:

When a Bill has been read a Second Time it shall stand committed to a Standing Committee unless the House on a motion moved commits it to the Committee of the Whole House such motion shall not require notice but must be made immediately after the Bill is read a Second Time and must be proposed by the Leader of the House.

Bills committed to Standing Committees shall be allocated to a particular Committee by the Speaker whose discretion in this matter is final.

Mr. Speaker, I intend to move a Motion that this Bill be committed to the Committee of Whole immediately the Bill is read a Second Time in view of the fact that the Senate has already passed the Bill.

The Deputy Speaker: Hon. Bala Na'Allah that is why at times it is better to wait. Maybe, before I put the question you may raise your observation. This is a matter that has to do with Constitutional Amendment. What is there is that the Bill is referred to the Committee of Whole.

Hon. Bala Ibn Na'Allah, are you saying that we cannot commit the Bill to the Committee of the Whole without that Motion?

Hon. Bala Ibn Na'Allah: No, I am saying that we are seeking your discretion.

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Question put and agreed to.

Bill Read a Second Time and referred to the Committee of the Whole

Hon. Ita Enang: Mr. Speaker, for the avoidance of doubt Sir, and to assist Hon. Bala Ibn Na'Allah, it is Order XV, Rule 8, page 82 because this is a Bill outstanding from the preceding Assembly which we are committing. So, you are right to refer to it as it is because it has been passed. It is just to assist the other Members.

The Deputy Speaker: Hon. Bala Na'Allah, you have heard from Hon. Ita Enang.

Land Use Act (Amendment) Bill, 2009

A Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 by Amending the Land Use Act, Cap. 15LFN 2004 and for Related Matters –

Order for Second Reading

The Deputy Speaker: The fourth Order of the Day is commencement of debates on the general principles of a Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 by Amending the Land Use Act, Cap.15LFN 2004 and for Related Matters.

The Bill was read for the First Time on Tuesday 17th March, 2009.

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

Hon. Ita Enang: Mr. Speaker, with respect Sir; this is a Bill on Constitutional Amendment and the Leader had written a Brief but enough copies were not produced. We are just still producing the copies to circulate to Members. I am appealing that we stand this down till Members receive the Brief on the Constitutional Amendment, Sir.

The Deputy Speaker: The Bill is therefore stood down.

(Bill, with leave of the House, stood down)

CONSIDERATION OF REPORTS

Report of the Committee on Pensions on Chartered Pension Institute of Nigeria Bill, 2008
(Adjourned debate – 4/3/2009)

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The Deputy Speaker: The fifth Order of the Day is the resumption of Consideration of the Report of the Committee on Pensions on a Bill for an Act to Establish the Chartered Pension Institute of Nigeria Bill, 2008.

Honourable Members, you will recall that on Wednesday March 4, 2008, the House in the Committee of the Whole considered Clauses 1 – 16.

I now invite the Leader of the House to move that the Consideration of the Report do resume.

Hon. Shehu Baba Agaie (Agaie/Lapai): Mr. Speaker, I move that this House do resume the Consideration of the Report.

Hon. Ita Enang: I do second the Motion that the consideration of the Report on the Pension Bill do resume.

Question put and agreed to.

Amend the National Honours Act, Cap. N43 Laws of the Federation of Nigeria, 2004

The Deputy Speaker: The sixth Order of the Day is the consideration of the Report on a Bill for an Act to Amend the National Honours Act, Cap. N43 Laws of the Federation of Nigeria, 2004.

Honourable Members, you will recall that the Bill was referred to the Committee of the Whole on Thursday, 12th March, 2009.

I now invite Hon. Ita Enang to move for the consideration of the Report.

Hon. Ita Enang: I move that this House do consider the Report on the National Honours Act (Amendment) Bill, 2009.

Hon. Isah Idris Umaru (Igabi): I rise to second the Motion ably moved by Hon. Ita Enang.

Question put and agreed to.

Report of the Committee on Water Resources on Hydrological Services Agency (Establishment) Bill, 2008

The Deputy Speaker: The seventh Order of the Day is the consideration of the Report of the Committee on Water Resources on a Bill for an Act to Establish the Nigerian Hydrological Services Agency and for Matters Connected Therewith 2008. Hon. Members, you will

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recall that the Report was laid on Thursday 26th March 2009.

I now invite Hon. Terngu Tsegba to move for the consideration of the Report.

Hon. Terngu Tsegba (Gboko/Tarka): Mr. Speaker, I move that this House do consider the Report of the Committee on Water Resources on a Bill for an Act to Establish the Nigeria Hydrological Services Agency and approve the recommendation Therein.

Hon. Peter Kehinde Odebunmi (Ijero/Ekiti West/Efon): Mr. Speaker, I rise to second the Motion as moved by Hon. Tsegba Terngu.

Question put and agreed to.

Resolved: That the House do consider the Report of the Committee on Water Resources on a Bill for an Act to Establish the Nigeria Hydrological Services Agency and for Matters connected therewith, 2008

**Report of the Committee on Water Resources on
Gurara Water Management Authority
(Establishment), Bill**

The Deputy Speaker: The eighth Order of the Day is consideration of the Report of the Committee on Water Resources on a Bill for an Act to Establish the Gurara Water Management Authority with Responsibility among Other Things.

Honourable Members, you will recall that the Report was laid on Thursday 26th March, 2009.

I now invited Hon. Terngu Tsegba to move for the consideration of the Report.

Hon. Terngu Tsegba: Mr. Speaker, I move that this House do consider the Report of the Committee on Water Resources on a Bill for an Act to Establish the Gurara Water Management Authority with Responsibility among Other Things, to ensure Sustainable Operation and Maintenance of the Gurara Multipurpose Water Project and for Matters Connected Therewith, and approve the Recommendations therein.

Hon. Gbenga Peter Makanjuola (Ekiti/Isin/Irepodun/Oke-Ero): I rise to second the Motion ably moved by the Chairman, House Committee on Water Resources.

Question put and agreed to.

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**Report of the Joint Committee on Women Affairs
and Human Rights Bill, 2008**

The Deputy Speaker: The next Order of the Day is the consideration of the Report of the Joint Committee on Women Affairs and Human Rights on a Bill for an Act to Establish a Trust Fund for the Physically Challenged in Nigeria and for Other Matters Connected Therewith, 2008 and a Bill for an Act to Ensure full Integration of Nigerians with Disability into the Society and to Establish a National Commission for Persons with Disability.

Hon. Members, you will recall that the Report was laid on Wednesday 25th March, 2009.

I now invite Hon. Beni Lar to move for the consideration of the Report.

Hon. Beni Lar (Langtang North/South): Mr. Speaker, I move that this honourable House do consider the Report of the Joint Committee on Women Affairs and Human Rights on a Bill for an Act to Establish a Trust Fund for the Physically Challenged in Nigeria and for Other Matters Connected Therewith, 2008; and a Bill for an Act to Ensure full Integration of Nigerians with Disability into the Society and to Establish a National Commission for Persons with Disability and Vest it with the Responsibilities for their Education, Health Care and Protection of their Social, Economic, Civil and Political Rights and for Other Matters Connected Therewith, 2008 (HB.37 and 46) and approve the Recommendations Therein.

I so move.

Hon. Abike Dabiri-Erewa (Ikorodu): Mr. Speaker, I rise to second the Motion as moved by Hon. Beni Lar.

Question put and agreed to.

**Report of House Committee on Power on
Energy Commission of Nigeria Act
(Amendment) Bill, 2008**

The Deputy Speaker: The tenth Order of the Day is the consideration of Report of House Committee on Power on a Bill for an Act to Amend the Energy Commission of Nigeria Act to Grant Priority to the Promotion and Development of Renewable Energy Sources and Provide for Other Matters Related Thereof, 2008.

Hon. Members will recall that the Report was laid on Wednesday, 29th October, 2008. I now invite Hon.

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Ndudi Godwin Elumelu to move for the consideration of Report.

Yes, Hon. Ita Enang?

Hon. Ita Enang: Mr. Speaker, Hon. Ndudi Godwin Elumelu informed me that the Deputy Chairman will take consideration of the Report.

The Deputy Speaker: Is the Deputy Chairman around?

Hon. Ita Enang: I am not sure, Sir; may we stand down the consideration of the Bill.

(Report with leave of the House stood down)

Hon. Baba Shehu Agaie (Agaie/Lapai): Mr. Speaker, may I move that this House do resolve into the Committee of the Whole to consider all the Reports as listed.

Hon. Ita Enang I do second the Motion that the House do resolve into the Committee of the Whole to consider all the Reports listed.

Question put and agreed to.

Report of the Committee on Pensions on a Bill for an Act to Establish the Chartered Pensions Institute of Nigeria – CONSIDERED IN THE COMMITTEE OF THE WHOLE.

The Chairman: Hon. Colleagues, the first Report to be considered is the Report on Pensions. We stopped on page 8 Clause 16, which we have approved. We shall commence from Clause 17.

Clause 17 - (FUNDS OF THE INSTITUTE) – ordered to stand part of the Bill.

Clause 18 - (ACCOUNTS ETC.) – ordered to stand part of the Bill.

Part IV

APPOINTMENT OF REGISTRAR, ETC AND PREPARATION OF THE REGISTER

Clause 19 (APPOINTMENT OF REGISTRAR, ETC. AND PREPARATION OF THE REGISTER) – ordered to stand part of the Bill.

Clause 20 – (DUTIES OF THE EXECUTIVE SECRETARY) – ordered to stand part of the Bill.

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Clause 21 – (PUBLICATION OF REGISTERS AND LIST OF CORRECTION) – ordered to stand part of the Bill.

Part V – (REGISTRATION) – ordered to stand part of the Bill.

Clause 22 – (REGISTRATION AS CHARTERED PENSION PRACTITIONERS) – ordered to stand part of the Bill.

Clause 23 – (APPROVAL OF QUALIFICATIONS, ETC.) – ordered to stand part of the Bill.

Part VI – (PROFESSIONAL DISCIPLINE) – ordered to stand part of the Bill.

Clause 24 – (ESTABLISHMENT OF INVESTIGATING PANEL) – ordered to stand part of the Bill.

Clause 25 – (APPOINTMENT OF MEMBERS OF INVESTIGATING PANEL) – ordered to stand part of the Bill.

Clause 26 – (TENURE OF MEMBERS OF INVESTIGATING PANEL) – ordered to stand part of the Bill.

Clause 27- (POWER OF THE INVESTIGATING PANEL) – ordered to stand part of the Bill.

Clause 28 – (ESTABLISHMENT OF A DISCIPLINARY TRIBUNAL) – ordered to stand part of the Bill.

Clause 29 – (MEMBERSHIP OF THE TRIBUNAL) – ordered to stand part of the Bill.

Clause 30 – (PENALTIES FOR UNPROFESSIONAL CONDUCT, ETC.) – ordered to stand part of the Bill.

Part VII – MISCELLANEOUS

Clause 31 – (APPLICATION FOR MEMBERSHIP) – ordered to stand part of the Bill.

Clause 32 – (PRACTICE REQUIREMENT) – ordered to stand part of the Bill.

Clause 33 – (RULES TO ARTICLE, PRACTICING FEES, ETC.) – ordered to stand part of the Bill.

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Clause 34 – (PROVISION OF LIBRARY AND RESEARCH) – *ordered to stand part of the Bill.*

Clause 35 – (MAKING OF FALSE STATEMENT) – *ordered to stand part of the Bill.*

Clause 36 – (ESTABLISHMENT OF ENTRY IN THE REGISTER) – *ordered to stand part of the Bill.*

Clause 37 – (7 DAYS NOTICE OF PUBLICATION OF REGULATION) – *ordered to stand part of the Bill.*

Clause 38 – (COMMENCEMENT OF ACT) – *ordered to stand part of the Bill.*

Clause 39 – (TRANSFER OF INSTITUTE OF CERTAIN ASSETS AND LIABILITIES) – *ordered to stand part of the Bill.*

Clause 40 – (INTERPRETATION) – *ordered to stand part of the Bill.*

Clause 41 – (CITATION) – *ordered to stand part of the Bill.*

SCHEDULE 1

(SUPPLEMENTARY RELATING TO THE COUNCIL) – *ordered to stand part of the Schedule.*

SCHEDULE 2

(SUPPLEMENTARY PROVISIONS RELATING TO DISCIPLINARY TRIBUNAL AND INVESTIGATING PANEL) – *ordered to stand part of the Schedule.*

SCHEDULE 3

(TRANSITIONAL PROVISIONS AS TO PROPERTY ETC) – *ordered to stand part of the Schedule.*

EXPLANATORY NOTE - *agreed to.*

Long Title - (A BILL FOR AN ACT TO ESTABLISH THE CHARTERED PENSION INSTITUTE OF NIGERIA AND FOR MATTERS CONNECTED THEREWITH) - *agreed to.*

Extension of Time

The Chairman: By my time it is almost 1.30 p.m. Please move a Motion for the extension of time.

Hon. Aminu Tambuwal: Mr. Chairman, I move that we suspend all the relevant Rules and Standing Orders of the House to enable it sit beyond the normal time to continue the conduct of the Business of the Day.

I so move.

Hon Bala Ibn Na’Allah: Mr. Chairman, I so second the Motion ably move by the Deputy Whip of the House.

Question put and agreed to.

Resolved: That the House do suspend all the relevant Rules and Standing Orders of the House to enable it sit beyond the normal time to continue the conduct of the Business of the Day.

Report on a Bill to Amend the National Honours Bill, 2004 – CONSIDERED IN THE COMMITTEE OF THE WHOLE HOUSE.

The Chairman: The next Report we are considering is on a Bill for an Act to Amend the National Honours Act, Cap N.43 Laws of the Federation of Nigeria, 2004 to provide that the Award of National Honours shall be Subject to the Confirmation of the National Assembly, 2009.

This is a one Clause amendment. At page 3, the amendment is that:

Any Award made under this Act shall be subject to confirmation of 2/3 majority of the National Assembly.

My problem here is the situation of getting 2/3 majority. At times it is very difficult but if we say *simple majority* or *majority of Members*; that is acceptable. National Assembly here is referring to Senate and the House. If we are sitting and we are not more than 200, it would be very difficult for us to confirm any body.

Hon. Abdul Ningi: (Ningi/Warji): Mr. Chairman, I share the sentiments behind putting 2/3. If you look at the scenario where 2/3 came into play within our legislative assignment, they are confined to many key areas. The reality on ground is that we are talking of the National Assembly; that is the Senate and the House

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of Representatives. Because this is a new phenomenon, we need to do something that we can say is workable. Looking at the Nigeria situation, a simple majority will be enough to convey National Honours on a person.

I suggest simple majority in the House. It would be almost impossible if we say 2/3 requirement of the Senate and the House, it could take us five to ten years to agree on each nominee. So we need simple majority and we can develop the mechanism of even getting the simple majority.

Hon. Bala Ibn Na'Allah: Mr. Chairman, the issue of *simple and 2/3 majority* is a constitutional issue; but an issue like this would not affect the structure of the Federal Republic of Nigeria. That is the reason this House in its wisdom will be right enough to require only a simple majority for the purpose of conferment National Honours.

Hon. Soli Sada Jibia (Jibia/Kaita): Mr. Chairman, my concern here is when we say *simple or 2/3 majority*, under what circumstances? Is it through a joint sitting? Even if we have to do that, then it has to be through a concurrent resolution. We can pass our resolution here regardless of whether it is simple or 2/3 majority; we can communicate it to the Senate to pass the same resolution.

The Chairman: It is the same thing that you have just said.

Hon Soli Sada Jibia: I am trying to avoid the lacuna of having Joint Sitting to pass a resolution of the National Assembly.

The Chairman: No, if you say National Assembly, it does not in any way imply Joint Sitting.

Hon. Soli Sada Jibia: It implies Sir because the

National Assembly is a combination of the House and Senate. The Senate confirms appointment, excluding the House but where we said the National Assembly, we are talking about a joint position of the National Assembly.

The Chairman: That is exactly what it means. If we pass a Resolution here and send it to Senate to concur, that has become a Resolution of the National Assembly.

Hon. Soli Sada Jibia: So why not through a concurrent Resolution? It should be explicit.

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Hon Terngu Tsegba: This is not the first time that we would be doing this kind of confirmation. If you look at the creation of constituencies, the Senate passed a different Resolution and we passed a different one but all of them became the Resolution of the National Assembly.

In the appointment of Special Advisers, the House is also empowered to approve it by resolution in this Chamber. The Senate did that in their Chamber and they became confirmed as Special Advisers to the President.

I think we should stick by it that we pass the Resolution in this Chamber confirming anybody nominated for National Honours while the Senate does the same. If we disagree on any one person, there is position in the Constitution for a Committee to harmonise our recommendations.

Hon. Soli Sada Jibia: Mr. Chairman, I am talking on the basis of the history of Parliamentary practice. We have joint concurrence and we have simple resolution. One of it is backed by law, the other by independent action of an independent Parliament. Why I am saying this is to enrich the flavour of legislation in order to move away from the dogmatic way of doing things. Let us also improve the way we do these things as obtained in other Parliaments around the world.

The Chairman: You are suggesting that instead of a resolution by the National Assembly, it should be a simple majority. Is that what you are suggesting or amending?

Hon. Sada Soli: I am suggesting *a concurrent resolution of the National Assembly*.

The Chairman: You suggested that it should be a concurrent resolution. Let us hear from Hon. Ita Enang.

Hon. Ita Enang: I want to disagree with my Colleague, Hon. Sada. When we are through with sub-section 8, it is simply to say:

Any award made under this Act shall be subject to confirmation by a simple majority of the National Assembly.

It is just to put the phrase *simple majority* instead of *two third majority*. Where we will have a concurrent resolution is if we come to what we have provided for at sub-section 9 which could read:

Any award issued under this Act may be

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revoked for misconduct and upon a concurrent resolution of the National Assembly.

Under Sub-Section 8, each Chamber of the National Assembly will be sitting differently and this is not the first time. Even in confirming the appointment of Members in the NDDC Act, the House and the Senate sat differently but they agreed on a common position and if there is no common agreement, there is Conference.

The Chairman: Section 151 (2) of the Constitution says: *the number of such advisers, their remuneration and allowances shall be prescribed by law or by resolution of the National Assembly.*

So, where you see National Assembly, you will know that we participated in everything. Therefore, it is the House and the Senate.

Hon. Bala Ibn Na'Allah: Mr. Chairman, the use of the word *concurrent* will even create more problems than it attempts to solve in this Bill. This is because a valid question can equally be asked; at what stage can it be said that the resolution of the two Chambers of the National Assembly are concurrent?

That may remain a very tugging answer and that is the more reason we should be very careful in choosing our words. I was thinking of the phrase *simple resolution* and *Joint Session* at worse. Let it be the resolution of the two Chambers of the National Assembly if we must mentioned the two. Otherwise, I am very sure that the use of concurrence here will create more problem than it will attempt to solve.

The Chairman: So, it will now read thus: *Any award under this Act shall be subject to the confirmation of a simple majority of the National Assembly.*

Amendment put and agreed to.

Clause 8 - (ANY AWARD UNDER THIS ACT SHALL BE SUBJECT TO THE CONFIRMATION OF SIMPLE MAJORITY OF THE NATIONAL ASSEMBLY) – *as amended, ordered to stand part of the Bill.*

Clause 9 - (ANY AWARD ISSUED UNDER THIS ACT MAY BE REVOKED FOR MISCONDUCT UPON A JOINT RESOLUTION OF THE NATIONAL ASSEMBLY)

Amendment proposed

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Hon. Rabe Nasir (Bindawa/Mani): Mr. Chairman, my objection over this construction is the inclusion of the word *Joint* resolution. Why should it be *Joint Resolution* when actually at the point of confirmation you do not need Joint Resolution? I do not think you need Joint Resolution in order to revoke an award already given.

Based on the consideration of Members, we should take away the word *Joint*. Let it be resolution of the National Assembly.

The Chairman: It is all right. What he is advocating is that we take away the word *Joint* and leave it as *Resolution of the National Assembly*.

Hon. Ita Enang: Mr. Chairman, I second the amendment proposed but I also want to say that we delete the word *and*; so that it will look like this:

Any award issued under this Act may be revoked for misconduct upon a resolution of the National Assembly.

Amendment put and agreed to.

Clause 9 – (ANY AWARD ISSUED UNDER THIS ACT MAY BE REVOKED FOR MISCONDUCT UPON A JOINT RESOLUTION OF THE NATIONAL ASSEMBLY) – *as amended, ordered to stand part of the Bill.*

Clause - (SHORT TITLE) - *agreed to.*

Long Title – (A BILL FOR AN ACT TO AMEND THE NATIONAL HONOURS ACT. CAP. N43 LAWS OF THE FEDERATION OF NIGERIA, 2004 TO PROVIDE THAT THE AWARD OF NATIONAL HONOURS SHALL BE SUBJECT TO THE CONFIRMATION OF THE NATIONAL ASSEMBLY, 2009) – *ordered to stand part of the Bill.*

Report of the Committee on Water Resources on the Nigeria Hydrological Services Agency Bill, 2008 – CONSIDERED IN THE COMMITTEE OF THE WHOLE HOUSE.

Clause 1 – (ESTABLISHMENT OF THE NIGERIA HYDROLOGICAL SERVICES AGENCY) – *ordered to stand part of the Bill.*

Clause 2 – (ESTABLISHMENT AND MEMBERSHIP OF THE GOVERNING BOARD) – *ordered to stand part of the Bill.*

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Clause 3 – (TENURE OF OFFICE) – ordered to stand part of the Bill.

Clause 4 – (CESSATION OF MEMBERSHIP) – ordered to stand part of the Bill.

Clause 5 – (DISSOLUTION) – ordered to stand part of the Bill.

Clause 6 – (ALLOWANCES OF MEMBERS, ETC) – ordered to stand part of the Bill.

Clause 7 – (FUNCTIONS OF THE AGENCY) – ordered to stand part of the Bill.

Clause 8 – (POWERS OF THE BOARD) – ordered to stand part of the Bill.

Clause 9 – (APPOINTMENT ETC, OF THE DIRECTOR-GENERAL) – ordered to stand part of the Bill.

Clause 10 – (APPOINTMENT OF SECRETARY AND LEGAL ADVISER) – ordered to stand part of the Bill.

Clause 11 – (APPOINTMENT OF OTHER STAFF) – ordered to stand part of the Bill.

Clause 12 – (FUND OF THE AGENCY)

Amendment proposed

Hon. Ita Enang: Mr. Chairman, Clause 12 provides for grants from Ecological Funds.

The Chairman: Which Section?

Hon. Ita Enang: It is Clause 12 (f). The amendment proposed by the Committee on page 6, reads:

Grants from Ecological funds for the collection of hydrological data and information forecast of Floods, droughts, erosion control, desertification and salt water intrusion or salt water pollution.

Ecological fund has specific purposes and this is hydrology. I do not think that grant from Ecological Fund is appropriate for this Agency.

Hon. Terngu Tsegba: Mr. Chairman, I will want Hon. Ita Enang to read the whole of that sentence and not to stop there. You are talking about flooding,

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erosion and the rest. But in hydrology, we are talking about both the surface and underground water and water is one of the major things that cause erosion.

I do not know how you want us to explain it again but I think it should be sustained.

Clause 12 – (FUND OF THE AGENCY) – ordered to stand part of the Bill.

Clause 13 – (EXPENDITURE) – ordered to stand part of the Bill.

Clause 14 – (ANNUAL ESTIMATES AND ACCOUNTS) – ordered to stand part of the Bill.

Clause 15 – (ANNUAL REPORTS) – ordered to stand part of the Bill.

Clause 16 – (POWER TO ACCEPT GIFT) – ordered to stand part of the Bill.

Clause 17 – (POWER TO BORROW) -

The Chairman: Read what you have, Hon. Ningi; it may be the same thing.

Hon. Abdul Ningi (Ningi/Warji): Mr. Chairman on *Power to Borrow*, it reads:

Where the sum to be borrowed is in foreign currency, the authority shall seek and obtain the approval of the President through the Minister.

The Chairman: Let me read what I have:

Where the sum to be borrowed is in foreign currency the Agency shall seek and obtained the approval of the Minister through the Board.

Hon. Ita Enang, if I could remember, there was a time you were talking about foreign loans, that any foreign loan to be taken has to seek the approval of the National Assembly. From what I can see here, there is no mention of National Assembly. This is because if you allow the Ministers to be collecting loans, they may collect loans that are not necessary.

Hon. Abdul Ningi: In fact, that was what I wanted to raise; whether it is within the law or it is the law that allows the Minister to have direct access to collect loan from outside.

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Hon. Bala Na'Allah (Zuru/Fakai/Sakaba/D/Wasagu): Mr. Chairman, if I am correct based on my limited understanding of the law; these two laws are distinct and distinguishable. The former is saying that it is a general standard, and that if any money is to be borrowed from outside the shores of this country, the approval of the National Assembly is mandatory. This one only describes the process leading to such approval as far as the Agency is concerned. It means that the Board may seek the approval of the Minister and then the compliance with the law that says *the National Assembly must be informed* now becomes the second test that must be fulfilled. Otherwise, what it means is that, for every law where this is inserted, we must continue to say *subject to the National Assembly approval*; and whereby the law is not amended, that means that this other extant law that we have passed is not meant to be complied with.

Hon. Gbenga Makanjuola (Ijebu Ode/Ijebu North East/Odogbolu): Mr. Chairman, based on what Hon. Ibn Na'Allah just said, I am not subscribing to that submission because this section did not say subject to another provision. Therefore, this section should on its own have inserted the phrase *subject to the approval of the National Assembly*.

If he is saying that since these other laws are mentioning National Assembly but this one is not saying so and it is not even referring to us rather that subject to the provision of any other law, this one should stand on its own. It should be subject to the provision of National Assembly.

Hon. Abdul Ningi: Mr. Chairman, I am surprised that the Senior Advocate of the House, Hon. Bala Ibn Na'Allah, is even compounding the issue. My worry really is the legality of it so much so that tomorrow the Committee on Water Resources that over sights the Ministry will not frown at where a Minister goes out to borrow. This is because there is no limit to what the Minister should borrow. He can go out and borrow millions of dollars on your authority.

My concern is the legality of it.

Hon. Mohamed Sani Abdu (Alkaleri/Kurfi): Mr. Chairman, foreign debts are now regulated through the Debt Management Office which is the apex body advising the Executive on borrowing and controlling of debts.

Therefore, no Minister can approve or disapprove borrowing outside without a second thought. The other law is even subjecting that onerous provision of the President to allow the Executive to borrow subject to the approval of the National Assembly. The suggestion

by my Colleague, Hon. Makanjuola, subsists. We should subject it to the approval of the National Assembly.

The second issue is the grammar. Since we have put the conjunction *and*, I do not think that the letters *ed* as in *obtained* should be there. It says, *the Agency shall seek and obtained*; you cannot put it in the past. It has to be *obtain*. So we should delete the *ed*.

The Chairman: It now reads:

Where the sum to be borrowed is in a foreign currency the Agency shall seek and obtain the approval of the Minister through the Board, subject to the approval of the National Assembly.

Hon. Halims Agoda (Ethiopia East/Ethiopia West): Mr. Chairman, does a Minister of a country has the power to have direct access to foreign loan without the President who is the head of the Government?

We should not make laws that create lacuna and problem of interpretation to those who are in charge of the Judiciary. The President is the Head of the Government. If we are talking of external borrowing; this is an issue between the sovereign State of one country and the sovereign State of another country.

In my view, I will suggest that the place of the Minister should be replaced with the President but subject to the Constitutional requirement of the National Assembly approving.

Hon. Rabe Nasir (Bindawa/Mani): Mr. Chairman, apparently this is a very contentious matter. My suggestion is that because of the fact that the Federal and State Governments as well as other agencies seem to have been inundated with foreign borrowing, we should simply ban them from taking loans. They do not need to take loan from outside this country.

The Chairman: Hon. Rabe, but at times it becomes mandatory for them to take the loan.

Hon. Rabe Nasir: An Agency like this does not have to go out to borrow because the government should be able to take care of their needs, financially. The National Assembly should so appropriate in accordance with their needs. Remember, this should be incorporated in the budget. If you say it should be subject to approval by the National Assembly, it becomes another formality which if taken away completely, will save us time and trouble.

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I suggest we remove it completely and discourage the Agencies in this country from borrowing from outside. They should work within the budget provision and within this country through the appropriate channels.

Hon. Terngu Tsegba: Mr. Chairman, it is a typographical error. The correct sentence should have been: *the Agencies shall seek and obtain the approval of the President through the Minister.* This is because the President under the Constitution is obliged to request National Assembly to approve any foreign borrowing. If we take the case of the \$300 million denominated bond we wanted to issue, it came to the National Assembly. It has already been provided that any foreign borrowing must come from the President; he must seek the approval of the National Assembly. It should not be in the law again since it has been provided for in the Constitution.

The Chairman: What is the right position now?

Hon. Terngu Tsegba: It should read:

The Agency shall seek and obtain the approval of the President through the Minister,

This is because the Minister too must be abreast that the Agency is seeking to obtain foreign loan. It should be *approval of the President through the Minister.*

The Chairman: What he is saying is that there is no need putting the National Assembly there.

Hon. Ita Enang: Mr. Chairman, the position even canvassed by the Chairman of the Committee may not be very appropriate. I am suggesting that we amend the words to read thus:

Where the sum to be borrowed is from a foreign institution...

I want to delete the words *foreign currency*, because you can even borrow in Nigeria in foreign currency.

Where the sum to be borrowed is from a foreign institution, the Agency shall seek and obtain -

The Chairman: Hon. Ita Enang, you said, where the sum to be borrowed is from a foreign institution; what if the foreign institution is lending you in Naira?

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Hon. Ita Enang: It does not matter; it can be in your money but what you are thinking to do is to take money from outside the country.

Where the money to be borrowed is from a foreign institution, the approval of the National Assembly shall be sought and obtained.

To say that the approval shall be sought and obtained widens the matter. It does not limit it to the Agency or the Minister. This is because we have the Debt Management Office Act which we discussed last week. All the processes about borrowing are contained in that Law.

The Chairman: All right. Is there any Seconder?

Hon. John Halims O. Agoda: I rise to second the amendment.

Amendment put and agreed to.

Clause 17 – (POWER TO BORROW) - as amended ordered to stand part of the Bill.

Clause 18 – (POWER TO ENTER LAND TO MAKE SURVEY, ECT) - ordered to stand part of the Bill.

Clause 19 – (COMPENSATION FOR DAMAGES, ETC) – ordered to stand part of the Bill.

PART VI- LEGAL PROCEEDINGS

Clause 20 – (LIMITATION OF SUITS AGAINST THE AGENCY, ECT.) – ordered to stand part of the Bill.

Clause 21 – (SERVICE OF DOCUMENT) – ordered to stand part of the Bill.

Clause 22 – (RESTRICTICION ON EXECUTION AGAINST PROPERTY) – ordered to stand part of the Bill.

Clause 23 (INDEMNITY OF MEMBERS AND EMPLOYEES) – ordered to stand part of the Bill.

PART VII – MISCELLANEOUS

Clause 24 – (POWER TO GIVE DIRECTIONS) – ordered to stand part of the Bill.

Clause 25 – (FIXING OF THE SEAL OF THE AGENCY) – ordered to stand part of the Bill.

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Clause 26 – (REGULATIONS) – ordered to stand part of the Bill.

Clause 27 – (INTERPRETATION) – ordered to stand part of the Bill.

Short Title - agreed to

Schedule - agreed to.

Long Title - agreed to.

A Bill for an Act to Establish the Gurara Water Management Authority - CONSIDERED IN THE COMMITTEE OF THE WHOLE

The Chairman: The next Report is on a Bill for An Act to Establish the Gurara Water Management Authority with Responsibility among other things, to ensure Sustainable Operation and Maintenance of the Gurara Multipurpose Water Project and for Matters connected therewith.

PART 1

ESTABLISHMENT, Etc. OF THE GURARA WATER MANAGEMENT AUTHORITY AND THE GOVERNING BOARD

Clause 1 – (ESTABLISHMENT OF THE GURARA WATER MANAGEMENT AUTHORITY, ETC.) - ordered to stand part of the Bill.

Clause 2 – (ESTABLISHMENT AND COMPOSITION OF THE GOVERNING BOARD) – ordered to stand part of the Bill.

Clause 3 – (TENURE OF OFFICE) – ordered to stand part of the Bill.

Clause 4 – (CESSATION OF MEMBERSHIP) – ordered to stand part of the Bill.

Clause 5 – (DISSOLUTION) – ordered to stand part of the Bill.

Clause 6 – (ALLOWANCES OF MEMBERS) – ordered to stand part of the Bill.

PART II

FUNCTIONS OF THE AUTHORITY

Clause 7 – (FUNCTIONS OF THE AUTHORITY) – ordered to stand part of the Bill.

Clause 8 – (POWERS OF THE BOARD) – ordered to stand part of the Bill.

Clause 9 – (APPOINTMENT OF DIRECTOR GENERAL, ETC.) – ordered to stand part of the Bill.

Clause 10 – (APPOINTMENT OF SECRETARY/LEGAL ADVISER) – ordered to stand part of the Bill.

Clause 11 – (ESTABLISHMENT OF DEPARTMENTS AND APPOINTMENTS OF DIRECTORS) – ordered to stand part of the Bill.

Clause 12 – (APPOINTMENT OF OTHER STAFF OF THE AUTHORITY) – ordered to stand part of the Bill.

PART III – FINANCIAL PROVISIONS

Clause 13 – (FUND OF THE AUTHORITY) – ordered to stand part of the Bill.

Clause 14 – (EXPENDITURE) – ordered to stand part of the Bill.

Clause 15 – (ANNUAL ESTIMATE AND ACCOUNTS) – ordered to stand part of the Bill.

Clause 16 – (ANNUAL REPORTS) – ordered to stand part of the Bill.

Clause 17 – (POWER TO ACCEPT GIFTS) – ordered to stand part of the Bill.

Clause 18 – (POWER TO BORROW) – ordered to stand part of the Bill.

Clause 19 – (POWER TO ENTER LAND TO MAKE SURVEY) – ordered to stand part of the Bill.

Clause 20 – (COMPENSATION FOR DAMAGES) – ordered to stand part of the Bill.

Clause 21 – (LIMITATION OF SUITS AGAINST THE AUTHORITY) – ordered to stand part of the Bill.

Clause 22 – (SERVICE OF DOCUMENTS) – ordered to stand part of the Bill.

Clause 23 – (RESTRICTION ON EXECUTION AGAINST PROPERTY OF THE AUTHORITY) – ordered to stand part of the Bill.

0651

Clause 24 – (INDEMNITY OF MEMBERS OF THE BOARD AND EMPLOYEES OF THE AUTHORITY) – ordered to stand part of the Bill.

Clause 25 – (POWER TO GIVE DIRECTIONS) – ordered to stand part of the Bill.

Clause 26 – (FIXING OF THE SEAL OF THE AUTHORITY) – ordered to stand part of the Bill.

Clause 27 – (REGULATIONS) – ordered to stand part of the Bill.

Clause 28 – (INTERPRETATION) – ordered to stand part of the Bill.

Short Title - agreed to.

Schedule - agreed to.

Hon. John Halims Agoda: Mr. Chairman, I wish to draw you back to Clause 13 - *FUNDS OF THE AUTHORITY*

- (a) *take of grant from the Federal Government of Nigeria*
- (b) *any allocation to the Authority from the Federation Account.*

The Chairman: Hon. Agoda, please look at the recommendation of the Committee.

Hon. John Halims Agoda: All right; I did not look at the recommendation of the Committee.

Long Title - agreed to.

The Chairman: We do not have the next Report.

Hon. Abdul Ahmed Ningi: Mr. Chairman, I would like to ask the Chairman of Water Resources for clarification on Clause 16 - Annual Report, which says:

The Authority shall prepare and submit to the Federal Executive Council, through the Minister, not later than six months after the end of each year, a Report on the activities of the Authority during the immediate preceding year, and shall include in the Report a copy of the audited accounts of the Authority for that year and the Auditor's Report on the accounts

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My take on this matter is that we are authorising this agency to only report to the Federal Executive Council; what happens to the National Assembly. Are we excluded or is it given? Even if we have to oversight it, you are saying they do not have to report to you.

The Chairman: Not only that, in the Appropriation Act, we have Clause 3 or 4 which says: *each Accounting Officer should report to the National Assembly quarterly.*

They must have an Accounting Officer who will be reporting to the National Assembly on quarterly basis. Your question is not why they are not reporting to the National Assembly; the National Assembly issue has already been taken care of.

Hon. Tsegba, what he is saying is that there is no need of them reporting to the Executive again.

Hon. Terngu Tsegba: Mr. Chairman, when Companies prepare and lay there Accounts it becomes public document and they are under our oversight as enshrined in Sections 88 and 89 of the Constitution. We do not need to say that the account should be prepared and sent to us.

Hon. Abdul Ningi: My concern in that aspect is that we are asking the Executive body to take action. I know that the constitutional provision he is quoting is right on the oversight but we are asking the Executive body to submit Report to the same Executive body. However, that is my view. If he is right, there is no problem because he is the Chairman, but it has been carried and I concur.

Hon. Terngu Tsegba: We are all right with it because we are also asking that this activity should include the audited Report of Accounts. We do not have the power here to audit accounts and the rest.

The Chairman: He is not talking about the National Assembly.

Hon. Terngu Tsegba: He is talking about the National Assembly.

The Chairman: No! He is not talking about the National Assembly.

Hon. Terngu Tsegba: What is he talking about?

The Chairman: He is asking why the Executive body is reporting to the Executive body.

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Hon. Terngu Tsegba: This is a Parastatal under the Ministry of Water Resources and from the beginning you have directed that the Minister should give direction to this Agency to operate and he should make rules and regulations. It is logical that the agency should prepare the statement of its activity to the Ministry that is supervising it on a day to day basis.

The Chairman: In any case, he said if you are convinced, it is all right by him.

Hon. Baba Shehu Agaie: I move that this honourable House do revert to Plenary.

Hon. Ita Enang: I second the Motion that this 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 Whole considered the following Reports:

- (i) Report of the Committee on Pension on Chartered Pension Institute of Nigeria Bill and approved:

Clauses 17 – 37;
The Supplementary Provision; and
The Long Title.

- (ii) The House also considered the National Honours (Amendment) Bill 2009 and approved the amendment of Clause 1 and the Long Title.

- (iii) The House again considered the Report of the Committee on Water Resources on the Nigeria Hydrological Services Agency Bill and approved:

Clauses 1 – 16;
Amended Clause 17;
Approved Clauses 18 – 28,
The Schedules and the Long Title.

- (iv) Also, the House considered the Report of the Committee on Water Resources on Gurara Water Management Authority Bill and approved Clauses 1 – 29, the Supplementary Provision and the Long Title.

Adoption of Report

Hon. Baba Shehu Agaie: I move that this House do adopt the Report of the Committee of Whole as amended.

Hon. Ita Enang: I do second the Motion that the House do adopt the Report of the Committee of Whole as amended on all the Bills considered.

Question put and agreed to.

Resolved: That the House do adopt the Report of the Committee of Whole as amended on all the Bills considered.

The Deputy Speaker: Is there anything from you, Chairman, House Budget Committee?

Hon. Aminu Waziri Tambuwal (Kebbe/Tambuwal): Well, we are awaiting the instruction of the Speaker on how to proceed on appreciating our esteemed Colleagues that have remained behind. So, as soon as we leave here I will meet Mr. Speaker in his office.

The Deputy Speaker: The Acting Whip is right. Immediately we move out from here he will go straight to the Office of the Speaker.

Hon. Femi Gbajabiamila: For the purpose of this sitting, you are the Speaker.

The Deputy Speaker: That matter will be taken care of by the Leader of the House. So I urge everybody to go to the Office of the Leader immediately after sitting.

ADJOURNMENT

Hon. Baba Shehu Agaie: Mr. Speaker, I move that this House do stand adjourned till Tuesday, 28th April, 2009 at 10.00 a.m.

Hon. Ita Enang: Mr. Speaker, I do second the Motion that the House do stand adjourned till Tuesday, 28th April, 2009 at 10.00 a.m.

Hon. Halims Agoda: The Motion should be properly phrased. The reason we are taking this break should be added to it.

Adoption of the Votes and Proceedings

0655

Hon. Ita Enang: Mr. Speaker, the Motion has been taken and before you rule for the House to adjourn, let me move the next Motion.

In view of the significance of all the decisions we have taken and the need to communicate these decisions out, I move that this House do adopt the Votes and Proceedings of today as it is.

Hon. Sani Sale Minjibir: I rise to second the Motion as moved by Hon. Ita Enang.

Hon. Halims Agoda: I still maintain what I said earlier because we are serving public interest. If it is an issue that relates and concerns the Members of this House alone, we can do a summary of issues but we are serving the public.

What do you want the Press to record on why we are going on this break?

The Deputy Speaker: We have not come to that. We are now taking the second Motion of adopting the Votes and Proceedings. I want to put the Question on the adoption of the Votes and Proceedings of today.

Hon. Halims Agoda: It should be clearly spelt out before the Motion on Adjournment.

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The Deputy Speaker: It is all right.

Question put and agreed to.

Resolved: That the Votes and Proceedings of today, 2nd April, 2009 be adopted.

The Deputy Speaker: Actually, it is a routine that whenever the time of Easter comes we go on break. So we are going for Easter Break. The reason we

extended it to three weeks is because PDP will be having her Convention on the 20th of April, 2009.

Therefore, because of this we decided to give Members three weeks recess to go and visit their constituencies and those who have other national assignments, can also use this period to do that.

The House is hereby adjourned till Tuesday, 28th April, 2009 at 10.00 a.m.

And it being after 2.00 p.m., The Deputy Speaker adjourned the House until Tuesday, 28th April, 2009 at 10 a.m. without Question put pursuant to Order IV, Rule 6 of the Standing Orders of the House.

The House adjourned accordingly at 2:25 p.m.