

HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA

Tuesday, 10th November 2009

The House met at 11.00 a.m.

PRAYERS

(The Deputy Speaker in the Chair)

VOTES AND PROCEEDINGS

The Deputy Speaker: The House is called to order. I have examined and approved the Votes and Proceedings of Thursday, 5th November, 2009.

MESSAGE FROM MR. PRESIDENT

I have before me, hon. Members, a Message from the President of the Federal Republic of Nigeria. It reads:

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

Dear Brother,

2010 Appropriation Bill

In compliance with Section 81(1) of the 1999 Constitution of the Federal Republic of Nigeria, I crave the indulgence of the National Assembly to grant me the slot of 11:00 am on Thursday, 19th November 2009 to formally address the Joint Session of the National Assembly on the Budget 2010.

While I thank the hon. Members of the House of the Representatives of the Federal Republic for the constancy of your cooperation and understanding, please accept, Hon. Speaker, the assurances of my highest consideration.

(Signed)

*Yours sincerely,
Umaru Musa Yar'Adua
President*

ANNOUNCEMENT

The Deputy Speaker: Hon. Colleagues, please listen to this announcement but before the announcement, let me say that the House is looking like

this because I know that there are about five Committees on oversight duties. For example, Committee on Petroleum Resources (Upstream), Petroleum Resources (Downstream), Committee on Gas and Committee on Justice are in Delta State for their Retreat on the Petroleum Bill. They may likely be there till the end of this week and each committee has nothing less than 35 Members.

So if you multiply 35 by 4, you will get 145 members. Committee on FCTA and Local Council are having their public hearing right now and that is the reason I believe the House is looking this way. So it is assumed that they are part of us here by our Rules.

National Hospital for Women and Children Establishment etc Act (Amendment) Bill, 2009

The Deputy Speaker: This is from the Senate. It is on transmission of a Bill. It reads:

The Senate has passed the National Hospital for Women and Children Establishment etc. Act (Amendment) Bill, 2009. Kindly bring the notice of the passage of the Bill and the request for concurrence to the attention of the House.

This is copied to the President of the Senate and the Votes and Proceedings of the Senate.

So this is a Bill that has been passed by the Senate and seeking concurrence of the House.

Meeting of Appropriation Committee

The Deputy Speaker: This is to invite all the Chairmen, Deputies and Members of the Appropriation and Finance Committees to the 2010 Budget Briefing with the Honourable Minister of Finance, Director of Budget Office of the Federation and the Special Adviser to the President on the Economic Matters today, Tuesday, 10th November 2009 at the Conference Room, 02A, New Building of the House of Representatives.

Time is 2:00 p.m.

You are enjoined, please, to be punctual.

*Ayo Ademola,
Chairman
Appropriation Committee*

Meeting of the House Committee on Pensions

The Deputy Speaker: There will be a meeting of the House Committee on Pension with the Head of Service, Postmaster-General and other Stakeholders on NIPOST Pension issues today 10th November, 2009. Time 2:00 p.m.

This will not hold by 2:00 p.m. because of the earlier announcement that was made. Chairman Pension, this one will not hold today but if it is to hold today, you have to change the time.

**Visit of Councillors from Owan East
Legislative Council**

The Deputy Speaker: Seated in the Gallery today are Councillors from Owan East Legislative Council, Afuze, Edo State.

Can you, please, rise up for recognition?

*(Councillors from Owan East Legislative
Councils rose for recognition)*

Cherryfield College Students Excursion

The Deputy Speaker: Also seated in the Gallery are teachers and students of Cherryfield College, Jikwoyi, Abuja, Federal Capital Territory.

Can you, please, rise up for recognition?

*(Teachers and Students of the College rose for
recognition)*

These students have beautified the Gallery today.
(Applause) You are welcome.

Visit of Students of the Assemblies of God

The Deputy Speaker: Also seated in the Gallery are students of the Assemblies of God Nigeria, Mararaba, Nasarawa State. You are welcome.
(Applauses)

(Assemblies of God Students rose for recognition)

PRESENTATION OF PUBLIC PETITIONS

The Deputy Speaker: Any Member who has a Petition to present to the House may, please, rise to do so. *(No response)*

MATTER OF URGENT PUBLIC IMPORTANCE

**Near Air Mishap at Port Harcourt
Control Air Space**

Hon. Ekpo Ekperikpe (Abak/Etim Ekpo/Ika): Point of Order, Mr. Speaker! My Point of Order is Order VIII, Rule 4 of our Standing Orders dealing with Matter of Urgent Public Importance.

The issue here is about the near air mishap that

took place on the 30th of October at Port Harcourt Control Air Space which would have involved two passenger aircrafts; one was convening the Governor of Akwa Ibom State and nine others from Calabar to Lagos and the other was Allied Air CBN Chartered Aircraft that was coming into Calabar enroute Port Harcourt.

We were meant to understand that the two aircrafts that were operating on opposite direction within Port Harcourt Air Space that were operating on opposite direction within Port Harcourt Air space were directed to apply or fly at the same level: 21/21 by the Air Traffic Controller within Port Harcourt. But for the intervention of the workability of a system referred to as Traffic Control Avoidance System (TCAS) in one of the aircrafts, the two aircrafts would have collided and we would have been talking about another air mishap in Nigeria.

Going into this, we discovered that one of the aircrafts was not equipped with this all-important equipment, (TCAS) or if it has, it was not functional in view of the fact that the smaller aircraft detected another aircraft descending into it and by the instruction of the mechanism of the equipment, had to go into a speed fall to an extent of losing about 5000 feet within split of seconds. This resulted in the engine getting stalled and they went into a freefall.

By the special Grace of God after the other one had passed heading to Calabar without taking notice of what has happened, the engine came to life again and they were able to get out the menace. If they had crashed landed, nobody would have known what was responsible for it.

As a responsive House, I think we should look into this to ensure that every aircraft that is operating within Nigeria Air Space should not only be equipped with a Traffic Collision Avoidance System (TCAS) but equipped with the functional one because if these were operational in the two aircrafts, it would not have resulted in this near mishap and nobody can say what has been happening in the past.

Now that God has revealed this, I think we should work into it and make sure that the authority concerned with this issue either on monthly basis or whatsoever air worthiness to all the aircrafts before they operate and we are running into December and January when we are going to have heavy air traffic by the movement of people.

So I plead with my hon. Colleagues that we should take this up as a Matter of Urgent Public Importance.

(Hon. Ita Enang raised up his hand)

The Deputy Speaker: Hon. Ita Enang, what are you raising your hand for?

Hon. Ita Solomon James Enang (Itu/Ibiono Ibom): A matter of Urgent Public Importance has been raised.

The Deputy Speaker: I will put the question whether to take it as a Matter of Urgent Public Importance or not.

Hon. Ita Enang: I thought it has to be seconded first?

The Deputy Speaker: No, it is not a Motion; Hon. Ekperikpe is pleading with the House.

Hon. Ita Enang: I agree with you.

The Deputy Speaker: When he moves the Motion, you will be allowed to second it but for now there is no Motion.

Hon. Ita Enang: Very well, Mr. Speaker.

Question put and agreed to.

Resolved: That the matter be taken as a Matter of Urgent Public Importance to be discussed tomorrow, 11th November, 2009.

The Prevalence of Swine Flu in the Country

Hon. Aminu Shehu Shagari (Yabo/Shagari): Mr. Speaker, I have a Point of Order; it is Order VIII, Rule 4(3) of our Standing Orders at page 25 dealing with Matter of Urgent Public Importance. It reads: *If the claim is allowed by the Speaker and the leave of the House is given by majority of all the Members present, the matter shall stand over till the next Legislative Day.*

At the last Legislative Day on Thursday last week, I remember that a Motion was moved by one of our Colleagues on *the prevalence of Swine Flu in the country* and there was a ruling that the matter would be taken today but unfortunately, I observe that it is not in today's Order Paper.

Hon. Ita Enang: When a Motion like that is moved, the Member moving it would later bring a copy of the Motion to the Rules and Business Committee but we did not receive a copy.

The Deputy Speaker: The hon. Member who moved that Motion should please, give a copy of that Motion to the Rules and Business Committee.

PRIVILEGES:

Malfunction of Microphones in the House

Hon. Adefolabi Morufudeen Adeola (Ifako-Ijaiye): Point of Order, Mr. Speaker! It is Order V, Rule 1 of our Standing Orders dealing with Privileges. It is at Page 9.

It reads: Privileges are the rights enjoyed by the House collectively and by Members of the House individually conferred by the Legislative Houses (Powers and Privileges) Act, LFN 2004 and other statutes, practices, precedents, usages and customs.

For the past one and half months, the microphones here are not working.

I would also like to refer this honourable House to Order IV, Rule 1 at page 7. It reads: *The Speaker shall allocate a seat to each Member, provided that the Speaker may change the allocation from time to time.*

For the past one month, we have been here in this line, particularly myself; the microphone is not working. We have complained to the authority. As at this morning, the microphone is not working yet. And if we could go by Order IV of our Standing Orders, the seat belongs to me but the microphone allocated to my seat is not working. I have been finding it difficult contributing to debate in this honourable House.

I am, therefore, urging Mr. Speaker to allocate another seat to me or the Management should try and repair the microphone and the loudspeakers.

The Deputy Speaker: Thank you, Hon. Adeola. I believe you know what is happening with the system here; it is a very complicated system. Throughout the weekend, the Chief Whip, his Deputy and the Chairman, Committee on House Services and those who installed the system have been working on the system unfortunately they were unable to conclude work on it. I believe they will, after today's Session, continue this afternoon from where they stopped. We hope that by the end of the week everything will be all right. Please, bear with us.

Breach of Privilege by a Newspaper Publication

Hon. Sumaila A. Mohammed (Bassa/Jos North): Mr. Speaker, I have a point of Order, it is Order (V) Rule (1) (2) & (3) - matter of Privilege at page 9 particular (2) which reads: *Whenever a matter of privilege arises, it should be taken into consideration immediately.* And also in the provision of the Constitution of Federal Republic of Nigeria 1999 at Session 15 (V) which states that: *The state shall abolish all corrupt practices and abuse of power.*

If you permit me, I would raise the issue immediately.

The Deputy Speaker: Go ahead.

Hon. Sama'ila A. Mohammed: Over the weekend, the newspapers reported an issue which concerns the House and specifically the Committee on Local Government. That Committee arranged an award ceremony in which it was alleged that over ₦88 million was collected from the awardees and by implication to be shared by Members of this Assembly or by that Committee.

This issue is an issue of corruption and it is my contention that it ought to be investigated by this House and be treated as a Matter of Privilege for which my privilege has been breached.

The Deputy Speaker: I also read that write-up as contained in one of the weekend papers and I invited the Chairman, House Committee on Local Government. I believe the best way to go about it is to refer it to the House Committee on Ethics.

(Matter accordingly referred to the Committee on Ethics and Privileges)

PRESENTATION OF BILL

Second Supplementary Appropriation Bill, 2009

Second Supplementary Appropriation Bill, 2009 (HB,330) (Executive) – read the First Time.

ORDERS OF THE DAY

CONSIDERATION OF BILL

Constitution of the Federal Republic of Nigeria 1999 (Alteration) Bill 2009

A Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria 1999; and for Other Matters Connected Thereto (HB. 256) -

Order for Second Reading.

The Deputy Speaker: Hon. Colleagues, the first Order of the Day is commencement of debate on the general principles of a Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria 1999; and for Other Matters Connected Thereto.

Hon. Members will recall that the Bill was read for the First Time on Wednesday, 28th October, 2009. I

now invite Hon. Tunde Akogun to move that the Bill be now read for the Second Time. *(No response)*

In his absence of the Leader, I call on the Deputy Leader of the House to move that the Bill be now read the Second Time.

Hon. Baba Shehu Agaie (Agaie/Lapai): Mr. Speaker, I am not yet ready for this Bill because I am yet to be briefed.

My prayer is that the consideration of this Bill be stood down.

The Deputy Speaker: All right. Hon. Baba Shehu Agaie has not been briefed on this Bill.

Hon. Ita Enang, what is the Amendment all about?

Hon. Ita Enang (Itu/Ibiono Ibom): Mr. Speaker, this Bill is seeking to amend the provision of Section 81 of the Constitution to allow for the direct disbursement of funds to the Judiciary and the Independent National Electoral Commission.

It is just one paragraph; it seeks to amend to say that any amount standing to the credit of the Judiciary and the Independent National Electoral Commission in the Consolidated Revenue Fund of the Federation shall be paid directly to:

(a) The National Judicial Council for disbursement to Heads of Courts for the Federation and States under Section 6; and

(b) The Independent National Electoral Commission (INEC) established under Section 153 of the Constitution.

This is just what it says and, in fact, this particular Amendment was included in the Constitution (Second Amendment) Bill. Therefore, I cannot say why it is coming again.

The Deputy Speaker: Hon. Jime, it seems as if you have read this amendment very well, and as a member of the PDP, I believe that you want to lead the debate on that.

Am I correct?

Hon. Emmanuel Jime (Makurdi/Guma): Mr. Speaker. I believe that perhaps this is one of the most important pieces of legislation that has been sent to this Chamber by the Executive. It is an Executive Bill and clearly, the intention of this Bill is to ensure direct

financing of the Judiciary and the Independent National Electoral Commission.

That for me is one that we should take as an article of fate because we all know that the greatest problem that confronts particularly the Electoral Reform in this country is the question of direct funding of the Independent National Electoral Commission.

Clearly, sir, the popular saying that he who pays the Piper dictates the tune; one of the greatest fears that has been expressed in our nation, in our time particularly with regard to reform in the electoral system is the fact that presently as things stand the Independent National Electoral Commission does not draw direct funding and the fears being expressed, either rightly or wrongly, is that because the Presidency controls when funds are disbursed to the Independent National Electoral Commission, it makes it impossible for that Commission to be as independent as the name implies.

Therefore, what we can do in this Parliament is perhaps accede to a request like this very quickly because more than anything else this is the greatest thing that can happen to the Independent National Electoral Commission. As I said earlier if the greatest fear perhaps today is that the Presidency controls the Independent National Electoral Commission because it holds on to the purse of that particularly body, as a responsible Parliament, it goes without any hesitation that we should go ahead and pass this particular amendment as requested incidentally by the Executive arm of government.

Is it not ironical that the same Presidency that has been accused of holding on to the purse and thereby manipulating the electoral processes is the same Executive arm of government that sent this particular Bill to us to accede to such a request?

Whether it is a Private Bill or an Executive Bill the facts of the matter still remains that we need to grant financial independence to the electoral body. Moreover, I do not think anybody in this Chamber will really contest the need to have such an independence granted to INEC.

The Deputy Speaker: I called on Hon. Jime, a lawyer and also as a member of PDP, to throw light on the Bill so that Hon. Baba Shehu will move the Motion for the Second Reading unfortunately, while you were briefing the House, Hon. Baba Shehu had to leave maybe for another assignment. I wish Baba Shehu is here seated so that he would now move the Motion after your briefing.

Hon. Ita Enang, since Hon. Baba Shehu has moved out of the Chamber we cannot do anything now because there is nobody to move the Motion. Hon.

Jime was just to brief the House for the Motion to be moved by Baba Shehu. Therefore, we have to stand down the Bill until another day.

Bill, with leave of the House stood down

CONSIDERATION OF REPORTS

Report of the Committee on Special Duties on National Boundary Commission (Amendment) Act 2006 No.12 (Amendment) Bill, 2008

The Deputy Speaker: The Second Order of the Day is consideration of the Report of the Committee on Special Duties on a Bill for an Act to Amend the National Boundary Commission (Amendment) Act, 2006 No.12 so as to make Appointment of some Members of the Commission to be Full-Time as Commissioners, 2008.

The Report was laid on Thursday 8th October, 2009. I now invite Hon. Samson Osagie to move for the consideration of the Report. Hon. Ita Enang, is Hon. Osagie one of those Members that are in Delta State?

Hon. Ita Enang: Yes, Sir for the Public Hearing on the Petroleum Bill.

The Deputy Speaker: Is there any Member of the Committee that is ready to take that Report?

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

The Deputy Speaker: Order what?

Hon. Mohammed Ali Ndume: Order VII Rule 4(1) Page 17, with your permission can I read?

The Deputy Speaker: Go ahead.

Hon. Mohammed Ali Ndume: The Order says;

4(1) Leader of the House shall be a Member nominated from among Members of the majority party in the House.

(2) His functions shall be:

(a) to lead the business of the House;

(b) to manage the legislative schedule of the House;

(c) to liaise with Committee Chairmen and other functionaries of the House;

Mr. Chairman, I guess what you are doing is part of the business of the House.

The Deputy Speaker: Which one?

Hon. Mohammed Ali Ndume: The sitting is part of business of the House and neither the Leader of the majority party nor his Deputy is here in the Chambers. I wonder how we can do the business of the House

The Deputy Speaker: Go to the next one, about the Whip.

Hon. Mohammed Ali Ndume: I am not talking about the Whip Mr. Speaker. I am talking about the Leader.

The Deputy Speaker: No, go to the next one and read about the Whip.

Hon. Mohammed Ali Ndume: Mr. Speaker, with your permission I want to say again that I am talking about the Leader not the Whip.

The Deputy Speaker: The Whip can be assigned by the Speaker to perform any other function.

Hon. Mohammed Ali Ndume: So he is now the House Leader.

The Deputy Speaker: I have assigned him to take that position.

Hon. Mohammed Ali Ndume: Thank you, Sir.

The Deputy Speaker: Go ahead Hon. Ita Enang.

Hon. Ita Enang: Mr. Speaker, the Chairman is an active Member of the Committee on Petroleum who are organizing the Public Hearing on the Petroleum Industry Bill but all the Members of the House have the Report. The Report has been circulated many times. We have another 300 copies of the Report and we are ready that the House should take the Report.

The Deputy Speaker: The problem is not about having the Report, if Members have some queries on the Report, who will answer them? That is where the problem is.

Hon. Ita Enang: I can answer them, Sir.

The Deputy Speaker: Hon. Ita Enang, are you a Member of that Committee?

Hon. Ita Enang: No, Sir.

The Deputy Speaker: You are not capable then. Is there any Member of that Committee who is ready to take that Report? *(No response)*. We would stand the Report down.

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

Report on Federal Capital Territory Education Resource Centre (Establishment) Bill 2009

The Deputy Speaker: The Third Order of the Day is consideration of Report on a Bill for an Act to Provide for the Establishment of the Federal Capital Territory Education Resource Centre and Other Matters Connected Therewith 2009.

Honourable Members will recall that the Bill was committed to the Committee of the Whole on 22nd July, 2009. Hon. Ita Enang will now move for the consideration of that Report.

Hon. Ita Enang: Members do not have copies of that Report early enough.

The Deputy Speaker: Is there any report that hon. Members do not have copies?

Hon. Ita Enang: There are only two Reports that Members have copies. The one on the Amendment of the National Boundary Commission and the one on the Amendment of the Nigerian Deposit Insurance Corporation Act, those are the two Reports that members have copies.

The Deputy Speaker: And both Chairmen are not here?

Hon. Ita Enang: Yes Sir.

The Deputy Speaker: Is there any Member of the Finance Committee here?

Hon. Ita Enang: It is Banking and Currency Committee.

The Deputy Speaker: We will step down the consideration of this Report.

Report, with leave of the House, stood down)

Report of the Joint Committee on Banking and Currency and Justice on Nigerian Deposit Insurance Corporation Act, 2005 (Amendment) Bill 2008 *(Adjourned consideration 12/10/2009)*

The Deputy Speaker: The fourth Order of the Day is the resumption of consideration of the Report of the Joint Committee on Banking and Currency and Justice on a Bill for an Act to Amend the Nigerian

Deposit Insurance Corporation Act, 2005 and for Matters Connected Therewith 2008.

Hon. Members would recall that on Tuesday 13th October, 2009, debate on the Report was adjourned till the next Legislative Day. I now invite the Leader of the House to move that the debate may now resume.

Hon. Emeka Nkem Ihedioha (Aboh Mbaire/Ngor Okpala): Mr. Speaker, I move that the House do consider the Report of the Joint Committee on Banking and Currency and Justice on a Bill for an Act to Amend the Nigerian Deposit Insurance Corporation Act, 2005 and for Matters Connected Therewith 2008.

The Deputy Speaker: This is a Report that we have started considering. We are just resuming debate; for any Member to ask where the Report is means that he was not here when we started considering the Report. This is not a fresh Report that we are about to consider; it is a Report that we have started considering.

It is, therefore, assumed that every Member has a copy. Moreover, if you do not have a copy, you can come to the Chairman, Rules and Business, to pick up a copy. If you have forgotten your copy at home, do not say you do not have the Report; the Report was circulated by the Chairman.

Hon. Ita Enang: I do second the Motion as moved by the Leader of the House that the House do resume consideration of the Report of the Joint Committee on Banking and Currency and Justice.

Question put and agreed to.

Resolved: That the House do resume consideration of the Report of the Joint Committee on Banking and Currency and Justice.

Hon. Emeka Nkem Ihedioha: Mr. Speaker, I move that the House do resolve into Committee of the Whole to resume consideration of the Report.

Hon. Ita Enang: I second the Motion that the House do resolve into Committee of the Whole to resume consideration of the Report.

Question put and agreed to.

Report of the Joint Committee on Banking and Currency and Justice on a Bill for an Act to Amend the Nigerian Deposit Insurance Corporation Act, 2005 – CONSIDERED IN THE COMMITTEE OF THE WHOLE.

The Chairman: Hon. Colleagues, the Chairman briefed us on that day and it was at a point where we

were to start considering the Report clause by clause that we adjourned the House. Therefore, we are now going to start considering the Report clause by clause.

Clause 1 (ESTABLISHMENT OF THE NIGERIA DEPOSIT INSURANCE CORPORATION) – ordered to stand part of the Bill.

Clause 2 (FUNCTIONS OF THE CORPORATION) – ordered to stand part of the Bill.

The Chairman: *Clause 3* Yes, Hon. Betty.

Hon. Betty A. Apiafi (Ahoada East/Abua/Odual): Mr. Chairman, as a member of Banking and Currency Committee when we were working on this Report, we did not have the information we have today as to the happenings in the Banking Industry and the kind of revelation of massive abuses by operators in industry.

In view of the massive revelation of abuses by operators in the banking industry there is need for us to up the penalties in the banking industry and I would like to suggest that in the case of Clause 3 (a) rather than having ₦100,000.00 or a term of imprisonment of five years we should remove the option of fine and have a term of five years imprisonment. The same goes to Clause 3(b) because there is need for us to increase penalties for the regulatory agencies to be able to have operators comply in the industry.

Therefore, my suggestion is to remove the option of fine and have five years imprisonment as conviction for defaulters.

The Chairman: Hon. Colleagues, she is suggesting that Clause 3, (2)(a) which says: *in the case of individuals a fine of ₦100,000.00 or imprisonment for a term not exceeding five years or both.*

She is suggesting that the option of fine be removed and just leave the one and only option of imprisonment. And that in the second one there should be no option it will be only imprisonment of five years. That is what she is suggesting in view of the revelations that we got from the Central Bank. That if there is an option, most of these indicted persons may go for the fine, rather than the imprisonment.

Hon. Abdul Ahmed Ningi (Ningi/Warji): Mr. Speaker, we were told from the beginning that Hon. Betty is supposed to be the Chairperson that will answer questions arising from members contributions; she has made a suggestion, the question I want to put forward is, is she giving us this consideration from the Committee's perspective or is it her own individual perspective?

Secondly, options of fines are entrenched in our laws. The fact that we have seen carnage in the Financial Sector does not mean options should be completely deleted in our laws. There are people who can enter into problems or who have entered into problem circumstantially and when you are in trouble circumstantially and we say there is no option for you then we are not doing justice to those people who are guilty, those people who are guiltier, and the people who are not guilty.

However, we should not close our eyes to the fact that options are found in laws universally. I want us to be guided that yes, we have problem but this House should not close its eyes to the universal laws of options of fine. This is because we have to pass laws with options and we will continue to pass laws with options. We should be guided.

The Chairman: Hon. Betty the suggestions that you have just made, is it your own as Hon. Betty or is it for your Committee?

Hon. Betty A Apiafi: Mr. Chairman, the Committee Reports are here and we have all read it, but like I said these decisions were made in February when this Committee was sitting. But my own personal observation is actually what I have said. This is because today we are battling with the proliferation of Universities in Nigeria, and we have not been able to see the need to stop illegal Universities opening all over the country. Regulations have to be more stringent in Nigeria if we have to make any headway.

What this Section is trying to say is Prohibition against Proliferation of Deposit Insurance Scheme; why will anybody claim to be insuring customers' deposits, you have no business. So the issue of somebody not actually being guilty does not come up.

Hon. Mohammed Ali Ndume (Damboa/Gwoza/Chibok): Mr. Chairman, I want to support and contribute in the amendment that Hon. Betty is trying to move. We are here as a body that makes laws for the betterment of this country and it is against the wisdom and the background of this wisdom that we have various laws and this is one of them.

The fact that it is always good to have an option of fines in our laws does not mean that certain peculiar cases should not be considered differently. In this case, we are all aware that the temptation to commit crime normally depends on the punishment that is tied to that particular crime.

The Chairman: It is the provision of the Principle Act, the provision of the proposed Amendment, Joint Committees' Regulations and the Committee of the Whole Recommendations.

Hon. Ita Enang: I want to draw the attention of the House that in the Amendment that was proposed and considered by the Committee, there was no amendment proposed to this Section. I am not at the same time saying that if we find anything fundamentally wrong we cannot draw attention to it but this is not one of the matters for which Amendment were sought.

Again, coming to the issue raised, I want to say that in Criminal Justice System, the general principle of legislation is that you do not over-tie the hands of the Courts because in the circumstance of the case, what the Judge takes into account when delivering judgment or constituting a case is the dignity of the witness; the weight of evidence; the entire circumstances of the case and all surrounding matters which enable the Courts to determine the kind of punishment to be meted out; whether he is to give imprisonment without an option of fine or to say you would pay fine and still go to prison.

So, it is not appropriate for us, although we have a right, to tie the hands of the Courts so that you would give the Judge the discretion in giving punishment.

Again, I want us to examine and agree that, as at today, there is no case that has arisen of any Insurance Company; I am not aware, unless I am corrected that there is any Insurance Company or anybody or persons who came out to say that we are insuring deposit or depositors in banks; no such case has arisen. This is because no Insurance Company will come out for it. The only statutory body that will insure deposit or depositors in banks is the Nigerian Deposit Insurance Corporation. Therefore, I would pray that we allow this provision to stand as it is without any Amendment.

Hon. Emmanuel Jime (Makurdi/Guma): I am equally of the view and I am inclined to agree with those who have argued that we should retain this provision as it is here. I think the reasons are very simple and straightforward. Firstly, I want to argue that the reason there is crime is not necessarily because of inadequacy of punishment, otherwise we would not have armed robbery. For instance, armed robbery is prevalent in our nation as at today when punishment for armed robbery is capital punishment; meaning that you pay with your life.

To my mind, that is the worst punishment ever that a human institution could visit on his fellow human, yet, that has not deterred armed robbery or the committing of such and other heinous crimes that attract capital punishment. Therefore, as a Parliament, what we should mostly be concerned with is first, the enforcement of our laws. The greatest problem we have is actually the non-enforcement of laws; instead we are talking of how heavy or how weighty the punishment is supposed to be visited on the offenders.

The key or the operating word that should guide us in our deliberations is the word *conviction*. In most civilized settings, the mere fact that a person is tagged an ex-convict or a convict is a bad punishment in most cases. What other additions or incidentals that come with the word *conviction*, I do not think it should really be the one that should determine what we should do as a Parliament.

I would also agree completely with the argument that has been advanced here about how a person could be adjudged to be a convict. In a civilized setting, all the inhibitions that go with the word *convict* have so many disadvantages. To my mind, it imposes enough psychological reasons people should not go ahead and commit crimes; I mean no matter how heavy a punishment is, it does not deter crime and I do not think that should be the basis.

Hon. Sanni Abdul Alkalari Mohammed (Alkalari/Kirfi): While aligning myself with those who argued that this Section should be left, I also have suggestions on two issues.

First, to my understanding, laws are made for today and for tomorrow. The argument by the Chairman of Rules and Business that he has not seen anybody who has any case on the issue of this deposit does not mean that we make laws for today and tomorrow and in a humble man's way so that, at least, people are aware that there are punishments for such crimes.

Secondly, I am trying to think about the balance between fines and imprisonment; ₦100,000.00 and a term of imprisonment even if it is three months. There is this issue of conviction and there is also the issue of freedom that you have lost and the disgrace that goes with it against a fine. I feel a fine of ₦100,000.00 is too infinitesimal; to me I feel that it should be adjusted to ₦500,000.00 minimum and a Corporate body should pay a sum of ₦1million everyday so that at least it shows that even the fine is serious when it is weighed against the other side of the balance - the issue of imprisonment.

The Chairman: Honorable Colleagues, we have two different opinions. The first is that we should retain the provision the way it is, and the second one is to remove the option of fine and thirdly, that we should increase the option of fine from ₦100,000.00 to ₦500,000.00 and ₦1million.

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

The Chairman: What is your Point of Order?

Hon. Friday Itulah: It is Order XII (6) on page 49: Scope of Amendment in Committee. I am

reading this Order from the backdrop of the Amendment that we are considering now.

It reads thus:

XII (6): Any Committee to which a Bill is committed shall have power to make such amendments therein as they shall think fit, provided that every amendment shall be relevant to the subject matter of the Bill and to the subject matter of the Clause to which it relates; but if any such amendments shall not be within the title of the Bill, they shall amend the title accordingly, and shall report the same specially to the House.

If you look at the amendment that we are considering now, the Bill that was sent to the House only suggested amendment in Sections 6, 8, and 50 of the Nigerian Deposit Insurance Cooperation (NDIC) Bill but the Committee went on a wild goose chase by amending the entire NDIC Bill.

I think the provision that I have just read is not absolute. When you are making amendment, it must be relevant to the Bill that is referred to your Committee. If you fail to do that, then the Committee could be seen to be taking the place of the legislation and that is against the intendment of the Constitution. So, we ought to confine ourselves to the areas that are referred to us noting particularly that the amendment that we are talking about is Executive. If there are areas that have not been problematic as far as the implementation of this Bill is concerned, it is not the duty of the Committee to go on a wild goose chase by amending the entire provisions in the Bill.

I am of the view that we should restrict ourselves to the subject matter. As you can even see from the Report that was given to us, at page 1 on their write-up, it states that the terms of reference in the Bill includes amendment in the following sections of the principal Act: 6(1)(e); 6(3); 7(1); 8(1)(b); 8(3); 17(1); 20(1); 53(3) and 56(3) these are the areas. The Committee on its own now decides to have what they called other areas of amendment and you can see that in page 3 and that is part of what we are considering now. We need the intervention of Mr. Chairman in this area.

The Chairman: Before I refer it to the Chairman Rules and Business Committee, let me say that on Clause 3, 2 (a) and (b) that we are considering, are you saying that this House is not competent to make any amendment? This is because it is the House that is considering and not the Committee.

Hon. Friday Itulah: Not at all. The House has powers to address the issues that are referred to it. This House as a Committee of Whole is also like a

Committee because issues could be referred to a Standing Committee or a Committee of Whole

The Chairman: Now it is the Committee of Whole that is now making the amendments not the Committee.

Hon. Friday Itulah: What we are saying is that the Committee of Whole is also a Committee. Usually when a matter is referred to a Committee, it is supposed to limit itself to the issues referred to it. Therefore, the Rule that I have just quoted does not exempt even the Committee of Whole. This is because you will recall the way a Bill is made is that after the publication (*Interruptions*)

The Chairman: Please, do not interrupt someone who has been given the Floor to speak. If you do that, it means you are the one who is controlling the proceedings. If you want to contribute just raise your hand and if you want to make a Point of Order, you can use your campaign voice so that we can hear you.

Hon. Friday Itulah: In any case, you cannot raise a Point of Order in a subsisting Point of Order. You should allow the Chairman to rule on the one that is existing before you raise another one.

Mr. Chairman, I leave the ruling for you. I have made my point.

The Chairman: Thank you. Let me hear from Chairman Rules and Business Committee.

Hon. Ita Enang: Hon. Friday Itulah has set up the question and answered it. This House can even outside what the Committee has recommended look at any other matter if it considers it important and if it is relevant to the amendment earlier sought. In this case, this is not one of the matters, which amendments were sought and we have not seen any mischief which is intended to be cured. All of these are at the discretion of the Chairman.

The Chairman: Chairman Rules and Business Committee I want you to clarify the issue because you have not said anything.

Hon. Ita Enang: I suggest that we should restrict ourselves to this matter (*Interruptions*).

The Chairman: Not only on this matter but also on any matter; it is a general question.

Hon. Ita Enang: It is just that when we receive a Report (*Interruptions*).

The Chairman: The question is, do we have the powers to make amendment on a matter that has not

been brought forward or has not been committed to a Committee; does the Committee has the powers to make amendment other than the relevant parts that were referred to it?

Hon. Ita Enang: Looking at the law, there can be what is called *consequential amendment*. There can even be other issues which have arisen and which were not foreseen when the Bill was committed to the Committee; the Committee has powers to make such recommendations.

Hon. Mohammed Ali Ndume (Damboa/Chibok/Gwoza): Mr. Chairman, I want to draw your attention to Order XII Rule 9 (2), on page 50. It is very clear, unless if I had read it upside down. It says:

PROCEDURE ON BILLS: No amendment shall be moved which is inconsistent with any clause already agreed upon or any decision already come to by the Committee, and the Chairman may at any time during the discussion of a proposed amendment withdraw it from the consideration of the Committee if in his opinion the discussion shall have shown that the amendment violates the provisions of this Rule.

I am not saying this is right because I am supporting this particular amendment. The House Rule is clear on this matter; it is just to bring it to your knowledge. My prayer is that the Chairman of the Committee did not take note of this.

Hon. Aminu Waziri Tambuwal (Kebbe/Tambuwal): I felt that the Minority Leader should have taken the entire provisions of the Rule particularly Sub-Section 9 (1) and read them along together for you to appreciate the intentment of these provisions as they relate to procedure on Bills in Committee of Whole. It is not referring to the Committee of the House; it is making reference to the Committee of Whole, where it takes a decision on a particular matter, not the Committee of the House taking a decision outside the House and bringing it into the Committee of Whole and making it binding on the Whole House.

Therefore, the House cannot amend or make an input into what the Committee of the House brought to the Committee of Whole. You have not read it correctly.

The Chairman: That was why he started by saying maybe he has read it upside down.

Hon. Aminu Waziri Tambuwal: I agree with him, he read it upside down.

The Chairman: That particular one he read says: *No amendment shall be moved which is inconsistent with any clause already agreed upon, by this Committee.*

We have not agreed on any Clause yet. From the submission of the Chairman Rules and Business and from our Rules and the Constitution, the House and the Committee reserve the right to make amendments even on the issues that were not referred to them as Committee members.

Hon. Friday Itulah your Committee can make amendments on any Bill or amendment that is referred to you; you have the powers to look at the Bill holistically and make your recommendations to the House. It is allowed by the Rules of the House.

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

The Chairman: Order what?

Hon. Sokonte Davies: My Point of Order is on Order XII Rule 7, page 49 says: *Any amendments proposed to a Bill of which notice has not been given shall be handed to the Chairman in writing.* That is the rule and that has not been done and Hon. Ita Enang has said that the House has the powers but he did not quote any Rule neither that of the House nor the Constitution that gives the House the power to make any amendment that is not proposed.

We cannot continue to move this way. Let him give us the precise law where we derived that power to make amendments that are not proposed. Agreed that we are the House that makes laws but we have procedures and it does not say we can do whatever we like to make law.

The Chairman: This Bill of which notice has not been given shall be handed to the Chairman in writing. Now you are talking of a Bill that you want to Amend. This is a Bill that has been committed to Committee, already it is undergoing Amendment.

Hon Sokonte H. Davies (Degema Bonny): Yes, because the proposed Notice for the Amendment they referred are here. We have it in the preamble.

The Chairman: Hon. Sokonte, *any Amendment proposed to the Bill*, we are just proposing an Amendment of a clause. This Bill has already been given to a Committee to work on. The Committee has brought back their Report and we are working on the Report. What you are saying has nothing to do with our discussion now. The Bill is talking about you having any Bill that you want to propose an Amendment before it comes to the House.

Hon Sokonte H. Davies: You have said we have the power to amend anything.

The Chairman: This is a different issue altogether and we have already ruled on this issue that was raised by Hon. Friday.

Hon. Ita Enang: Point of Order Mr. Chairman.

The Chairman: I have ruled on this issue because we have the power. Hon. Ita Enang, if it is on this issue that you want to join issues, I have ruled you out of order. I want to put the question on clause 3. We have three different suggestions or options. One is that we retain the provision the way it is. I will put the question on retaining because that is the one that we can take along with another one.

Clause 3 – (ORIGINAL PROVISION) – *As amended, ordered to stand part of the Bill*

Clause 4 – (HEAD OFFICE) - *Ordered to stand part of the Bill*

Part II – (COMPOSITION OF THE BOARD)

Question Proposed

Hon Ubale Jakada Kiru (Bebeji/Kiru): I am referring to Sub (e) of 5 (2), that would read

The Board shall consist of the following Members:

(d) a representative of;

(e) six other Members one from each geo-political zones of the country.

This will mean a representative of which I do not think is the intent of the law here. The intent is one representative from each of the six geo-political zones in the country. To that extent, I would rather suggest that we recast that (e) to now read: *a representative of each of the six geo-political zones in the country* rather than six other Members one from each of the zones.

The Chairman: It makes no difference but I believe maybe it makes difference to others. I understand your point Hon. Ubale but before we even go into that, my question on this section (e), *one Member from each of the six geo-political zones*, is that the Chairman is also a Member and he is coming from a zone. If you give one Member to each zone, the zone that has produced the Chairman would have two Members.

Let us leave it the way it is. Let us take that of Hon. Ubale. Let us listen to him carefully and see

whether there is a need to change the wordings there. I believe he is talking about the wordings. Hon. Ubale, can you reframe it again?

Hon Ubale Jakada Kiru: I am saying that as it is now, the meaning will convene a representative of representative because it is saying that; *the Board shall consists of the following Members:*

(e) *A representative of six other Members, one from each of the six geo-political zones of the country.*

This translates to a representation of representation which I do not think is the message of the law.

The Chairman: How do you want it?

Hon. Ubale Jakada Kiru: Each of the six geo-political zones of the country.

The Chairman: But that is what is written, Hon. Ubale.

Hon Labaran Y. Dambatta: The word *and* has taken care of that. If you look at it, it says a representative of the Central Bank of Nigeria, a representative of Federal Ministry of Finance and six other Members.

The Chairman: Yes, that *and* is a conjunction; it links the two. So we can leave it the way it is. Hon. Ita Enang, when I was talking about the Chairman, you said these are the part-time Members.

Hon. Ita Enang: Yes, Sir.

The Chairman: Therefore a zone would have two Members; that is what it means.

Hon. Ita Solomon J. Enang: Mr. Chairman, according to Executive Directors, these are the only full time members and it has been like that.

The Chairman: I am talking about the non-Executive Directors and the Chairman; the Chairman is a non-Executive Director and you are saying Part II 5 (e) on page 3 - *six other members from the six Geo-Political Zones.*

Hon. Ita Solomon J. Enang: Yes, that is the provision for the Act as it is now.

The Chairman: But you said here that we have the power to amend it; that is what I am saying. I believe you understand what I am saying.

Hon. Abdul Ningi: Mr. Chairman, I do understand what you are saying but you could see in the spirit of the Constitution that my friend Hon. Itulah was trying to invoke something to do with Nigeria and Federal Character.

The reality of the situation is that you are Deputy Speaker from North East and I am a Chairman from the North-East; that is the reality of the situation. Whoever you pick must come from your zone to head an organization and then the other man that is coming would represent the zone. The President is from the North West and the other Ministers. The reality of the situation is that this thing must happen. You could say six members and then the Executive Chairman.

The Chairman: Yes the example you are giving is that you have the President from the North-West, Vice President from the South-South, the Senate President from the North-Central, the Speaker from the South-West, the Deputy Senate President from the South-East and the Deputy Speaker from the North-East; every Zone has one.

Hon. Abdul Ningi: Yes, but what of the Ministers and the Chairmen of the Committees?

The Chairman: In the House here, if I am the Deputy Speaker it does not mean that somebody will come from my Constituency to represent me; nobody is coming from my Constituency to represent me.

Hon. Abdul Ningi: We are already representing your Constituency because we are all coming from the same zone.

The Chairman: I am the one representing my Constituency as Deputy Speaker; that is my argument.

Hon. Abdul Ningi: No, you are representing Nigeria.

The Chairman: But if I am seated here and was asked to speak what will I say?

Hon. Abdul Ningi: You would say I am representing Nafada while you were there.

The Chairman: Yes, I am still the Deputy Speaker.

Hon. Abdul Ningi: Now that you are there, it should be left like that; that is the reality.

Hon. Aminu Waziri Tambuwal (Kebbe/Tambuwal): In view of this issue that is at stake now, may I propose an amendment that we go back to Part II 5 (2) (e) and say: *a representative from*

each of the six Geo-Political Zones one of whom must be the Chairman. If my amendment is accepted, you would have avoided a situation whereby a Zone will have the Chairman and a member from that zone but when you say, a representative from each of the six Geo-Political Zones one of whom shall be the Chairman it would take care of the duplication.

Hon. Labaran Y. Dambatta (Dambatta/Makoda): Mr. Chairman, mine really has to do with the composition of the Board itself. That takes us back to that because we have a Managing Director who obviously has to come from one Zone and the two Executive Directors.

The Chairman: It is because there is another provision; we are coming to that later. I have taken note of that.

Hon. Sama'ila A. Mohammed (Bassa/Jos North): Mr. Chairman, I have a Point of Order.

The Chairman: Hon. Sama'ila if you want to speak you do not have to say Point of Order; just raise your hand and say what you want to say because everything is becoming Point of Order and we do not work like that. You could go ahead.

Hon. Sama'ila A. Mohammed: Mr. Chairman, I want to refer you to Section 3 which says that: *There shall be thirty-six States in Nigeria* and they are listed.

The point I am making is that, the issue of Geo-Political Zones does not exist in the Constitution of the Federal Republic of Nigeria. Therefore, it should be deleted from this Act.

The Chairman: It is for Administrative convenience.

Hon. Mustapha Habeeb (Jahun/Miga): Mr. Chairman, we should leave this provision as it is because we stand the chance of having even three people from a Geo-Political Zone. This is because the representative of the Central Bank may be from the same Zone with the person we are nominating here.

The Chairman: That is why we want to reduce it where it is possible. You are adding to what I am saying now. If you are saying that we should leave it, you are again saying that the Managing Director may come from the same place with the Chairman. And I am saying that instead of having the Chairman and the Managing Director from the same zone we should reduce the number.

Hon. Mustapha Habeeb: The Managing Director is clearly the Managing Director, the Chairman is clearly the Chairman, but representatives of Central

Bank, Ministry of Finance are not specified to come from a particular Zone. So that is why the provision of representation from each Geo-Political Zone is relevant.

The Chairman: That is not our argument, you are just coming in. Our argument is that, if the Chairman is also a part-time member, then there is no need to have another member representing his Zone again. This is because he is representing his Zone already. If you do that now, supposing the Chairman is not part of this six geo-political zones and coincidentally the Managing Director also comes from the same Zone as the Chairman. You could see that there is no law prohibiting that. What you would end up having is the Chairman, the Managing Director and a Board member, from that Zone. So why can we not reduce that chance of having these three in one Zone. We can reduce it by saying that the Chairman is also part of the members that are representing their Zones.

Hon. Mustapha Habeeb: Mr. Chairman, what about the representatives of the Central Bank and the Ministry of Finance?

Hon. Mustapha Ahmed (Bauchi): Mr. Chairman, I have observed a repetition of paragraph (*Interruption*)

The Chairman: Hon. Mustapha, let us finish with this one first.

Hon. Tambuwal, could you read your Amendment?

Hon. Aminu Waziri Tambuwal: My amendment reads thus: *A representative from each of the six Geo-Political Zones one of whom shall be the Chairman.*

Hon. Friday Itulah: Mr. Chairman, I rise to second that Amendment proposed by my very good friend Hon. Tambuwal but we should remove *Chairman from the Board*.

Amendment put and agreed to.

The Chairman: You were saying something about Clause 5(5): *except the Managing Director and two Executive Directors all other members of the Board shall be part-time members.* Is that an amendment by the Committee?

Hon. Ita Enang: That is an amendment by the Committee, that is supposed to replace the 5(5) to make it more elegantly drafted and neater presentation of the idea because from indication, it does appear that this was not properly captured. If you read the way it is now, it says: *The Chairman and members of the Board shall be part-term members.* That includes the Managing Director as a member, the two Executive

Directors also as members of the Board. It created confusion so the essence is to make it clearer and neater.

Hon. Friday Itulah: Please see *Address* under Part II – Administration - Composition of the Board. I listed the Managing Director and the two Executive Members as members of the Board. I do not see the problem that the Amendment proposed by the Committee is causing by what he is saying.

The Chairman: There is no need for amendment. That is what he is saying.

Hon. Chile Igbawua (Kwande/Ushongo): Mr. Chairman, the Managing Director and the Chief Executive are on the Board as Ex-officio members; it does not affect their offices. So while on their Board they are part-time Board Members but they hold their offices as Managing Director and Executive Directors.

So the original provision that they are all part-time Board members is perfectly correct; we do not need to exempt them. What special consideration do you want us to give them on the Board over and above those who were appointed from outside. They will have all their benefits as Managing Director; they will have their benefits in office as Executive Directors but when they go to the Board they are part time members. Therefore, the provision that the Chairman and Members of the Board shall be part time is perfectly in order and does not require any amendment.

The Chairman: So are you saying that it should be retained the way it is.

Hon. Chile Igbawua: Yes.

The Chairman: But that is why I wanted the Chairman to be here but a Member is here representing the Chairman. I spoke with the Management of NDIC and they said that there is a need for additional Executive Director that is why I had wanted the Chairman to be here so that he will raise it, that they should have three Executive Directors instead of two. The reason is that the work is too much on the two Executive Directors that they have presently, so they want an additional Executive Director. That was what I discussed with the MD and the Management. That was why I was asking for the Chairman.

Hon. Sokonte Davies (Degema/Bonny): I agree with Hon. Igbawua that we should leave it as it is. The reason is that if we go to Section 8 it takes care of the provision of the Executive Director and other Directors, so we do not need to provide in two places that their work is full time. Their work as Managing Directors and Executive Directors is full time but their work as Board members is part time.

Therefore, making that provision again or amending Section 5(5) is not correct. We should leave it as it is. The Chairman and Members of the Board shall be part time Board Members. However, as staff, if you go to Section 8 then you will see that as staff they are full time.

The Chairman: Anyway that is all right, I have told you what my discussion with the MD was; I do not know whether we should adopt it that way.

Hon. Abdul Ningi (Ningi/Warji): Mr. Chairman, one of the reasons the Financial Institution and Banking Sector as an example has run into serious financial difficulties is because of the lack of wherewithal of the agency.

As a former member of the Banking and Currency Committee we had made this observation severally, on the issues of the Executive Directors based on the size of the NDIC, and it beats my imagination that an Institution like NDIC is having just two Executive Directors and we have raised it.

If we take the banking sector and say we have just an Executive Director and the NDIC covers the totality of the country and they only operate two Executive Directors; each bank out of the 26 Banks have nothing less than five Executive Directors and here we are with two Executive Directors that are in charge of Banking and Insurance respectively, and you divide the NDIC into two and you say these are two departments. No wonder we are where we are today; it is because people are not given responsibilities. We should have three Executive Directors or even more for them to be able to do this job fairly well.

We understand that the scope of NDIC; like the banking sector, the NDIC is supposed to be a regulatory agency to the Banking sector. You have two Executive Directors and you assume that they will do this job; I know and people know that this is insufficient. We should either have three or four Executive Directors.

Hon. Betty Apiafi (Ahoada East/Abua/Odual): Mr. Chairman, I rise to propose that we add an additional Executive Director just like my Colleague has said. This is because of the expansion in the industry and the amount of work that the NDIC has to do. There is need for us to add one or two more Executive Directors.

But for now, I rise to propose the addition of one more Executive Director in the list and the work of the Executive Director shall be to perform such duties as may be assigned to him (*interruption*).

The Chairman: When we reach there we will take care of that.

Hon Bashiru Bolarinwa (Lagos Mainland): Mr. Chairman, just like Hon. Apiafi suggested and in addition to what Hon. Ningi said earlier on, we are working on these provisions. Just as you said, it is a pity that the Chairman is unavoidably absent. You did say here that you had contact with them at the NDIC to find out from them how they want it to be; that is an authority so to say. With that, I will also want to throw my weight behind the suggestion earlier made.

The Chairman: Are you seconding her Motion?

Hon. Bashiru Bolarinwa: I am seconding the Motion.

Question put and agreed to.

The Chairman: Therefore on page 3, 5C will read: *three Executive Directors. Clause – (DISQUALIFICATION OF THE MEMBERS OF THE BOARD)*

Hon. Ita Enang (Itu/Ibiono Ibom): Mr. Chairman, there are some omission, on page 4 consequent upon amendment on page 3 where we said three Executive Directors we should also amend subsection 5 to say: *except the Managing Director and the Three Executive Directors.*

Hon. Chile Igbawua: First of all the above should not (*interruption*)

The Chairman: We are not talking about the part-time Directors. Hon. Member representing Benue, formerly the Committees on Inter-Governmental and Special Duties used to be one Committee. It was out of Inter-Governmental Committee that a Committee on Special Duties was created. Therefore, they can create a job for the third Director, for efficiency and it will be done in this House.

Hon. Chile Igbawua: That is not my argument.

The Chairman: What is your argument then?

Hon. Chile Igbawua: I am saying Sir; I was referring to (*interruption*)

The Chairman: That is the case; what is your argument now?

Hon. Chile Igbawua: His emphasis is on Membership (*interruption*)

The Chairman: His emphasis on that one is not about the Membership; his emphasis is on two Directors, that instead of two Directors it will read three Executive Directors.

Hon. Chile Igbawua: If we are not retaining the provisions as they were, why are we (*interruption*)

The Chairman: If we are not retaining what?

Hon. Chile Igbawua: We said Directors then (*interruption*)

The Chairman: All right, except the Managing Director and the three Executive Directors all Members of the Board shall be part time members. That amendment is not required because it has been taken care of by Section 3; I understand what you are saying but it being there does not change anything.

Hon. Ita Enang: May I please appeal to my Colleagues that this has caused problems even in many organizations. I give example of the NDDC that had Chief Onyema Ugochukwu as Chairman, we made it part-time Chairman even as it were then which was even clear. He acted as Executive Chairman and there were problems there. The next Managing Director that came caused an amendment to be sent to this House to convert Chairman to Executive Chairman. It is better in law that we make it very clear that the Chairman is not an Executive Chairman; which is part-time and not full time.

The Chairman: I agree with you Hon. Ita Enang. Rather than to be silent on the Chairman it is better that we specify that the Chairman is not an Executive Chairman and that the only way to make it clear is to say that only the Managing Director and the three Executive Directors are full-time Members.

I know of an Agency here in Abuja owned by the government, the Chairman is not supposed to be an Executive Chairman but because maybe the law was silent about that, they created an office in that Agency for him and he always goes to the office; he attends to files just like an Executive Chairman. I want to tell you that person is not supposed to be an Executive Chairman but because the law was silent on that, he seized that opportunity to take that advantage and be an Executive Chairman. Therefore, it is better to make it clear that the Chairman is not an Executive Chairman.

Concerning the Central Bank of Nigeria, it reads:

Except the Managing Directors and three Executive Directors the Chairman and all other members of the Board shall be part-time members.

Section 3 on page 5 says:

Whenever the Board is dissolved the Minister of Finance shall in consultation with the Governor of Central Bank of

Nigeria constitute an interim Board for the Corporation to be made up of the following members who shall be appointed....

Hon. Betty Apiafi, that sentence is not complete. Assist us to complete it.

Hon. Betty Apiafi: Mr. Chairman, it continues on the other page.

The Chairman: *Whenever the Board is dissolved, the Minister of Finance shall, in consultation with the Governor of Central Bank of Nigeria (CBN), constitute a Management Committee for the Corporation to be made up of the following members, one of whom shall be appointed (a) the Chairman, Managing Director and the Executive Director; equally on the same, a representative of each, CBN and the Federal Ministry of Finance.*

Clause 6 – (DISQUALIFICATION OF MEMBERS OF THE BOARD) – as amended ordered to stand part of the Bill.

Clause 7 – (POWERS OF THE BOARD) – Ordered to stand part of the Bill.

Clause 8 – (APPOINTMENT OF THE MANAGING DIRECTOR AND EXECUTIVE DIRECTORS, ETC)

Question Proposed

Hon. Sani Sale Minjibir (Minjibir/Ungogo): On page 8(b) it should read: *three Executive Directors* and not *two Executive Directors*.

The Chairman: Is that accepted?

Clause 8 – (APPOINTMENT OF THE MANAGING DIRECTOR AND EXECUTIVE DIRECTORS, ETC) - as amended ordered to stand part of the Bill.

Clause 9 – (APPOINTMENT OF SECRETARY AND OTHER STAFF, ETC)

Question proposed

Hon. Bashiru Omolaja Bolarinwa (Lagos Mainland): This is coming in form of clarification, sub-Section 2 of clause 8. It says;

A person appointed as the Managing Director or an Executive Director shall not, while holding that office, hold any other office or be a Director in any Corporation,

Company or any other establishment without the prior approval of the Board.

That is why I said I want to come in form of clarification. Is it compulsory for somebody who is appointed as an MD or Director to be allowed at all to be a Director in any other Bank or Insurance Company?

The Chairman: What is your amendment here or what do you seek to amend because they did not say Bank or Insurance Company here?

Hon. Bashir Omolaja Bolarinwa: It is not specific any way but I am just assuming.

The Chairman: It says: *any Corporation and not Bank*

Hon. Bashir Omolaja Bolarinwa: It says: *any other establishment without the prior approval of the Board.*

The Chairman: But that is not talking about Bank

Hon. Bashir Omolaja Bolarinwa: That, I know but as it is now, when we talk of any other establishment, it could be Bank, or Insurance Company, and which is what the NDIC supervises. That is my concern.

The Chairman: Honourable Colleagues, I think it would not be appropriate for an Executive Director of NDIC to be a Director in any financial institution but supposing there is a subsidiary of the NDIC and there is a need to have Directors. I think they can be Directors there?

Several Hon. Members: Yes, they can.

The Chairman: In that case, it has to be specified by saying except a Subsidiary of NDIC. Hon. Ita Enang, can you frame it for us? Before then, let us hear from Hon. Soli?

Hon. Sada Soli Jibia (Jibia/Kaita): Mr. Chairman, I think it is well explained in this Section. It reads:

A person appointed as the Managing Director or an Executive Director shall not, while holding that office, hold any other office or be a Director in any Corporation, Company or any other establishment without the prior approval of the Board.

If for any reason NDIC has a subsidiary and if there are directors to be appointed, it would be with the approval of the Board. Even if there is a subsidiary,

they cannot be without the approval of the Board. So, we do not need to amend it as it is quite clear. They cannot be Director anywhere; if they are Directors somewhere it is with the approval of the Board.

The Chairman: Even if there is no way that the Board would approve for them to go and be Director somewhere? If there is an approval of the Board here then, it is automatic that they can be Directors elsewhere. What you are saying is that even without approval but there is no reason to seek for any approval because you cannot be a Director anywhere. What we are saying is that there is no need to even seek for approval. If you are an Executive Director or Managing Director of the NDIC you cannot be a Director anywhere except if there is a subsidiary of NDIC; you can be a Director there.

Hon. Mohammed Ali Ndume (Damboa/Gwoza/Chibok): Having said that Mr. Chairman, may I move that Section 2 should be amended to read:

A person appointed as the Managing Director or an Executive Director shall not while holding that office, hold any other office or be a Director in any Corporation, Company or any other establishment except a Subsidiary of the NDIC.

I so move.

Hon. Ita Enang: Point of information Mr. Chairman.

The Chairman: Which section of our Rules is that one?

Hon. Enang: It is the inherent powers of the Chairman to grant. I want to inform the House that I was privileged to be involved in the liquidation of Century Merchant Bank and some other banks. And at that time whenever there is a process of liquidation or the take over the staff and officers of NDIC move into the place and automatically it has become a subsidiary of NDIC.

The Chairman: But you can hide under this provision and become a Director somewhere.

Hon. Enang: When there is a law, a person who says you cannot be a Director of that Corporation will take you the Federal High Court and the interpretation of this will set you out as the Director of NDIC.

The Chairman: We are not talking about management staff; we are talking about Executive Directors and they are not the ones taking over the banks that you are talking about. It is the management

of the NDIC that goes there are take over the banks and not the Executive Directors. If the Executive Directors move to the bank, who would do their work and perform their functions as Executive Directors in the NDIC?

Hon. Aminu Waziri Tambuwal (Kebbe/Tambuwal): In view of the observation raised by Hon. Ita Enang, I am inclined to suggest that we simply add to the exception clause thus: *except subsidiaries of NDIC or companies or institutions under receivership*

Hon. Sama'ila Mohammed A. (Bassa/Jos North): The terminology *subsidiary* appears only in the Companies and Allied Matters Act and relates to smaller companies under that particular company. There is no question of subsidiary in public corporations, so the idea of bringing subsidiary in public corporations is not correct legally.

The Chairman: Before I answer that question hon. Sama'ila, they have said that we have NNPC owned by the government and it has subsidiaries. Is NNPC not owned by the government? It is not a profit making organization. NDIC is also not a profit making organization. The NNPC and PPMC are none profit making organization, they are for social responsibilities. Hon. Sama'ila, we have Type A and Type B. Type A, is the one that makes profit but type B is just about social responsibility and NNPC is in type B which is for social responsibility. If you are talking about making money, these ones collect monies from banks.

Hon. Betty Apiafi (Ahoada East/Abua/Odual): Mr. Chairman, what I wanted to add is that, the amendment I would have actually made is all right, but in most cases before NDIC takes over a bank, it would have bought over that bank to make it more or less a subsidiary of NDIC.

The Chairman: This amendment is from Hon. Tambuwal, it reads:

A person appointed as the Managing Director or an Executive Director should not while holding that office or any other office, or be Director in any corporation, company or any other establishment it has a prior approval of the Board except cannot be any other Director in any corporation, company or any other establishment, except subsidiaries of NDIC and or any other company under a receivership.

Is there any seconder? The Motion was moved by Leader of the Minority and was seconded by hon. Tambuwal with amendment.

Amendment put and agreed to.

Hon. Friday Itulah: Mr. Chairman, I have a point or Order, it is Order IV Rule 4, page 8.

The Chairman: Hon. Friday we are not sitting beyond 2:00 pm, we can sit until 2.00 p.m. but it is not yet time; the notice should be made at 1.30 p.m. It is after 1:30 p.m. and we are not going beyond 2:00 p.m.

Clause 9 – (APPOINTMENT OF SECRETARY AND OTHER STAFF ETC.) -ordered to stand part of the Bill.

I think we have to stop here because of the meeting of the Chairmen, Deputy Chairmen, Members of the Finance and Appropriation Committee and any other interested Member of the House.

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

Hon. Aminu Waziri Tambuwal: Mr. Chairman, I rise to second the Motion that the House do revert to Plenary.

Question put and agreed to

(The Deputy Speaker resumed the Chair)

The Deputy Speaker: The House in the Committee of the Whole House considered the Report of the joint Committee on Banking and Currency and Justice on a Bill for an Act to amend the Nigerian Deposit Insurance Corporation Act 2005 and approved Clauses 1 – 4;

amended Clause 5;

approved Clauses 6 and 7;

amended Clause 8; and deferred consideration of the rest of the Report.

Adoption of Report

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

Hon. Aminu Waziri Tambuwal: I do second the Motion as moved by the House Leader.

Question put and agreed to.

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

ANNOUNCEMENT

Meeting of Chairmen, Deputy Chairmen and others with the Minister of Finance and all other Stakeholders

The Deputy Speaker: Honorable Colleagues, before the Motion for Adjournment, let me remind us that there will be a meeting of Chairmen, Deputy Chairmen, Members of Appropriation Committees and Finance and all other interested Members of the House, particularly those who have interest on budget and budgetary matters.

The meeting is scheduled to hold at 2:00 p.m. in House Committee Room 0.28. The hon. Minister, the Special Adviser to the President on Finance, Director Budget and other stakeholders in the Finance Department would be in attendance to brief the House on the 2010 Appropriation Bill.

Hon. Abdul Ningi (Ningi/Warji): Mr. Speaker, if you may allow me, a meeting like this should have been put on Notice. The attendance is poor today and this is very critical to all the Committee Members. If they come and we have less than 20 *per cent* of the Committees right now sitting here, I do not think it will make a very good presentation to those people coming.

If it had been on notice, all the Chairmen would have known about it. Let me have the Chair answer it. But I am sure you will be there; you will see that the attendance will speak volumes of our Leaders as Chairmen or Deputy Chairmen.

The Deputy Speaker: I understand your concern Hon. Abdul Ningi. This meeting was announced last week and I have made that observation but my problem with postponing this meeting is that we may not get a better day within the week. Based on the letter that I read earlier, the budget would be brought to the National Assembly next week. It is our responsibility to call on our Colleagues who are on the other side to tell them that this is what we have discussed with the Minister.

Hon. Abdul Ningi: It involves other Members.

The Deputy Speaker: That was what I said; I said the Chairmen, Deputy Chairmen, Members of these two Committees and all other interested members are to attend the meeting.

Hon. Mohammed Ali Ndume: Just away from what the former Leader said I need to call this to your obvious attention, our microphones as I speak to you now are humming; the air conditioner in this Chamber is not working. It is high time that we do something about this.

The Deputy Speaker: I remembered in our last meeting of Leadership which you were there and if you were not there it was unfortunate that as a Leader you were not in that meeting; we discussed about this issue and the Leadership is taking action on it

The Chief Whip, would you want to say something on that?

Hon. Emeka Ihedioha: Yes Mr. Speaker, it might be very imperative that I take time to elucidate further on the explanation at the beginning of the session today. Bearing in mind the import of the need for us to have a good and conducive environment to perform our plenary duties; last week the Deputy Chief Whip and I had to work in consonant with the Committee on House Services.

Hon. Ali Ndume: Are we not supposed to be part of that meeting?

Hon. Emeka Ihedioha: In fact the Minority Whip and the Deputy, who are supposed to be part of us did not show up to join us in that effort maybe that is why the Leader of the minority is not well informed. However, we spent a lot of time with the Management trying to get to the root of the epileptic problems we are having with the public address system.

What is going on now is that we have verified the problems and the problems are going through bureaucratic processes that we have in the House. However, we have implored the Acting Clerk to the National Assembly to do all he can to ensure that money is released to the persons that will effect the repairs.

Furthermore, we have requested that all the technical staff that we have be trained to know how to utilize the equipment. We were made to understand

that most of them are not conversant with the use of this equipment. We only have one person who knows how best to use it. This we considered deplorable. However, we are taking steps to ensure that by the end of this week we would have taken care of this and I am sure Leader of the Minority would assist us and bear with us.

Hopefully, by Tuesday next week, we would have gotten out of this problem and I am happy the Acting Clerk and the Management are listening to the worries of our Colleagues. When we rise from here today we will go back to continue our work believing that we would have a sustained progress which will yield result and by Tuesday next week we will have a better sitting.

The Deputy Speaker: Thank you Chief Whip. Leader, please move for adjournment.

ADJOURNMENT

Hon. Baba Shehu Agaie: Mr. Speaker, Hon. Colleagues, I move that this honourable House do adjourned till tomorrow, Wednesday 11th November 2009 at 2:00 p.m.

I so move.

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

Question put and agreed to.

Resolved: That the House do stand adjourned till Wednesday 11th November, 2009 at 2:00 p.m.

The House adjourned accordingly at 1:47 p.m.