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HOUSE OF REPRESENTATIVES

FEDERAL REPUBLIC OF NIGERIA

Thursday, 5th March, 2009

The House met at 10. 55 a .m.

PRAYERS

(The Speaker in the Chair)

VOTES AND PROCEEDINGS

The Speaker: Hon. Members, I have examined and approved the Votes and Proceedings of Wednesday, 4th March, 2009.

ANNOUNCEMENTS

Visit of Pupils from the Nursery and Primary branch of God's Own College and Students of Philadelphia International School, Abuja

The Speaker: We have in the Gallery, Pupils from the Nursery and Primary branch of God's Own College. Also in the gallery are students from Philadelphia International School, Abuja.

(The pupils and students rose for recognition)

Meeting of Ad Hoc Advisory Committee on JCCR Bill

The Speaker: *The Ad Hoc Advisory Committee on JCCR Bill will meet today at 1.30 p.m. in House Hearing Room 1.*

(Signed)
Chairman
Hon. C.I.D. Maduabum

I believe those who are not in the Chamber will hear that and attend the meeting.

The Speaker: Hon. Colleagues, before I go on to the next business of the day, I will quickly make this announcement that should have been made yesterday.

Postponement of Meeting

North West Executive Committee of the PDP; are hereby informed that the meeting schedule for Saturday 7th March, 2009 has been postponed. A new date will be communicated to you

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Signed,
Deputy Chief Whip.

PRESENTATION OF PUBLIC PETITIONS

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

Petition from the Medical Specialization (Nigerian Doctors) in Cuba

Hon. Daniel Dino Melaye (Kabba/Bunu/Ijumu): Hon. Speaker and my highly respected Colleagues, I have a Petition from the Medical Specialization Nigerian Doctor's in Cuba.

I would not want to bore this House with the details of the Petition. If I have the permission of Mr. Speaker, I want to lay the Petition on the Table.

The Speaker: Yes, you may.

(Petition laid)

Petition against Shoddy Investigation of a Brutal Murder

Hon. Jerimon S. Manwe (Lau/K/Lamido/Ardo-Kola): Mr. Speaker, I have a Petition before me from my constituent. The Petition is in respect of the Brutal murder of a Police Sergeant, Yoela Sari Maki who was brutally murdered in Port Harcourt while carrying out his lawfully assigned duty.

The families of Sergeant Yoela Sari Maki are complaining about the shoddy investigation carried out by the Police into the circumstances surrounding the death of their brother, Sergeant Yoela.

With your kind permission, I would want to present the Petition.

(Petition laid)

Petition against National Drug Law Enforcement Agency (NAFDAC)

Hon. Musa Garba Gulma (Argungu/Augie): Mr. Speaker, I have before me a Petition from one of my constituents, Mr. Yakubu Sani Garba, a member of National Drug Law Enforcement Agency (NAFDAC), who had a terrible accident since 2001 and has been in the hospital since then. This patient has been denied his retirement benefits.

I want to lay this Petition before the honourable House.

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(Petition laid)

The Speaker: Is there any other Petition? *(No response)*

All Petitions are referred to the Committee on Public Petitions

(Petitions accordingly referred to the Committee on Public Petitions)

Hon. John Halims O. Agoda (Ethiopia East/Ethiopia West): Mr. Speaker, with due respect, Order VIII Sub-Rule 3(2) in respect of the Petition Hon. Dino raised. Sub-Rule 3 (2) states: *A Member presenting a Petition shall confine himself to a brief statement of the parties from whom it came, the number of signatures attached to it and the material allegations contain in it, and to reading the prayer of such Petitions.*

When Hon. Dino was presenting the Motion, it should not be a matter of style. The rule says the material allegations contain in that Petition should be presented to the House. I did not hear it when he was presenting the Petition.

The Speaker: I am assuming that Hon. Dino has the required documents for the Committee on Public Petitions and I would also use this opportunity to remind our colleagues that we should pay a little bit more attention to details of the facts of the Petitions and signatures attached to it.

Hon. Mohammed Ali Ndume (Damboa/Gwoza/Chibok): Mr. Speaker, my Point of Order is Order V, Rule 4 on page 13 and it reads:

Any Member complaining to the House of a statement in a newspaper, book or other publication as a breach of privilege shall produce a copy of the newspaper, book or other publication containing the statement in question, and shall be prepared to give the name of the printer or publisher, provided that no Member shall present a petition to the House as a matter of privilege.

I have a copy of today's Leadership and on page 4 of that newspaper, it says:

Reps kick against Iwu's removal

Mr. Speaker, I am not aware that the issue of removal or no removal of Prof. Iwu has been discussed in this Chamber as far as I am concerned. For some

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Members to come out and issue a press statement on behalf of the House saying that Prof. Iwu should not be removed is uncalled for.

I believe, and I strongly suggest that if Members feel strongly about certain things, the statement of that Member or a group of Members should be restricted to that Member or group of Members not on behalf of the House.

So, I will call on the person that issued this statement on behalf of the House, to equally state clearly or correct the impression as if the House in total took a decision as to the removal or no removal of the INEC Chairman.

The Speaker: I really do not think there is an issue there. First, there is no resolution of the House to that effect. We may still find out to authenticate what the Leadership Newspaper has mentioned and find out truly if any Member has made any such comments. However, we cannot be responding to every single statement of the Newspaper about what a Member has said or not said.

In this case, because of the controversial nature of it we will also ask the Committee in charge of oversight in that particular area, to make sure that such statements do not come out and do not represent the resolution of the House.

PRESENTATION OF REPORT

Report of the Committee on Finance on the Investigation into Revenue Generation and Non-Remittance

The Speaker: The First Business of the Day is Presentation of the Report of the Committee on Finance on the investigation into Revenue Generation and Non-remittance by Government Ministries, Department and Agencies and Statutory Corporations into the Federation Account. This is standing in the name of Chairman of Finance, Hon. John Enoch Owan.

Members will recall that on the 13th December, 2007, the House in its resolution mandated the Committee to conduct a holistic investigation and proffer solutions. The Report is ready for presentation.

Hon. John Owan Enoch, please proceed.

Hon. John Owan Enoch (Obubra/Etung): Mr. Speaker, may I move that this House do receive a Report of the House Committee on Finance on the investigation into Revenue Generation and Non-remittance by Government Ministries, Department and

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Agencies and Statutory Corporations into the Federation Account.

Hon. Olakunle Kazeem Salako (Ado-Odo/Ota):
I rise to second the Motion as moved by Hon. Owan Enoh.

Question put and agreed to.

Resolved: That this House do receive the Report of the House Committee on Finance.

(Report laid on the Table)

ORDER S OF THE DAY

MOTIONS

Declaration of more Roads as Federal Highways

The Speaker: The First Order of the Day is a Motion on Declaration of more Roads as Federal Highways, standing in the name of Hon. Alex Ikor Ukam and 43 others.

Hon. Alex Ikor Ukam, you can move the Motion.

Hon. Alex Ikor Ukam (Akamkpa/Biase): Mr. Speaker, I rise to move the Motion for the Declaration of more Roads as Federal Highways.

The House:

Notes that Section 25 of the Highways Act empowers the Federal Ministry of Works and Housing as it was before, in consultation with the government of the State concerned and with the consent of the President, to declare any Road as a Federal Highway;

Aware that there are several Roads all over the nation that cut across States of the nation;

Concerned that these Roads are in total neglects and disrepair often cutting mostly State communities from each other;

Further concerned that these Roads are neglected by the various States Governments, on the assumption that the Roads linking other States ought to be the responsibility of the Federal Government;

Further aware that the last time Roads were declared Federal Highways was in April 1982;

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Further notes that after the last declaration order was made, more States have been created and in need of development;

Worried about the absence of construction or rehabilitation and maintenance of these Roads and have adversely affected the growth and economic development of such areas;

Resolves to:

- (i) urge the Minister for Works Housing and Urban Development to declare and gazette all qualified Roads as Federal Highways in accordance with the enabling Act;
- (ii) mandate the Committee on Works to conduct a Public hearing on the declaration of Roads qualified as Federal Trunk Roads in accordance with the legislative powers as enshrined in the Second Schedule Part One of the 1999 Constitution.

I so move.

Hon. Ndudi Godwin Elumelu (Aniocha North/Aniocha South/ Oshimili North/Oshimili South):
I second the Motion as moved by Hon. Alex Ikor Ukam.

The Speaker: Hon. Ukam, please proceed.

Hon. Alex Ikor Ukam: The Motion is a simple one; it is a call on the Minister for Works to discharge his legal responsibility as contained in the Federal Highways Act which empowers him to declare such roads as highway after consultation with the State Government concerned and of course with the consent of Mr. President.

Mr. Speaker, if you will not mind permit me to read from the Act to further inform the Members, the provision of that Act.

The Federal Highway Act, Section 25 states as follows:

That the Minister after consultation with the Government of the State concerned and with the approval of the President may by order published in the Federal gazette declare any road in Nigeria (not being a Federal Trunk

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Road) to be a Federal Highway and may by the same or any other Acts and in line with approval cancel, amend or vet any notice relating to Federal Highways to which on its commencement this Act apply or thereafter may apply.

The first time a sitting Minister in this country discharged his legal responsibility of carrying out these functions was in April, 1982. You will agree with me that from April, 1982 till date a lot of things have happened in this country. We have witnessed the exercise of creation of more States. We have equally

witnessed the conduct of census with an increasing population figure. We have equally witnessed mass movement of people from one place to another.

We have also witnessed that virgin forests hitherto, have now been disvirgined of its flowers and people are now living there as homes. You will agree with me equally that these human beings living there are all Nigerians and they are people that we are representing. We are the only people who can come to their aid. It is on this note that this Motion today is seeking simply to solve one of two major problems facing these people and one of the problems is homelessness.

Secondly, we have the problem of Federal Government's inability to attend to these roads. The issue of lack of no hope is due to the fact that the Local Government within this place that these people come from, are claiming that these roads are not their own responsibility. The State Government is equally claiming that these roads are the responsibility of the Federal Government.

The Federal Government is claiming that it is the responsibility of the National Assembly. Whereas the Federal Highway Act stated clearly that it is the responsibility of the Federal Government. The sitting Minister has been given the power that after consultation with the State Government, could declare roads as Federal High Way, though not roads that are trunk roads. This is because power is given to the National Assembly to declare certain roads as trunk roads. That is the reason the second prayer is equally seeking that the National Assembly in order not to be indicted just like that the Executive should wake up.

The Speaker: Nobody has been indicted here, please.

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Hon. Alex Ikor Ukam: Thank you, Sir. The National Assembly should also through the Committee on Works, come up with a position; look into those roads that probably are qualified as trunk roads in the Federation.

Let us not live with the assumption that because yesterday's government has not been able to discharge their responsibility by constructing and maintaining our roads. I want to believe that by the time this Motion sails through today, we have solved one of the two major problems. We have given hope to the hopeless. This is because they would know where to channel their problems. They would know which of the three tiers of government to petition.

By the time they are aware that it is the Federal Government that has responsibility of attending to their roads, they would direct their petition to God. Believe me, God would hear their petition and God will touch the heart of the Federal Government such that sooner or later, the Federal Government will attend to their problem.

It is on this note I am appealing because I want to believe that majority of my Colleagues are affected by this position. I am a victim. I went to the Federal Ministry of Works to see how I can appeal to them to include and attend to the roads of my people. My people are black-mailing me. They said I am here doing nothing. I tried to push but they told me that it has not been declared by the Minister or the National Assembly.

That is the reason I have found myself in this position. I decided to put this problem straight to the National Assembly. I know that this is the House of the people.

The Speaker: Hon. Patrick Ikhariale has the Floor.

Hon. Patrick A. Ikhariale (Esan Central/Esan West/Igueben): Mr. Speaker, I stand this morning to lend my support to the Motion that has been ably moved by Hon. Alex Ukam.

There is no gainsaying the fact that in this country as it is now, there is absolute need for the Federal Government to assume responsibility over so many roads that have been so called *Federal Highways*. To whom much is given, it is said much is expected. If we look at the revenue profile of this country and the sharing formula, you will agree with me that a lot go straight into the purse of the Federal Government.

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As the mover of this Motion rightly said, we have seen the creation of additional States since 1982. He has rightly put it on record too that the last time we saw the creation of Federal Highways in this country through enabling Act, which he referred to in Section 25 of the Federal Highway Act, was in 1982. From 1982 till date, we are talking of well over a decade, probably 17 years. In 17 years, a nation that is developing like Nigeria, ordinarily should have in its Highway computation additional Federal Highways.

We are all living witnesses to the state of roads in Nigeria. It is on record. If you travel the length and breadth of this country; whether the East, West, South or North, you are likely to meet roads that are near impassable. If you go further to address the issue as to why it is so, you would discover that the State Governments sometimes will leave the responsibility of maintaining these roads to even Local Councils. The resources available to the Councils are not enough to take jobs of such magnitude. By that I mean we should, as a matter of urgency, address this issue that has been brought before this House this morning.

The Speaker: You said the resources available to the Local Governments cannot carry out jobs of such magnitude?

Hon. Patrick A. Ikhariale: With due respect, yes.

The Speaker: What is the percentage of the Federal Revenue that goes to the Local Governments?

Hon. Patrick A. Ikhariale: It is below 26 *per cent*.

The Speaker: Chairman, House Committee on Finance, can you supply that answer?

Hon. John Enoch O. Enoch (Obubra/Etung): It is 20.6 *per cent*.

The Speaker: Twenty point six *per cent* is a lot of money.

Hon. Patrick A. Ikhariale: If you divide it by 744 Local Governments, it amounts to nothing.

The Speaker: Most of these roads go through different Local Governments. Anyway, you may proceed.

Hon. Patrick A. Ikhariale: The philosophy is this; roads connecting two Local Governments in the first place are said to be State roads. Between two

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States ordinarily the roads are supposed to be Federal roads. If you take Bayelsa for instance, even if a local government in Bayelsa State has that volume of money that we are talking about in percentage, the cost of tarring a two kilometer road in that part is something that we cannot quantify.

The Speaker: Bayelsa may not be a good example in this instance.

Hon. Patrick A. Ikhariale: We are talking about local government anyway.

The Speaker: If you know the amount of money going to Bayelsa State, you would not have used it as an example.

Hon. Patrick A. Ikhariale: I think I should restrict myself to the Motion. I am aligning myself strongly with the mover of this Motion that the relevant Section of the Federal Highway Road Act, which is Section 25 should be invoked in such way that the

relevant Ministry or Minister should take the necessary steps to see how more roads can be identified as Federal Highways in Nigeria.

The Speaker: Maybe before I proceed, my concern really is that we know that the Executive arm of the Federal Government is under serious pressure considering the resources available to even manage the roads at the moment compare to adding more to that list. You should mind those facts.

Hon. Chile W. Igbowua (Kwande/Ushongo): I rise to support this Motion. My support is based on the facts of the Motion itself. I have conferred with some of my Colleagues while discussing this Motion and the general fear appears to be that the Federal Government is already overloaded.

It is not only that the Federal Government is overloaded; it is unable for now even to handle the roads under its jurisdiction. The argument is that the fact that a person is unable to do his job well does not give him the right to abdicate the responsibility that is statutorily his.

By the provision of the Statute, whenever a road transverses more than a State, it becomes a Federal road. As many roads that qualify under the Statute, ought to be so declared. The idea whether the Federal Government will go ahead and construct these roads is an entirely different thing.

When we consider the on-going argument by States and Local Governments that they should have a

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bigger share of the nation's resources based on the allocation formula; it is a good point for us to speak in favour of the Federal Government retaining each percentage in the revenue allocation formula because they have growing responsibilities in the various areas in which they ought to deploy these revenues.

Firstly, it will remove the ambiguity that exists presently. As the mover of the motion rightly said, there is no need leaving a road to assumption. The States have the rights to assume because that is what the law says; that if a road traverses States, then it is a Federal road.

It is better to have them properly declared and when this declaration is made and the Federal Government has additional task which resources cannot handle, that will be known. I do not think that it does any good to our road system if we leave it to the States that are sitting under the assumption that these roads do not belong to them any longer.

I support and I urge that we should all support this motion to pass through. Except that I wish to amend the Motion to the extent that we stop at the first prayer. The second prayer is not necessary for now because the declaration is yet to be made.

Hon. Patricia Olubunmi Etteh (Ayedaade/Irewole/Isokan): Mr. Speaker, I rise to speak against this Motion. This is because I believe that there should be a division of labour. At the same time, everybody should be mindful of his or her responsibility.

There are some roads that belonged to the Local Government and the States as well. If we are here this morning to say that the roads that belong to the States should be handled by the Federal Government, then of what use is the money that we appropriate that has been going to the States? What would they be using their money for?

Secondly, on the Floor of this honourable House, we have talked and debated on the issue of telling the Federal Government to handle some of the roads that are Federal roads and they have not been able to do that. It is only good for us to urge the Federal Government to do their own part and let the States and the Local Governments do theirs.

Apart from that, if you go to other countries of the world, along a county road, you will notice that this road belongs to the county and you pay a token fee. Now that we want the Federal Government to do everything for us, we should be mindful of what we are saying.

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For instance, in America, every tier of government identifies with its roads; that is, if you are going on a county road you will know that it is a County road; if you are on a State road it will be explicitly stated that this is a State road, and if it is a Federal road, the Federal knows that it is for the Federal Government and they pay for it.

Although, there are some policies that we have implemented in the past, such as the removal of tollgate fee which is affecting most of our roads. I would suggest that it is either we go back to *status-quo* and let them be paying the toll fees.

We cannot say that the Federal Government should do everything at the same time. It is this attitude of asking the Federal Government to do everything that had made the roads degenerate to the level of becoming death traps. Though, some States that had repaired some of the Federal roads have not yet been reimbursed. If they are not reimbursed and we are still saying that they should add more to it, I do not know where exactly we want the Federal Government to get the money to pay.

We are the custodians of funds for the Federal Government and we are the ones appropriating money for every little job that is being done by the Federal Government. If it is not there in the budget how can we suddenly ask them to do it?

Again, if we want to decentralise the functions of the Federal Government, let us do it once and for all so that everybody will know his or her responsibility.

The Speaker: I must also note that for some of us that come from States that apparently have embarked on the repair and maintenance of Federal roads without the permission of the Federal Government, should not blackmail the Federal Government that they have not been reimbursed as well.

Hon. Mohammed Ali Ndume (Chibok/Damboa/Gwoza): Mr. Speaker, let me say that I am not against the Motion *per-se* but I am saying that the Motion is not necessary.

The Speaker: Hon. Ali Ndume, I do not understand why you saying to us that the Motion is not necessary, yet you are not against it and you are going to speak on the lack of necessity for the Motion.

Hon. Ali Ndume: Yes.

The Speaker: Therefore, you are against it.

Hon. Ali Ndume: If that is what you say.

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The Speaker: Please proceed.

Hon. Ali Ndume: Mr. Speaker, I just feel that since the mover of this Motion have stated that there is a Federal Highway Act; we are supposed to be making laws for this Country. If the mover of this Motion feels that the Federal Government Highways should be expanded to include some roads, as he feels strongly about, then I feel that it is more appropriate for him to call for or bring an amendment to the Federal Highway Act to take care of this issue rather than bringing it by way of a Motion.

Therefore, I urge my honourable Colleague to liaise with the Chairman of the Appropriate Committee, so that a better or proper legislation or Bill will be brought to this House.

The Speaker: Thank you. Chairman, Works, you are recognised to speak.

Hon. Chukwumaeze N. Nzeribe (Ihiala): Mr. Speaker, the issue of road is a very sticky one for this

country. Very often, we are quick to blame the Federal Government for the poor road infrastructure in this country. However, if you look at it very well, you will see that the Federal Government had intervened over time on roads that are not even her own responsibility.

I have consulted with the mover of the Motion, and I advised that this honourable House delete prayer one to enable the Committee look at this issue and make adequate and appropriate recommendations to this Chamber.

We have a road maintenance Agency that is poorly funded. We have states who have undertaken repairs of federal roads without necessary authorisation from the Federal Authorities, yet we receive requests everyday asking that they be reimbursed for unauthorised redevelopment of federal property.

These are very sticky issues which the Committee will need time and space to look at before urging the Minister of Works to expand the network of roads. This is because the resources available to the Works Ministry are very small.

Hon. John Owan Enoh (Obubra/Etung): Mr. Speaker, we need to understand what this Motion is all about. I appreciate the various concerns. We know that there are various Federal Government roads across the country that are not being maintained properly. I do not think, for example, that we have a particular legislation in place that has what it takes for a road to qualify as federal road. That should not be so because the Federal

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Government is not doing the work it is supposed to do in terms of federal roads.

The mover of this Motion went as far as talking about when the exercise was last done. One of the contributors mentioned the fact that several States have been created since after that and that this is something that needs to be done. I do not think, like I said earlier, that there is any doubt whatsoever about it. If we say that this Motion maybe, apart from simply undertaking to identify roads that are qualified to be federal roads, it may not have gone further to ask about the state of the roads.

What we should do would be to amend the prayer by adding, for example, that the Executive be urged to use the 2009 Budget to show its commitment in terms of intervention.

The Speaker: No cost implications?

Hon. John Enoh: Mr. Speaker, we have done the Budget.

The Speaker: Yes, but once you start classifying them as federal highways you have to cater for them under Federal Government funds.

Hon. John Enoh: We agree; but what we are saying is that 2009 Budget has already captured the roads that the Federal Government should do.

The Speaker: Yes, but you know we operate a medium term budget. So it is not about this year; what about other budgets?

Hon. John Enoh: For the other Budgets that would come, the Federal Government would try to know how many federal roads it could capture. What I am saying is that the prayer of this Motion and the essence of it are clear. Each State would have taken their state roads as Federal roads without Federal Government permission. It has nothing to do with this Motion. This Motion is saying that there are roads that have become federal roads but have not been so classified.

The Speaker: It is all right. We have had five Hon. Members who spoke in favour of the Motion while only three spoke against it. I need two more Members to speak against the Motion.

Hon. Rabe Nasir (Bindawa/Mani): Mr. Speaker, I rise to speak against this Motion for a few reasons. Obviously, this is a way of diverting the attention of the States from what should be their responsibility to that of the Federal Government, inviting the Federal

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Government to shoulder the responsibilities that it does not need to shoulder ordinarily because it also has its own responsibilities.

The aspiration of this Motion is invariably against the spirit of federalism which we operate in this country which says that the Federal Government should have its own exclusive responsibility to undertake. Both the States and Local Governments also have theirs.

I come from a State where we rule by example. In my State we have a lot of state roads which have been tarred and taken care of by the State. In the last four years in my State, the State Government decided and has undertaken the responsibility of not only rehabilitating federal roads but also constructing them and without recourse to federal funds. Those who are for this Motion should equally support the move in my view that with every responsibility there should be some allocation of funds. If you want the Federal Government to take more responsibility by taking over some States or Local Government roads, you should at the same time look into the federal allocation.

We should be fair; the responsibility of the Federal Government is enormous and this Motion does not help it in any way, it would even make it worse. It can only provide reasons for the Federal Government's weakness to be exposed and criticized which is unnecessary. The State Governments in my view have had a lot of responsibilities to shoulder and road construction is one of their weakest links where they perform below expectation. The States and Local Governments should sit up to their own responsibilities.

Hon. Daniel Dino Melaye (Kabba/Bunu/Ijumu): Mr. Speaker, I want to start by quoting Franks Fano.

The Speaker: Who is Franks Fano? Was he a Minister of Works?

Hon. Dino Melaye: Franks Fano was an author and a Philosopher. He said and I quote: *Every generation must out of relative obscurity discover its mission. It either fulfills it or betrays it.*

The Speaker: Now we know him.

Hon. Dino Melaye: Mr. Speaker, it is the responsibility of Governors in this country to be responsible. As a responsible House that we are, we must make laws and resolutions that are practicable; not just to make resolutions on the Floor for the sake of making resolutions that will not be implemented or do not have the capacity to be implemented.

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The Federal Government as it is today, whether we believe it or not, is incapacitated and not capable of managing the existing federal roads. Any one who said that the Federal Government, as I am speaking to you presently is taking care of all the roads should take a trip from here to Lokoja, and you will know if the existing federal roads are properly maintained or not. How do we ask Governors who are supposed to take care of roads passing through their States to neglect it? What are they doing with the money they are collecting? The Governor of Kogi State has tarred the road between Lokoja and Ajaokuta. Let other Governors go and spend the money they have budgeted for the purpose for which they are budgeted.

Hon. Ita Enang: Mr. Speaker, Point of Order!

The Speaker: Order what?

Hon. Ita Enang: I raised a Point of Order on Hon. Dino Melaye on the language he has used on the Floor of this House. That language is contrary to Order IX Rule 7, page 33 of the Standing Orders of the House. But it has been overtaken and he may have to withdraw that language unless the Speaker rules otherwise. It says, *it shall be out of order to use offensive and insulting or imperfect language on members of the House.*

The Speaker: Can you mention the particular word or sentence that he used?

Hon. Ita Enang: He mentioned *The incapacitation of the Federal Government.*

The Speaker: From my understanding, I think what Hon. Dino meant refers to resources. The amendment that first came was from the Chairman of Committee on Works. Chairman Works, could you repeat your amendment, please?

Hon. Chukwumaeze Nzeribe (Ihiala): Mr. Speaker, in consultation with the mover of the Motion; that is what he told me.

The Speaker: The mover is denying the consultation. Just say your amendment.

Hon C.N. Nzeribe: I will not amend it. I spoke with him and explained that this is becoming a contentious issue and that the Committee should look at these things before we advise. This is because the issues in question are the powers of the National Assembly.

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The Speaker: Are you making an amendment?

Hon C.N. Nzeribe: No, I am not making amendment. Let the Motion go the way it is.

The Speaker: Does any one have an amendment?

Hon. Uche Ekwunife: Mr. Speaker, my amendment is to Substitute Prayer (1) to read *that the Federal Government should be urged to go into massive rehabilitation of all existing Federal Roads in the country.*

The Speaker: Is there any Secunder to that amendment?

Hon. Saudatu Sani (Lere): Mr. Speaker, I rise to second the Amendment moved by Hon. Ekwunife.

Question put and negatived

Hon. Olaka J. Nwogu (Eleme/Oyigbo/Bolo): Mr. Speaker, my amendment is to delete Prayer (i) entirely and substitute it with prayer (ii) which gives responsibility to the House Committee to conduct a hearing. Considering that Prayer No. 1 will end the outcome of Prayer No. 2, to allow only Prayer No. 2 to stand. After the Public Hearing we shall know what is right and what is wrong.

Hon. Emmanuel Jime: (Makurdi/Guma): Mr. Speaker, I rise to second the amendment as proposed by Hon. Olaka Nwogu.

I so second

Amendment put and negatived

Hon. Honourable Asita (Ogba/Egbema/Ndoni/Ahoada West): Mr. Speaker, my amendment is in pursuant to the law I referred to here, that we should delete Prayer No. 2 because there is no need for Public Hearing, and let the Minister declare as Federal Roads, roads that ought to be declared as Federal Roads. We are not talking of the resources to do the road; we are just saying *call a spade a spade.*

The Speaker: Hon. Asita, what is your amendment?

Hon. Honourable Asita: My amendment is to delete Prayer No. 2 and let only Prayer No. 2 to remain.

Hon. Shuaibu Hashimu Abdullahi (Awe/Doma/Keana): Mr. Speaker, I rise to second the amendment as moved by Hon. Asita.

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Amendment put and agreed to

Main Motion as amended put and agreed to.

The House:

Noted that Section 25 of the Highways Act empowers the Federal Ministry of Works and Housing as it was before, in consultation with the government of the State concerned and with the consent of the President, to declare any Road as a Federal Highway;

Aware that there are several Roads all over the nation that cut across States of the nation;

Concerned that these Roads are in total neglects and disrepair often cutting mostly State communities from each other;

Further concerned that these Roads are neglected by the various States Governments, on the assumption that the Roads linking other States ought to be the responsibility of the Federal Government;

Further aware that the last time Roads were declared Federal Highways was in April 1982;

Further noted that after the last declaration order was made, more States have been created and in need of development;

Worried about the absence of construction or rehabilitation and maintenance of these Roads and have adversely affected the growth and economic development of such areas;

Resolved to:

(i) urge the Minister for Works Housing and Urban Development to declare and gazette all qualified Roads as Federal Highways in accordance with the enabling Act;

Continued Depreciation of Naira against International Currencies

The Speaker: The next Order of the Day is a Motion on the Continued Depreciation of Naira against International Currencies. The Motion is standing in the name of Hon. Abubakar Yari and 26 others.

Hon. Yari is invited to move the Motion.

Hon. Ita Enang: (Itu/Ibiono Ibom): Mr. Speaker, my Point of Order is Order IX Rule 1 (6) page 33.

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It shall be out of order to attempt to reconsider any specific question upon which the House has come to a conclusion during the current session except upon a substantive motion for rescission.

Mr. Speaker, I draw the attention of this House to the Votes and Proceedings of this House of October 8, 2008 wherein the House did file a Motion on the subject matter, directing the Joint Committees on Banking and Currency and Capital Market to conduct Investigative Hearing on the remote and immediate causes on the Financial Crisis.

Hon. Dino Melaye: Point of Order.

The Speaker: Hon. Dino, you cannot raise a Point of Order until I ruled on this first

Hon. Dino Melaye: Yes, Sir.

Hon. Ita Enang: Mr. Speaker, some prayers that were taken on that day are the same prayers that are here today; and with your permission, I read the prayers;

- (i) *Mandate the Joint Committee on Banking and Currency and Capital Market to conduct an Investigative Hearing on the remote and immediate causes of the financial crisis and how to safe-guard Nigerian economy from imminent danger;*
- (ii) *Examine how healthy our financial/economic system is, and evaluate the appropriateness of the measures/actions taken by the Government Agencies, Regulatory Authorities, Banks and other Financial Institutions in safe-guarding our economy.*

Mr. Speaker, the House in that day's resolution did mandate the Committee on Banking and Currency, Capital Market, Finance and Legislative Body headed by Hon. Fasinro to conduct a Public Hearing on this matter. With respect Sir, the Report of that Committee will be ready for presentation next week, and it would be out of order for us to recall this matter and debate it again.

The Speaker: Honourable Members, we will stand it down. It is stood down.

(Motion with leave of the House, stood down)

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Hon. Daniel Dino Melaye: Point of Order, Mr. Speaker!

The Speaker: What is the next Point of Order? Hon. Chairman, Committee on Information, I hope it is not on something I have ruled upon.

Hon. Daniel Dino Melaye: Mr. Chairman, it is not on that.

The Speaker: You can go ahead.

Hon. Dino Melaye: Mr. Speaker, my order is Order 1 Rules 2 (i) (b) page 1 and I read:

In all cases not provided for herein after, or by Sessional or other Orders or practice of the House; the House shall by resolution regulate its procedure.

Mr. Speaker, Hon. Ita Enang is the Chairman of Rules and Business Committee and if an Order or a Motion had already been discussed, it is the duty of the Chairman Rules and Business not to list such a Motion on the Floor of this House. It is his business and responsibilities to note that this Motion has already been taken and advice against bringing it into this Floor.

The Speaker: All right noted.

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

The Speaker: Hon. Gbajabiamila what Point of Order?

Hon. Olufemi Gbajabiamila: My point of Order is Order IX rule (2) which says:

Any Member deviating from the provision of these rules may be immediately called to order by the Speaker or the Chairman, or by a member rising to a point of order. A member rising to a point of order shall simply direct attention to the point he desires to bring to the notice and submit it to the Speaker or to Chairman for decision.

This is the same Order brought by the Chairman Business and Rules Committee, which I am aware you may have ruled on, but I would like to note on record that this Motion is clearly different from what he has brought.

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The Speaker: Hon. Gbajabiamila, you are a principal officer of this House, and the Speaker has ruled and you are still speaking on that.

Hon. Olufemi Gbajabiamila: All right, as the Speaker pleases.

Hon. Mohamed Ali Ndume: Point of Order Mr. Speaker!

The Speaker: Minority Leader, you will have your say but I hope what you are going to say is not what we have already ruled on.

Hon. Mohammed Ali Ndume: Mr. Speaker you said I will have my say.

The Speaker: All right please proceed, so which order?

Hon. Mohammed Ali Ndume: Order V Rule I(a) and (b) It defines Privileges:

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

The mover of this Motion that you ruled on (interruption)

The Speaker: I have ruled on it, so you are over ruled.

ORDERS OF THE DAY

BILLS

Legal and Regulatory Framework, Institution and Regulatory Authorities for the Nigerian Petroleum Industry (Establishment) Bill, 2008

A Bill for an Act to Establish the Legal Regulatory Framework, Institution and Regulatory Authorities for the Nigerian Petroleum Industry, to Establish Guidelines for the Operation of the Upstream and Downstream Sectors, and for Purposes Connected with the same, 2008.

Order for Second reading

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The Speaker: The 3rd Order of the Day is commencement of debate on a general principles of a Bill for an Act to Establish the Legal Regulatory Framework, Institution and Regulatory Authorities for the Nigerian Petroleum Industry, to Establish Guidelines for the Operation of the Upstream and Downstream Sectors, and for Purposes Connected with the same, 2008 (HB. 159).

The Bill was read for the first time on Tuesday 16th December, 2008. I now invite Hon. Tunde Akogun to move that the Bill be read the second time.

Hon. Ita Enang: With respect, Sir, this is a Bill that seeks to amend and repeal 11 Petroleum Laws and we were working on producing all the Principal Acts to all the members. We thought that by this morning, we would have been able to produce all and as a result, Members do not have the Principal Acts. I pray that the Bill be stood down, for the Acts to be produced for all the members. This is a Bill of 384 pages; with respect may it be stood down Sir.

Hon. Tunde Akogun (Akoko): Mr. Speaker what the Chairman Rules and Business Committee said is correct and in addition, I had yesterday intended to have further briefing session with the two Hon. Ministers of Petroleum and Finance but they could not make it because they were in the Executive Council Meeting up to about 7 p.m. Therefore, for these two reasons, I think it will be right to stand down this Bill.

(Bill with leave of the House stood down)

National Honours Act Cap N43 Laws of the Federation of Nigeria 2004 (Amendment) Bill, 2009

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, and also provide that this National Assembly be given powers to strip anyone of the award for misconduct, 2009.

Order for Second Reading.

The Speaker: The 4th Order of the day is commencement of debate on the general principles of 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, and also provide that this National Assembly be given powers to

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strip anyone of the award for misconduct, 2009 (HB. 185).

The Bill was read for the first time on Thursday 28th February, 2009. I now invite Hon. Olufemi Gbajabiamila to move that the Bill be read the second time.

Hon. Olufemi Gbajabiamila (Surulere I): Mr. Speaker hon. Members I move that 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, and also to provide that this National Assembly be given the powers to strip anyone of the award for misconduct be read the Second Time.

Hon. Emmanuel Chinyere Igwe (Port Harcourt II): I humbly second the Motion as moved by Hon. Olufemi Gbajabiamila.

Question Proposed:

Hon. Olufemi Gbajabiamila: Mr. Speaker, every country has a system by which it honours the best of its best. Every country has a system by which it recognises excellence and achievements. That country, by giving an honour to a deserving citizen, places on public record, the activities of such citizens and his achievements. The honour also allows the larger citizenry to strive for achievement and contribution to national development.

Inculcated in an award of honour are several and various components; the most important being the societal value of such a country. An awardee is an embodiment of every thing Nigeria stands for. He or she is a reflection of what we can achieve individually and collectively as a nation. In this regards the law, the national honours Act. No. 5 of 1964 was enacted by Parliament.

To be clear Mr. Speaker, this House derives its authority to make laws on national honours from the exclusive legislative lists item 4 to be precise. It is also important to know that though, the President of Nigeria physically hands out the Awards or the Honour, he does that on behalf of the Nigerian people. The Nigerian people bestow that award or honour on a recipient. Therefore, it is expected that the Nigerian people either directly or through its representatives, will and must have a role in that process.

The time has come for us to reform this system. There is no gain-saying or doubting that the system of honours in this country has been abused and misused.

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Today, awards is an all corners affair; it is given to all and sundry.

Our honours system has been so ridiculed and abused that it has become a subject or thing that is rejected by even the most veritable and respected members of the society.

The Speaker: That is debatable.

Hon. Olufemi Gbajabiamila: It is not debatable, it is a fact.

The Speaker: All right, if it is not debatable.

Hon. Olufemi Gbajabiamila: There are two cases in point, Chinua Achebe and Gani Fawehinmi and it goes on an on. It is a fact and it is on record that they rejected the National Honours.

The Speaker: That does not ridicule the National Honour, it is a choice.

Hon. Olufemi Gbajabiamila: Mr. Speaker, the news is no longer that somebody got an Award, but the news now is who rejected and who accepted it.

With due respect to your office, the fact that one occupies an office, as the Senate President or the Speaker or indeed as a President of Nigeria does not entitle one to that award. The honour is not given to the office but to the person for his contributions and how much he has lifted the office and the country.

The honour is given as we said in legal parlance *in personae* and not in *rem*. Indeed, the United States of America has had to-date 46 Presidents and I believe (*Interruptions*)

Hon. Ali Ndume Mohammed (Damboa/Gwoza/Chibok): Mr. Speaker, Point of Order!

The Speaker: What Order?

Hon. Ali Ndume: My Point of Order is in Order IX, Rule 4 (8) page 37 Rules of Debate and it is on the behaviour of Members in the House and it reads thus:

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

In this case, the Speaker happens to be a member of this House (*Laughter*)

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The Speaker: Hon. Ndume, you are not doing Hon. Gbajabiamila, a favour with that comment you made on this debate. You are ruled out of Order.

Hon. Olufemi Gbajabiamila: Mr. Speaker, today, like I said, the United States had 46 Presidents and I believe so far that there have been about six Presidents that have been honoured in the United States.

In fact, the highest honour in the United State is named after the Congress. It is called the Congressional Medal of Honour. I want a situation whereby this Bill will be about a man who would look at a man who has been decorated with GCFR and know that he stands truly before a Grand Commander of the Federal Republic.

Mr. Speaker, even though we do now know the process, which is usually done in secrecy but what we are seeking by this amendment is that the National Assembly should be given the role of Confirmation. Let the President or the Federal Executive Council go ahead and nominate but the confirmation for such nomination must come through the people or the National Assembly.

Where people have been given or decorated with honours and have been found guilty of any misconduct, this same National Assembly should be given the authority and power to strip them of such award.

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

Question put and negated.

CONSIDERATION OF REPORTS

Report of the House Committee on Pensions on Chartered Pension Institute of Nigeria Bill, 2008

The Speaker: The fifth Order of the Day is resumption of consideration of the Report of the House Committee on Pensions on Chartered Pension Institute of Nigeria Bill, 2008.

The Bill was considered on Wednesday, 4th March, 2009 in the Committee of the Whole. I invite the Leader of the House to move that the consideration of the Report do resume.

Hon. Tunde Akogun (Akoko-Edo): Mr. Speaker, I rise to move that the House do resolve into the Committee of Whole to resume consideration of the Report on Pensions.

I so move.

Hon. Baba Shehu Agaie (Agaie/Lapai): Mr. Speaker, I rise to second the Motion as moved by the House Leader.

Hon. John Halims O. Agoda (Ethiopia East/Ethiopia West): Mr. Speaker, my Point of Order is on Order IX, Rule 3(2)(a), page 34. I want to raise this Order because democracy should grow from this Parliament. Though decision has been taken but let us set the parameter very right.

The Speaker: Hon. John Halims O. Agoda, I sincerely hope that you are not referring to some subjects that the Speaker has already ruled upon.

Hon. John Halims O. Agoda: Under Section 60 of the 1999 Constitution, which allows Parliament to regulate its proceedings and under the inherent jurisdiction of this Hallowed Assembly, I beg to be allowed to make this observation.

The Speaker: Hon. John Halims O. Agoda, you are overruled.

Question put and agreed to.

Report of the House Committee on Pensions on Chartered Pension Institute of Nigeria Bill, 2008 – CONSIDERED IN THE COMMITTEE OF THE WHOLE (Adjourned debate, 4/03/2009)

The Chairman: Hon. Colleagues, yesterday you will recall that a Motion was moved to resolve into the Committee of Whole to consider two Reports. The first Report was that of Chartered Pension Institute of Nigeria Bill while the second Report was the Bill on Rural Development.

We shall resume consideration of the two Reports. We shall start with the Report of the Committee on Pensions. I call on the Chairman of the Committee on Pensions to make a brief comment on the Report.

Hon. Adewusi Babatunde (Egbado North/Imeko Afon): Mr. Chairman, in view of some mistakes in the arrangement of the Clauses, I want to request that we step it down till the next Legislative Date.

The Chairman: Because of some irregularities in the arrangement of the Clauses the Chairman of the Committee has requested that the House stand down the consideration of the Report till the next legislative date.

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(Report with the leave of the House stood down)

**National Integrated Rural Development
Agency Bill, 2008**

Report of the House Committee on Rural Development on a Bill for an Act to Establish the National Integrated Rural Development Agency and Other Matters Thereto, 2008 – CONSIDERED IN THE COMMITTEE OF WHOLE

The Chairman: The second Report to be considered is that of the House Committee on Rural Development.

I call on the Chairman of the Committee, Hon. Igwe Paulinus Nwagu to brief the House on the findings of the Committee because a Motion was moved yesterday for the consideration of the two Reports.

Hon. Paulinus Igwe Nwagu (Ezza North/Ishielu): Mr. Chairman, the Bill for an Act to Establish the National Integrated Rural Development Agency and other Matters Thereto, 2008 was handed over to the Committee on Rural Development.

The Committee met and invited all the stakeholders in the Ministry of Agriculture and discussed extensively what this Bill seeks to achieve on the lives of the people of this country especially those of us who are living in the rural areas.

We discovered that this Bill seeks to consolidate the legal perspective, the gains made in rural development from the days of Operation Back to Land, Operation Feed the Nation, Green Revolution, Directorate for Food, Roads and Rural Infrastructures (DEFFRI), National Agricultural Land Development Authority, *et cetera*.

Furthermore, as the name of this Bill, the Integrated Rural Development Agency implies it is integrated in the sense that all aspects of rural infrastructure such as Transportation, Communication, Housing, Energy, Water, Health and Sanitation will be appropriately articulated concurrently.

As I am talking to you this afternoon, I want to let you know that there is no Ministry in charge of Rural Development as far as the country is concern. What we have is Ministry of Agriculture, Water Resources that has taken over the responsibilities of this important agency which this Bill seeks to establish.

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Let me take you further on why this Bill is very important in the lives of the people of this country.
(Interruptions)

The Chairman: Well, that has been discussed at the Plenary.

Hon. Paulinus Igwe Nwagu: Thank you, Sir.

The Chairman: Honourable Colleagues, we are going to take the Report of the Committee Clause by Clause.

Clause 1 – (ESTABLISHMENT OF NATIONAL INTEGRATED RURAL DEVELOPMENT AGENCY)

Hon. Mohammed Ali Ndume (Damboa/Gwoza/Chibok): Mr. Chairman, I want to add that maybe this Committee should consider expanding Section 1(iii):

That the Agency shall have its principal office located in the Federal Capital Territory, Abuja and State Branch Operating Offices in each of the States of the Federation, including the Federal Capital Territory.

The Chairman: Is that an additional item?

Hon. Ali Ndume: Yes, I want to add the Local Governments because this is an establishment of National Integrated Rural Development Agency. There should be Office of the Rural Development Agency in each of the Local Governments.

The Chairman: Any Secunder to that amendment?

Hon. Mustapha Adamu Kaka (Dikwa/Mafat/Konduga): I second the Motion.

The Chairman: There is a Motion that we include Offices at the Local Government level because this is a rural development Bill.

Amendment put and agreed to.

Clause 1 – (ESTABLISHMENT OF THE NATIONAL INTEGRATED RURAL DEVELOPMENT AGENCY – *as amended ordered to stand part of the Bill.*

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Hon. Darlington Onuabuchi Okereke (Ivo/Ohaozara/Onicha): Mr. Chairman, I want us to delete the word *and* on line two of Clause 1 (2a). We have two *ands* there.

The Chairman: It will be removed. It is a typographical error.

Clause 2 – (ESTABLISHMENT AND MEMBERSHIP OF THE BOARD).

(Interruptions)

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

The Chairman: Yes, what Order?

Hon. Sani Minjibir: I rise to point out the Order that is guiding the behaviour of Members while in the Chambers of the House of Representatives. And I want to refer to Order IV Rules 2 and 4. I read:

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

(4) *Members shall not cross the Floor of the House unnecessarily nor sit in a place allotted to any other Member.*

These are our Rules. The Whip is presently in the House to enforce those Rules and make sure that they are obeyed.

The Chairman: Order, sustained. Chief Whip, take note of that.

Hon. Ubale Jakada Kiru (Bebeji/Kiru): Mr. Chairman, there is a mistake in Clause 2 (f). It should read: *Nigerian Association of Chambers of Commerce, Industries, Mines and Agriculture.*

Hon. Ita Enang: Mr. Chairman, I do not agree with the Committee on the amendment proposed in Clause 2 (1) which reads:

Since the functions of the Agency include the provision of roads at the rural communities, membership of the Board shall include a representative of either FERMA (Federal Road Maintenance Agency) or the Ministry of Transport.

That is not necessary. It is like a debate and not precise. I move that we delete all that because it is an argument. It is not appropriate to be in the body of the law.

The Chairman: Which one are you talking about?

Hon. Ita Enang: I am referring to the amendment in Clause 2(1) at the right hand side of the Bill. With your leave may I read it again:

The Chairman: Yes, read it.

Hon. Ita Enang: I want us to delete from:

Since the functions of the Agency include the provision of roads at the rural communities, membership of the Board should include a representative of either FERMA (Federal Roads Maintenance Agency) or Ministry of Transport.

We should delete the words up to *Communities*.

The Chairman: Hon. Ita Enang, Membership of the Board should include a representative of either Federal Road Maintenance Agency (FERMA) or Ministry of Transport – there is nothing else.

Hon. Ita Enang: Mr. Chairman, I want all those words deleted because if we want to include FERMA, it should just read as in the main body of the Bill on the right-hand side. It should start like this: *the Management of the Agency established by Section 1 of this Bill shall be vested in the Governing Board, which shall consist of –*

(a) *Chairman*

(b) *A Representative of FERMA*

The Chairman: This is the provision in the original Bill.

Hon. Ita Enang: Yes, Sir.

The Chairman: Is this is the recommendation of the Committee?

Hon. Ita Enang: The recommendation should not be in prose form. It should not be an argument.

The Chairman: What I agree with you is that, if they want to include FERMA there, they do not need to

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write all these words; but it should come under the column of the Committee's recommendation.

Hon. Ita Enang: Yes, Sir.

The Chairman: It is noted.

Hon. Muhammed Ali Wudil (Wudil/Garko): Mr. Chairman, I am still on Clause 2 – Establishment and Membership of the Board; its functions include *provision of roads at the rural communities*. We cannot take that as the only function of the Agency; there are rural electrification projects.

The Chairman: Which item?

Hon. Ali Wudil: That is Clause 2, which Hon. Ita Enang read and made amendment.

The Chairman: Which of Clause 2?

Hon. Muhammed Ali Wudil: It is Clause 2(a), where FERMA and Ministry of Transport is mentioned. As you know, there is rural electrification agency which also takes care of rural electrification projects. We cannot exempt the Rural Electrification Agency. We need to include a representative of the Rural Electrification Agency if we are including FERMA.

The Chairman: Hon. Wudil is saying that we should include a representative from the Rural Electrification Agency.

Hon. Abdullahi Shuaibu Hashimu (Awe/Doma/Keana): Mr. Chairman, I wish to second the amendment as moved by Hon. Wudil.

Amendment put and agreed to.

The Chairman: We are now on item 2 on page 2.

Hon. Sani Saleh Minjibir (Minjibir/Ungogo): Mr. Chairman, I am still going back to Clause 2(a), where Hon. Ita Enang made reference to the Committee's recommendation. I thought that the Committee's recommendation should capture in essence, everything that is in the original Bill and add what they wanted.

The Chairman: No, the original Bill will be where it is and the additional should come under their recommendation.

Hon. Sani Saleh Minjibir: I might be wrong but

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the interpretation now is that the Committee's recommendation will be what is to be carried as the provision in the amended Bill.

The Chairman: No. He said that in addition to the provision of the Bill and with reference to the Committee's recommendation, instead of writing long sentences we should just add FERMA under the Committee's recommendation column.

Hon. Sani Saleh Minjibir: I understand that but what I am trying to seek is for us to maintain consistency in the way we present the recommendations. For example, if you take item 1 that we have just approved, you can see that the Committee's recommendation captures in whole whatever they are trying to amend.

The Chairman: Yes.

Hon. Sani Saleh Minjibir: That is not the same when it comes to item 2. There is no consistency in the presentation.

The Chairman: You are correct but if you go further on pages 2 and 3, you can see that they are not taking the entire provision of the Bill. If it is retained, they will just put *retained*. That is what I think Hon. Ita Enang was pointing out.

Hon. Sani Saleh Minjibir: It is all right.

Hon. Abdullahi Shuaibu: Mr. Chairman, even though we are retaining Clause 2(a)-(d), apart from Rural Electrification that has just been added, we earlier had FERMA, but the recommendation of the Committee is either FERMA or Ministry of Transport. Which one are we agreeing with? We have to be precise.

The suggestion of the Committee was that we should include FERMA or the Ministry of Transport. Since it cannot be the two, we need to be precise. Are we dropping Ministry of Transport for FERMA or we are choosing Ministry of Transport which is now Ministry of Works?

Hon. Igwe Paulinus Nwagu (Ezza-North/Ishielu): To me, we made a recommendation for the House to pick one, but since it is like this, I prefer picking Ministry of Works.

The Chairman: The Chairman is recommending that we delete *FERMA* and retain the *Ministry of Works*.

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Hon. Ita Enang: Mr. Chairman, it is more appropriate to have an agency like FERMA to be a member of the Board than the entire Ministry of Works.

The Chairman: It is not the entire Ministry, it is their representative.

Hon. Ita Enang: Let it be a representative of FERMA.

The Chairman: What is your reason for that? Could you convince Members?

Hon. Ita Enang: My reason is that the Ministry of Works as a whole has a lot of other responsibilities but FERMA concentrates on maintenance of Federal roads; even in rural areas – it is more about maintenance. So, I would suggest that we should take FERMA instead of the whole Ministry of Works.

The Chairman: Hon. Colleagues, I think the wisdom of putting the Ministry of Works there is that you need engineers that will draw roads. FERMA only maintains existing roads. But if you are talking of new roads, you cannot go to FERMA. Whether they are rural roads or track A, B, or C; they are new and you need somebody who is an expert in that area. The experts you have in FERMA are experts in maintenance. I believe that is the wisdom of putting the Ministry of Works there.

Amendment put and agreed to.

Hon. Muhammed Ali Wudil: Mr. Chairman, they said: *the Director-General to serve as Secretary.*

The Chairman: Mention the item so that we know where you are talking from.

Hon. Ali Wudil: It is Item 2(d) on page 2 if you go down the page. In appointing the Chairman, it states that it should be a *person of proven integrity*, but that of the Director General is not mentioned. This is because in the other Bill we considered, they said that the Director General is the Chief Executive of the Agency.

The Chairman: What we said in the last Bill we passed was that the Director General should be the *Accounting Officer*. That was what we said and even there, the Secretary or the Director General should be the Accounting Officer. An Accounting Officer must not necessarily have to have the experience of road construction before he can become a Secretary of a place. But for the Chairman, they are saying that he must be somebody who has 10 years cognate experience in related matters of this kind. I believe you can see the difference.

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Hon. Wudil Mohammed: Yes.

Hon. Bethel Amadi (Mbaitoli/Ikeduru): I have seen a list of financial institutions included for the Board of this Agency but I have not seen the Micro Finance Banks who are now being supervised by the Central Bank of Nigeria and they are actually integral to rural development. Will it not be a good idea to include them, Mr. Chairman?

The Chairman: Micro Finance Bank?

Hon. Bethel Amadi: Yes.

Hon. Paulinus Igwe Nwagu: The Micro Finance Bank is not there because we have Agricultural Insurance Bank which takes care of all the problems of farmers at the rural areas. So, Micro Finance Bank cannot come in.

The Chairman: Chairman Aviation, are you convinced?

Hon. Bethel Amadi: No, I believe that the functions are very different.

Hon. Abdu Mohammed Sani (Alkaleri/Kirfi): I want to support my Chairman that there is the need to have a representative of the Association of Micro Finance Banks because they are now the pivot of economic development at the local level. Almost each and every local government and communities are establishing same in rural areas.

Therefore, I support my Chairman of Aviation that the Association of Micro Finance Banks should be represented on the Board.

The Chairman: Are you by that seconding his Motion?

Hon. Abdu Mohammed Sani: Yes, Mr. Chairman.

The Chairman: Let me put the question for the inclusion of a representative of a Micro Finance Bank.

Amendment put and agreed to.

Hon. Ita Enang: I refer to Clause 2 (2) (a) on page 2, which says:

The Chairman and other Members shall be appointed by the President of the Federal Republic of Nigeria on the recommendation

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of the Minister and persons of proven integrity.

I want us to delete the words: *on the recommendation of the Minister* because the way Boards are actually appointed and done is different. This is a political dispensation which the appointments are by convention and sometimes done with some political consideration. So, I want us to delete the word; *on the recommendation of the Minister*.

Hon. Jerry Manwe (Lau/K/Lamido/Ardo-Kola): Mr. Chairman, I rise to second the amendment proposed by the Chairman, Rules and Business Committee.

Amendment put and agreed to.

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

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

Clause 4 – (REMOVAL FROM OFFICE OF MEMBERS OF THE BOARD) –

Amendment proposed

Hon. Ubale Jakada (Bebeji/Kiru): Mr. Chairman, I am referring to Clause 4(2) which says:

The President may at any time remove any member of the Board from office. If the Minister is of the opinion that it is not in the interest of the board for the member to continue in office, he shall notify the member in writing to that effect.

I want to suggest that we add immediately after the word *effect* the phrase *before making it public*. I am referring to a recent happening in which the Managing Director of one of the Agencies after rising through the cadre from the very bottom to the top, only for them to see their names on the television screen one night that they have all been sacked and replaced with another set of people. I do not think that is fair enough after one has put in 36 to 40 years in service.

What I am saying is that there is the need for us to restructure the clause in order to give adequate protection to the civil servants so that they do not get up one day and see their names on the Television screen as being sacked or replaced by some other people. They

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have actually spent their whole life serving this country diligently and with all the commitment that is required.

The Chairman: What is your prayer, Hon. Ubale?

Hon. Ubale Jakada: My prayer is for us to add immediately after the word *effect* the phrase *before making it public* so that the Minister would not just go and publish on the media before even giving out the letters notifying them of the termination of their appointments.

Hon. Austin Nwachukwu (Ehime Mbano/Ihite Uboma/Obowo): I just want to lend my voice to what he just said because my father said to me that if you remove a tick from the body of a dog without showing it to the dog, the dog might think that you have pinched him.

The Minister might become very erratic in his judgment especially if there has been a problem between the Minister and a member prior to the appointment of that member to the Board, if he now being the Minister of that particular Board, he might want to impinge on the right of that member by recommending his removal. What I am saying is that that power to the Minister is very enormous. It should be amended to read thus: *if the Board deems it proper that the member's conduct or function is not in the interest of the Board*. But, it must not just be the Minister because he might take another opinion.

Hon. Abdullahi Shuaibu Hashimu (Awe/Doma/Keana): Mr. Speaker, in agreement with my Colleagues who have spoken on this matter, I am not happy to hear that somebody was only aware of his removal through the media.

I do not think that a law should go into details of giving the modality of how somebody should be removed, whether he should be contacted or consulted, before making the announcement.

It is not the interest of the Board that matters, but the interest of the public, that the Minister could recommend the removal of a Board Member, if he is of the opinion that it is not in the interest of the public.

The issue is not whether it is in the interest of the Board but whether or not it serves the public interest. Instead of the word **Board**, I would rather we substitute with the word **Public**.

Hon. Kolawole Ismaila (Boluwaduro/Ifedayo): Going by the amendment proposed by Hon. Ita Enang, I

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do not think there is need to involve the Minister again, performing any role. This is because from the amendment in Section (II), we said that the recommendation, *by the Minister* should be deleted.

Therefore, the Minister should not be involved again. Mr. President should just be informed for public interest.

The Chairman: What Hon. Ita Enang said is that there is no need to include Mr. President in the appointment of the Board Members, but if both is already established, and he has undertaken his duties, normally it is the Minister who relates to Mr. President on the activities of the Board.

Therefore, there must be a link between the President and the Board. It is not every Chairman that will go to the President and brief him on the activities of his Board. So, I think there is a need to have a link between the President and the Board. That link naturally will only be the Minister who has oversight, over that Board.

Hon. Emmanuel Chinyere Igwe (Port Harcourt II): Mr. Chairman, going by the amendment made, giving the Minister, the power of removal, we know the implication in our Polity.

I am sure that there is no Statutory Board in this country where a Minister has the Power of removing a Board Member, so this one should not be an exception.

I am trying to say that a Minister has never been given such power. So, let us remove that particular one, it does not matter, because the Minister might report to the President based on his own personal recognition.

So, let the terms of removal be the normal discrimination, debt, Bankruptcy, insane mind and things like that, but not based on the recommendation of the Minister, because, the Minister might have an axe to grind politically in his home front and he wants to exercise his power on this Board at Abuja here.

The Chairman: Let us decide on this please. Hon. Abdullahi is saying that instead of removing a member, based on what the Board felt is not healthy for the Board. It should rather be from the office of the Minister. He is of the opinion that it is in the interest of the Public not in the interest of the Board.

Amendment put and agreed to.

Honourable Colleagues, another amendment on that particular one is that we remove the Minister there and just allow it to flow.

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Hon. Paulinus Nwagu: Mr. Chairman, I have a problem in this amendment. According to Hon. Ita Enang, he said that the Minister should not have any hand in recommending who would be a member of this agency. In these two amendments, you are saying that the Minister should have an opinion because, according to you, there must be a link between the Agency and the Presidency.

Are we not contradicting ourselves, are we not contradicting the issue, between the recommendation of the appointment and removal as it may sound in the opinion of the Minister?

The Chairman: We are not contradicting ourselves, because, as it is now, if I have been given a slot to bring a Board Member and he is working with the Ministry as a Board Member, I do not have anything to do with him again. He relates to the Minister or to the Chairman of the Board and the Chairman of the Board relates to the Minister and the Minister relates to the President. If he commits anything against the public, the Minister can make a report; that is what it means.

Hon. Ubale Jakada Kiru (Bebeji/Kiru): Mr. Chairman, unfortunately, we are in a dilemma really and the dilemma is that there is need for that link, as you suggested. But I am personally against the Minister's presence there because he will end up having serious disagreements especially with Ministries. You will end up with Ministers appointing, or sending off people because they do not like them.

So each time a Minister is appointed, a new set of people have to be there as we have in some of the agencies that we are operating now. I view this as one of the serious problems that is hindering continuity and progress as far as MDAs are concerned.

Hon. Mohammed Ali Ndume: Mr. Chairman, since the President by the Act is authorised to appoint the Board, the power to remove any member should also be exclusively with the President other than including the Minister.

So I am of the view that the Minister in that Clause be removed and the President substituted. The power of removal should reside with the President.

The Chairman: The Power of removal even as it is now resides with the President

Hon. Mohammed Ali Ndume: No, but it says if the Minister is of the opinion; and in most cases there is normal conflicts between these agencies and the ministries because of inevitable interest.

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The Chairman: Supposing a Board Member did something that is grossly unacceptable who will report to the President?

Hon. Mohammed Ali Ndume: It is the Minister

The Chairman: That is exactly what we are saying.

Hon. Mohammed Ali Ndume: No, but ultimately this Clause here is giving some powers to the Minister as it relates to the removal of the Board Member.

The Chairman: There must be some powers given to the Ministers. However, they should remember at any point in time that they are exercising these powers they had sworn to before they became Ministers.

Hon. Mohammed Ali Ndume: All right. Alternatively, this Clause should be removed completely because the first one takes care of almost everything.

Hon. Chile Igbawua (Kwande/Ushongo): Mr. Chairman, I would like to justify the fact that there are rules and tenures for these officers. So the idea that a Minister will come in and sack everybody does not arise.

A Board has tenure and when we say that a Board member can be removed if he is acting against the interest of the public, there are other guiding rules. So if the Minister removes a person, the person can have recourse to these rules which he must prove. It is not that if he wakes up from the wrong side of the bed he could say that this man should go.

He must call the President's attention to whatever infraction this member of the Board has done to warrant this recommendation. So even when they say: *it is in the interest* or *in the opinion*, the Courts of Law have interpreted that opinion is reasonable opinion not just a personal opinion. It must be reasonable and it must be based on verifiable facts and then in the content of the law.

So when a Minister is given such powers they are not personal powers, they are powers which are already very heavily tied by the law and you must act within the law. The provision with a change of the word: *in the interest of the Board and the Public* now puts the Clause in proper shape and I move that we pass it as such.

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Clause 4 – REMOVAL FROM OFFICE OF MEMBERS OF THE BOARD – *as amended ordered to stand part of the Bill.*

The Chairman: Clause 5 – (ALLOWANCES)

Hon. Ita Enang: I pray that we delete the entire Clause 5. This is because there is a law on the remuneration of Public and Political Office holders and it is according to grades. So if we say a member shall be paid such allowances, the member appointed here becomes a political and public office holder.

We have made a general law on it and so we do not have to put this provision at all. Therefore, I move that we delete that provision entirely.

Hon. Alhassan Ado Garba (Doguwa/Tudun Wada): I second the amendment.

Amendment put and negated

Hon. Mohammed Ali Ndume: Mr. Chairman, in order to take care of my friend's observation, I want to amend it this way: *allowances should be paid in accordance with the laws provided.*

I so move.

Hon. Nkiruka Onyejeocha (Isuikwuato/Umunneochi): Mr. Chairman I second the amendment as moved by Hon. Ndume.

Amendment put and agreed to

Clause 5 – (ALLOWANCES) – *as amended ordered to stand part of the Bill.*

Clause 6 – (FUNCTIONS OF THE BOARD)

Hon. C.I.D. Maduabum (Nnewi North-South/Ekwusigo): Mr. Chairman I just want to clarify from the authors of the Bill who actually supervises this agency. We have been hearing Minister but when you go to Clause 6 (f), you will see that Secretary to the Government of the Federation dominates. I read:

(f) *Perform such other related functions as may be required of the Board, from time to time subject to the approval of the Secretary to the Government of the Federation*

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And if you go to (d) it says:

Prepare and submit through the Secretary to the Government of the Federation to the President, once in every quarter a report on the activities of the Agency during the immediately preceding quarter;

Elsewhere in the Bill, however, the Minister has been specifically mentioned as the channel of authority for such communication. So I just want a clarification.

Hon. Mohammed Ali Ndume: Mr. Chairman just as we stated earlier, right now we do not have a set up that takes care of Rural Development but the Ministry of Agriculture and Water Resources share these responsibilities.

This Bill is calling for the establishment of this Agency; it will now be the discretion of the President maybe to have the Agency under the Ministry of Agriculture or create a Ministry for itself or depending on where it happens to fall as a supervising Ministry. That is why we are saying that the Minister should report to Mr. President the activities of the Board.

This is because under normal circumstance, it will be under a Ministry and if it does not it may be under the Presidency as other Agencies are. Therefore, I do not think this is a problem.

The Chairman: Supposing this Agency is created

and it is under the Office of the Secretary to Government of the Federation, what would happen to the references being made to the Minister? It is better we put there *Supervising Agency* since we do not know where it will fall.

Hon. Mohammed Ali Ndume: I move that in the Bill all areas that say the Minister and Secretary to the Government of the Federation should be replaced with *Supervising Authority*. I so moved

Hon. Labaran Y. Dambatta (Dambatta/Makoda): Mr. Chairman I second the amendment as moved by the Minority Leader.

Hon. Ita Enang: Mr. Chairman, please, I have a question.

The Chairman: Yes, Hon. Ita Enang, what is your question?

Hon. Ita Enang: Mr. Chairman, I want to refer to the Interpretation Clause and we would see that

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Minister is defined as: *Minister charged with the responsibility for Rural Development.*

Why, I am saying so is that we are not saying: *Minister for Rural Development*; we are not saying *Minister for Works or Minister for Agriculture*. It is any Minister that will at any time be charged with the responsibility for Rural Development. So, it is not appropriate for us to say: *the Appropriate Supervisory Agency*.

In law, we should be specific; *charged with the responsibility* is specific enough. We should not over expand the Office of the Secretary to the Government of the Federation.

The Chairman: We are not over expanding it. What we are saying is that if this Agency is created today and it does not fall under any Ministry but maybe under the Office of the SGF and all through in the Bill, you are referring them to the Minister. Which Minister then?

Hon. Ita Enang: It is the Minister charged with the responsibility.

The Chairman: If it has not been given under any Ministry?

Hon. Ita Enang: Mr. Chairman, it is not possible because the law itself charges it under that Ministry.

The Chairman: What we discovered is that the law is talking about the Minister and it is also talking about the Secretary to the Government.

Hon. Ita Enang: That is what I am supporting that wherever Secretary to the Government appears, we should delete it and allow everything to be under the Minister charged with the responsibility for Rural Development and not Minister of Rural Development or Minister of Water or Minister for Agriculture.

The Chairman: Hon. Ita Enang, supposing his amendment has given it under a Ministry, would it not work like that?

Hon. Ita Enang: Sir, we recognise Ministry; in law we should be very specific as much as specific as we are here and not to make it to be ambivalent.

The Chairman: There is an amendment Motion on the ground by Hon. Ali Ndume and seconded by Hon. Labaran Dambatta. He said that wherever we see in the Bill, Secretary to the Government of the

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Federation and the Minister, that it should be replaced with *Supervising Authority*.

Amendment put and agreed to.

Clause 6 – (FUNCTIONS OF THE BOARD) - *as amended ordered to stand part of the Bill.*

Clause 7 – (POWER OF THE BOARD) - *ordered to stand part of the Bill.*

Clause 8 – (FUNCTIONS OF THE AGENCY) – *ordered to stand part of the Bill.*

Clause 9 – (APPOINTMENT OF THE DIRECTOR GENERAL AND STAFF OF THE AGENCY) -

Hon. Ita Enang: Mr. Chairman, this is one of those ambivalent provisions. It says that the Director General shall be (*Interruptions*).

The Chairman: Which item?

Hon. Ita Enang: I am referring to Clause 9 (2). It says *the Director General shall be appointed by the President, on the recommendation of the Secretary to Government of the Federation;*

The Chairman: It has been changed.

Hon. Ita Enang: Yes. Please, let it be noted that we have changed it.

The Chairman: It says anywhere the Minister or Secretary to the Government appears has been changed.

Hon. Ita Enang: I want us to change that to read: *it would be appointed by the President.* This is because it is the same person in the Board; he has to be appointed the same way the Chairman and the Board members are appointed. The Board members cannot be appointed by different means and the Director General by different means. (*Interruptions*)

The Chairman: All right, you want it to read: *The Director General shall be appointed by the President.*

Amendment put and agreed to

Hon. Betty Apiafi (Ahoada East/Abua/Odual): Mr. Chairman, I am looking at Clause 9(4): *the Director General shall hold office for a period of five years.* Are we contradicting ourselves? Initially we agreed

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that the tenure of the Board members should be four years.

The Director General's tenure should be four years too as that of the members of the Board

Hon. Mohammed Ali Ndume: Mr. Chairman, I just want to explain to Hon. Betty, that the idea of having the tenure of the Director General overlapping is that the Director General serves as the Secretary to the Board and it should have continuity. Normally we know that in our dispensation, appointment to both political appointments is based on four years as government goes and comes. That is the idea.

The Chairman: So, if the Board Members go the Director General remains in office.

Hon. Ali Ndume: So that you do not ask the Director General and the Board members to go at the same time. There should be continuity.

The Chairman: Somebody should remain to take charge.

Clause 9 – (APPOINTMENT OF THE DIRECTOR GENERAL AND STAFF OF THE AGENCY) – *as amended ordered to stand part of the Bill.*

Clause 10 – (CONDITIONS OF SERVICE)

Hon. Elizabeth O. Ogbaga (Ebonyi/Ohaukwu): Mr. Chairman, sorry to take you back.

The Chairman: We are on 10.

Hon. Ogbaga: Yes, but there is something I want us to look at in this Power of the Board; should the

Board have the Power to fix the terms and the condition of service (*Interruptions*)

The Chairman: That is 10 what?

Hon. Ogbaga: Clause 7 (I) (v)

The Chairman: Hon. Ogbaga, we are on Clause 10.

Hon. Ogbaga: Mr. Chairman, I have been raising my hand for recognition; you cannot do this, if you do it, I will not sit down.

The Chairman: Hon. Ogbaga, sorry, we are on Clause 10.

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Hon. Ogbaga: fixing remuneration of an Agency should not be done by them, it is even written here, and it is still there.

The Chairman: Thank you, Hon. Ogbaga.

Clause 10 - (CONDITIONS OF SERVICE) –
ordered to stand part of the Bill.

Clause 11 – (PENSIONS) – *ordered to stand part of the Bill.*

Clause 12 – (ESTABLISHMENT OF STATE DIRECTORATES)

Hon. C.I.D. Maduabum: Mr. Chairman, Clause 12 talks about Establishment of State Directorates and it says that:

There shall be established in such State of the Federation and the Federal Capital Territory, Abuja a State and Federal Capital Territory Directorate of the Agency.

My question is this, from the Constitutional standpoint, can we in this Chamber or from the National Assembly establish offices for States, impose duties and responsibilities on them? Is it allowed under the Constitution; apart from the Federal Capital Territory?

If you go to Section 160 of the Constitution for instance, it reads:

(1) *Subject to subsection (2) of this section, any of the bodies may, with the approval of the President, by rules or otherwise regulate its own procedure or confer powers and impose duties on any officer or authority for the purpose of discharging its functions.*

(2) *In the exercise of any powers under subsection (1) of this section, any such body shall not confer powers or impose duties on any officer or authority of a State except with the approval of the Governor of the State.*

However, these are with respect to the Federal Executive Office but *mutatis mutandis*, we could apply it there.

Extension of Time of Sitting

The Chairman: Leader, please, can you move a Motion for the extension of time?

Hon. Shehu Baba Agaie (Agaie/Lapai): Mr. Chairman, I move for the suspension of the relevant Orders of the House to allow us sit beyond 1.30 p.m.

I so move.

Hon. Bethel Nnaemeka Amadi (Mbaitoli/Ikeduru): Hon. Chairman, I second the Motion.

Question put and agreed to.

Resolved: That the House do suspend the Rules in order to sit beyond 1.30 p.m.

Hon. C.I.D Maduabum: Mr. Chairman, with your very kind permission, I will resume my submission and it is to the effect that we cannot establish this one for the State especially without the concept of the Governor.

Section 160 (2) of the 1999 Constitution says:

In the exercise of any the powers under subsection (1) of this section, any such body shall not confer powers or impose duties on any officer or authority of a State except with the approval of the Governor of the State.

We are talking of the Federal Executive bodies not being able to confer powers, duties or impose authority on the States.

What I am saying therefore, is that this is a relic of past military administrations; this was how DIFFRI was drafted. They set up offices in the States and Local Governments.

The Chairman: Who was funding the offices of the DIFFRI?

Hon. C.I.D Maduabum: The Federal Government was funding the offices.

The Chairman: So it was not for the States.

Hon. C.I.D Maduabum: We are talking about Commissioners; we have put them in the Board. *(Interruptions)*

The Chairman: If you can take away the issue of Commissioners, if the office will be funded by the Federal Government, I do not see anything wrong in that.

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Hon. C.I.D Maduabum: The States Consultative Bodies have been given duties and responsibilities. It says: *Shall*. Therefore, you are imposing on the Commissioner of a State some duties and responsibilities.

The Chairman: You can remove that one.

Hon. C.I.D. Maduabum: Then it collapses completely

The Chairman: That is all right. We have just included Local Governments.

Hon. C.I.D Maduabum: You can set your offices in the Local Governments from here. They are your officers, you are controlling them and you appoint your federal officers for local governments.

The Chairman: It is the same thing.

Hon. C.I.D Maduabum: No, it is not the same thing.

The Chairman: Hon. C.I.D. Maduabum, you have not been recognized, please.

Hon. C.I.D. Maduabum: It is all right. I will sit down but I have a duty to point this out to the House.

The Chairman: Thank you. Hon. Colleagues, the Clause reads thus:

There shall be established in each State of the Federation and the Federal Capital Territory, Abuja, a State and Federal Capital Territory Director of the Agency in this as referred to as State Director.

Being a State Director does not make him answerable to the Governor. He is there as a State Director representing the Federal Government, just like we have the State Directors of SSS, NOA State Directors, State Commissioners of Police, NAPEP and so on.

Hon. C.I.D. Maduabum: I am sorry, Mr. Chairman; I jumped the gun.

The Chairman: Do not jump the gun next time. (Laughter)

Hon. Mohammed Ali Ndume: Mr. Chairman, remember that we included Local Governments, so I plead that having offices in each Local Government should be included in the Clause.

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The Chairman: So, what do you call the local government staff?

Hon. Mohammed Ali Ndume: Local Government Coordinators.

Hon. C.I.D Maduabum: No, it is on Clause 14.

Hon. Mohammed Ali Ndume: All right, we will adjust that.

Hon. Austin Nwachukwu (Ehime Mbano/Ihite Uboma/Obowo): Mr. Chairman, I just want to say that we can consider establishing zonal offices as well.

The Chairman: This zonal arrangement is not constitutional. Anything that is said about geo-political zones is not constitutional. It is just a matter of convenience. You cannot find anywhere in the Constitution where they said six geo-political zones.

Hon. Austin Nwachukwu: Mr. Chairman, I do not mean it for political reasons. I am saying that for instance, several government agencies and establishments have zonal offices, like the Police for example, they have an AIG of a zone, and the Ministry of Works has zonal offices.

The Chairman: The Police started without Zonal Offices. Is there any Secorder to his amendment? (No response)

Amendment lapsed.

Hon. Darlington Onuabuchi Okereke (Ivo/Ohaozara/Onicha): Mr. Chairman, the recommendation of the Committee on Clause 12(2) says: *Appointment of State Coordinator of the Agency is not provided*

I just want to refer them to Section 9(8) of the Act. It says: *The Board may appoint such other employee to assist the Director-General in the exercise of his functions under this Act.*

The Chairman: So, it is provided.

Hon. Darlington Onuabuchi Okereke: Yes, it is provided

Clause 12 - (ESTABLISHMENT OF STATE DIRECTORS) – ordered to stand part of the Bill.

Clause 13 – (ESTABLISHMENT OF THE STATE RURAL DEVELOPMENT AND CONSULTATIVE COMMITTEES)

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Hon. Ita Enang: Mr. Chairman, it is proper for us to establish offices in the States but not to establish offices for State. The provision here is for establishing offices for State and not offices in the States.

For instance, we said here: *Each State Consultative Committee shall consist of the Commissioner for Rural Development or such other Agency performing its functions as Chairman.*

That is, we are making under our law a Commissioner of a State to be appointed by us, whereas that person is not appointed by the Federal Government and he is not responsible to us. Moreover, in a time of real political disagreement it can be used as a bad weapon to fight the Federal institution.

So, I want us to delete the entirety of this Clause 13 and just make it to read persons appointed by the President. Let us appoint people and send them there because we are setting up offices in the States and not for the States

The Chairman: Is it to read *appointed persons by the President or by the Board*?

Hon. Ita Enang: It is all right if we say *appointed persons by the Board* but not nailing the person to be officers of the State Government.

The Chairman: Is there any Secunder?

Hon. Tijani Abdulkadir Jobe (Dawakin Tofa/Tofa/Rimin Gado): I second the amendment as moved.

Amendment put and agreed to.

Clause 13 – (ESTABLISHMENT OF THE STATE RURAL DEVELOPMENT AND CONSULTATIVE COMMITTEES) – *as amended ordered to stand part of the Bill.*

Clause 14 – (ESTABLISHMENT AND MEMBERSHIP OF THE LOCAL GOVERNMENT PROJECT IMPLEMENTATION COMMITTEES)

Hon. C.I.D Maduabum: Mr. Chairman, Clause 14 has the same incurable defect that Clause 13 has, in that it sought to make the Chairman of Local Government the implementing organ.

As we have said, Clause 12 has covered this matter; that is, the Agency can appoint its officer to the Local Government or the Board can appoint officers to

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the Local Governments not setting up offices for the Local Governments which we sought to do here.

I therefore, move that Clause 14 be deleted since Clause 12 has covered the subject matter.

Hon. Ismaila Kolawole (Boluwaduro/Ifedayo/Ila): I rise to second the Motion as moved by Hon. Maduabum.

Amendment put and agreed to

Clause 14 – (ESTABLISHMENT AND MEMBERSHIPS OF THE LOCAL GOVERNMENT PROJECT IMPLEMENTATION COMMITTEES) – *Deleted*

Clause 15 – (FUNDING OF THE AGENCY) – *ordered to stand part of the Bill.*

Clause 16 – (EXPENDITURE OF THE AGENCY) – *ordered to stand part of the Bill.*

Clause 17 – *ordered to stand part of the Bill.*

Clause 18 – (ANNUAL ESTIMATES AND INCOME) – *ordered to stand part of the Bill.*

Clause 19 – (POWER TO GIVE DIRECTIVES) – *ordered to stand part of the Bill.*

Clause 20 – (INTERPRETATION)

The Chairman: On Clause 20, Hon. Ita Enang, you made an observation about the Minister. So, that one should be removed since there is no Minister there.

Clause 20 – (INTERPRETATION) – *ordered to stand part of the Bill.*

Clause 21 – (CITATION) - *ordered to stand part of the Bill.*

Schedule 1 – *agreed to*

Schedule 2 – *agreed to*

Schedule 3 – *agreed to*

Long title - *agreed to*

Hon. Baba Shehu Agaie (Agaie/Lapai): Mr. Chairman, Hon. Colleagues, may I move that this House do revert to Plenary.

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Hon. Ita Enang: Mr. Chairman, I second the Motion that the House reverts to Plenary and for the Chair to report progress.

(The Deputy Speaker resumed the Chair)

The Deputy Speaker: Hon. Colleagues, the House in the Committee of the Whole considered the Report of the Committee on Rural Development on a Bill for an Act to Establish the National Integrated Rural Development Agency and other Matters Related Thereto, and approved as follows:

Clauses 1 – amended;
Clause 2 – amended;
Clause 3 – approved;
Clause 4 – amended;
Clause 5 – amended;
Clause 6 – approved;
Clause 7 – approved;
Clause 8 – approved;
Clause 9 – amended;
Clause 10 – approved;
Clause 11 – approved;
Clause 12 – amended;
Clause 13 – deleted;
Clause 14 – deleted;
Clause 15 – approved;
Clause 16 – approved;
Clause 17 – approved;
Clause 18 – approved;
Clause 19 – approved;
Clause 20 – approved;
Clause 21 – approved;
Schedule 1 – approved
Schedule 2 – approved
Schedule 3 – approved
Long Title – approved.

The Report on Pension Institute was stood down until another legislative day.

ADOPTION OF REPORT

Hon. Baba Shehu Agaie: Mr. Speaker, I move that this House do adopt the Report of the Committee of Whole.

I so move.

Hon. Ita Enang: Mr. Speaker, please, if you will

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give me leave before I second the Motion, I want to pray that the Report on the Pension Committee should be re-committed. This is because without being re-committed to the Committee, since the Report has been brought to the Floor, circulated to the Members, they cannot bring any other thing.

I pray that the resolution of this House should be that we re-commit the Report to the Pension Committee so that they can have the powers to work on it again and bring it back.

The Deputy Speaker: No, I do not think they are working on it.

Hon. Ita Enang: They are re-arranging it because they have some problems, Sir.

The Deputy Speaker: They are not re-arranging; they are looking at the arrangement; and maybe when we are considering the Report if we have some observations on the arrangement they may have answers to give to those who will raise observations.

Hon. Ita Enang: I second the Motion as moved by Hon. Baba Shehu Agaie.

Question put and agreed to:

Resolved: That the House adopts the Report of the Committee of Whole as approved.

ADJOURNMENT

Hon. Baba Shehu Agaie: Mr. Speaker, I do move that this honourable House do adjourn to Tuesday, 10th March, 2009, by 10.00 a.m.

Hon. Ita Enang: Mr. Speaker, I second the Motion for adjournment as moved by the Deputy House Leader while wishing all Members a peaceful holiday on Monday, 9th March, 2009.

Question put and agreed to:

Resolved: That the House do stand adjourned till Tuesday, 10th March, 2009 at 10.00 a.m.

The House adjourned accordingly at 1.50 p.m.