

0161

HOUSE OF REPRESENTATIVES

FEDERAL REPUBLIC OF NIGERIA

Wednesday, 11th March, 2009

The House met at 2:45 p.m.

PRAYERS

(The Speaker in the Chair)

VOTES AND PROCEEDINGS

The Speaker: Hon. Me, I have examined and approved the Votes and Proceedings of Tuesday, 10th March, 2009.

ANNOUNCEMENTS

Correspondent from the President

The Speaker: This is from Mr. President.

A Bill for an Act to make provision for the prevention of HIV-based discrimination

I hereby introduce for formal consideration and enactment into law, the above-named Bill by the National Assembly.

While I hope that the Bill will receive the usual prompt attention of the Honourable Members of the House of Representatives.

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

Yours Sincerely

Umaru Musa Yar'Adua

Visit by the National Association of Kano State Students

The Speaker: Hon. Members, in the Gallery today we have the National Association of Kano State Students. I believe that is the Executives.

You are welcome. Good afternoon (*Applause*)

0162

Visit by Students from New College, Kwali

The Speaker: We also have in the Gallery Students from New College, Kwali. You are welcome. Good afternoon. (*Applause*)

Conferment of Title

The Speaker: *This is to intimate you that I shall be conferred with the title of Ajia Iyalode of Ibadan land by the Olu-Ibadan, His Royal Highness, Oba Samuel Odulano, at the Olu-Ibadan Palace, Ibadan on Friday 13th March, 2009 at 10:00 a.m.*

Please accept the assurances of my highest regard.

Signed:

Hon. Folake Olunloyo Oshinowo

PRESENTATION OF PUBLIC PETITIONS

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

Unlawful Dismissal from service by the Nigerian Army

Hon. Mohammed Saleh (Sabon Gari): Mr. Speaker, I have a petition from Mr. Aminu Dankawo. He is one of my constituents. He was apparently dismissed from the services of the Nigeria Army without justification.

With your kind permission, I will like to lay this petition on the Table.

The Speaker: Please, proceed.

Petition laid.

Termination of Appointment

Hon. Friday Itulah (Esan North East/South East): Mr. Speaker, I have a petition from one of my constituents, Mr. Rowland Akpebele. He was employed by the Nigerian Export/Import Bank. He worked very hard for that bank for a period of nine years. He looked forward to promotion as a result of the hard work he was doing and the contributions he made to the bank but suddenly his appointment was

0163

terminated and up to this time Mr. Akpebele is yet to be briefed and told the reason his appointment was no longer required. He has decided to seek the assistance of this august Assembly to have his termination converted to retirement.

I crave your indulgence to step forward and present the petition before you.

The Speaker: Please proceed. Is there any other petition? *(No response)*

Petitions laid.

All the Petitions are referred to the Committee on Public Petitions.

(Petitions accordingly referred to the Committee on Public Petitions).

The Death of Gwong Gwom Jos

The Speaker: Hon. Colleagues, I am sure we are all aware of the passing on to glory of the Gwong Gwom Jos. Could we please rise for a minute silence?

(A minute silence observed)

May his soul rest in perfect peace, Amen.

The Death of the Emir of Fika

The Speaker: Hon. Members, we also remain standing for a minute silence in honour of the Emir of Fika who passed away yesterday.

(A minute silence observed)

May his soul rest in perfect peace,

PRESENTATION OF REPORT

Mid-Sessional Report of the Committee on Power

The Speaker: The only business of the day is the presentation of the Mid-Sessional Report of the Committee on Power, standing in the name of the Chairman, Hon. Ndudi Elumelu.

Hon. Elumelu is invited to present the Report.

0164

Hon. Ndudi Godwin Elumelu (Aniocha North/South/ Oshimili North/South): Mr. Speaker, I move that this House do receive the Mid-Sessional Report of the House Committee on Power.

Hon. Ekperikpe Ekpo (Abak/Etim Ekpo/Ika): I rise to second the Motion as moved by the Chairman, Power Committee.

Question put and agreed to.

Resolved: That this House do receive the Mid-Sessional Report of the House Committee on Power.

(Report laid on the Table)

ORDERS OF THE DAY

MOTIONS

Rescission: Order 9, Rule 6: National Honours (Amendment) Bill 2009

The Speaker: Hon. Colleagues, the First Order of the Day is a Motion for the Rescission; Order 9 Rule 6: National Honours (Amendment) Bill, 2009 (HB.185) standing in the name of Hon. Ita Enang and 18 others.

Hon. Ita-Enang is invited to move the Motion.

Hon. Ita Solomon James Enang (Itu/Ibiono Ibom): Mr. Speaker, Sir, Hon. Femi Gbajabiamila will move the Motion because it was a mistake of representation; while I will second it.

The Speaker: I promised not to interfere. I will just read it as I have been given. So, Hon. Femi could you please move the Motion.

Hon. Olufemi Gbajabiamila (Surulere I): Mr. Speaker, before I move the Motion may I note some slight error here. The Motion is brought under Order 9 Rule 1(6) and not Order 9, Rule 6: which itself talks about Dilatory Motion.

Mr. Speaker, it is with profound sense of responsibility that I move this Motion for the rescission of the decision of the House on the National Honours Amendment Bill.

Nineteen members of the Business and Rules Committee supported the Motion.

0165

The House:

Notes that the Bill was introduced and read the first time on Thursday 26th February 2009 and subsequently read for the Second Time on Thursday, the 5th of March, 2009;

Further notes that in the cause of the lead debate, certain information relevant to the Bill were not readily available and consequently the Bill was negatived;

Appreciates that the information that will assist Members to understand the purport and intent of this Bill are now readily available;

Resolves to:

(i) *rescind its earlier decision on the Bill made on the 25th of March, 2009;*

(ii) *re-list the Bill for further legislative action.*

I so move

Hon. Ita Enang: Mr. Speaker, I second the Motion as moved by Hon. Gbajabiamila.

Question proposed.

Hon. Olufemi Gbajabiamila: Mr. Speaker, this is going to be a very short debate, which will not be on the merit or demerit of the Bill but on the Motion itself. As the Motion paper says, as at the time this Motion was debated last week, there were certain facts and information which would have been very cogent to a speedy and more informed determination by Members. Unfortunately, these facts were not known at the time. They have now been brought to the fore.

I will urge this House to please take that fact into consideration so that when we do debate on the Bill itself and these facts come out; we will be in a better position, after a thorough debate, to take a decision to pass this Bill for Second Reading.

The Speaker: Honourable Colleagues, I think it is straight forward and since the facts will be available to us, we should put the question.

Question put and agreed to.

The House:

0166

Noted that the Bill was introduced and read the first time on Thursday 26th February 2009 and subsequently read for the Second Time on Thursday, the 5th of March, 2009;

Further noted that in the cause of the lead debate, certain information relevant to the Bill were not readily available and consequently the Bill was negatived;

Appreciated that the information that will assist Members to understand the purport and intent of this Bill are now readily available;

Resolved to:

(i) *rescind its earlier decision on the Bill made on the 25th of March, 2009;*

(ii) *re-list the Bill for further legislative action.*

Urgent Need for Federal Government's Intervention in the Nigerian Capital Market

The Speaker: The Second Order of the Day is a Motion on the Urgent Need for Federal Government's Intervention in the Nigerian Capital Market standing in the name of Hon. Ahmed Aliyu Wadada and 24 others.

Hon. Wadada is invited to move the motion.

Hon. Ahmed D. A. Wadada (Keffi/Karu/Kokona): Mr. Speaker, may I move that the Federal Government intervene in the Nigerian Capital Market as a Motion, which is fully supported by all Members of the House Committee on Capital Market.

The House:

Notes with concern, the downward slide of stock prices in the Nigerian Capital Market;

Aware of various efforts being made by stakeholders to stabilize stock prices, but without achieving the desired results;

Concerned about the continued misfortunes of the Nigerian Capital Market which has been made worse by weak institutional structures;

Worried that the present situation in the Nigerian Capital Market has negative consequences on the Nigerian economy;

0167

Disturbed that the situation has assumed a dismal level that warrants an immediate and urgent intervention of the Federal Government to rescue the Nigerian Capital Market, and to safeguard the National economy;

Resolves to:

- (i) *urge the Executive Arm of Government to come up with a bail out package to finance the downward slide in the prices of stocks in the Nigerian Capital Market;*
- (ii) *further urge the Executive Arm of Government to overhaul the entire institutional structures in the financial system in order to strengthen them to cope with the situation.*

I so move.

Hon. Chukwuka Onyema (Ogbaru): I rise to second the Motion as moved by Hon. Aliyu Wadada.

Question proposed.

Hon. Aliyu Ahmed Wadada (Keffi/Karu/Kokona): Mr. Speaker, this is a matter that calls for very serious concern and responsibility. We are all aware of the global financial melt down which has affected every jurisdiction and Nigerian is not exempted.

As a result of the global melt down, direct foreign investment has been withdrawn from the Nigerian economy from February till date, well over US \$200 billion. We do know that the major source of revenue in Nigeria is oil. The price of oil is also affected because the price of crude has drastically gone down.

We are here to discharge our responsibilities and within the confines of those responsibilities is the need to ensure the well being of the citizens of this country. The well being of citizens cannot be achieved without employment. Employment cannot be achieved or generated without activities in the system.

One of the major problems that Nigerian system faces is decayed infrastructural facilities. No contemporary government all over the world has enough resources to provide infrastructural facilities as required in Nigeria today.

0168

The Capital Market all over the world, inclusive of Nigeria, serves as the engine room of every contemporary economic growth and development. The Capital Market is accessed by government to raise long term funds to finance capital intensive projects like the provision of infrastructures.

We know how long it took us to pass the Appropriation Bill because we had to look at every nooks and crannies of the system to see how and where we will generate the resources to fund the budget. With the state of the Nigerian Capital Market, Nigerian investors, including us, have lost nothing less than 70 *per cent* of our investments.

Our Market Capitalisation from ₦15 trillion has fallen to ₦4.6 trillion and below ₦5 trillion. These call for a serious concern. In Nigeria, our situation is completely different from what is obtainable in other developed world and what makes it distinctive is that our Capital Market is inter-linked with our money market. Sixty-five to seventy *per cent* of Nigerian Capital Market is in the banking industry. We owe ourselves and the people on whose mandate we are here, the responsibility to do whatever we can to salvage this ugly situation.

On the intervention this Motion is talking about, we all know that the banking industry in Nigeria has issued or granted quite a number of facilities to Stock Broking firms as merging funds. Just merging funds and other facilities granted by these banks are vouched by papers as collateral and that paper is Share Certificate.

The value of the shares of those certificates that are held by the banks today are reduced to very minimal level. If something is not done to restore investors' confidence in the market, as well as create some level of liquidity, the Nigerian banks in a very short while may not continue to survive as they are surviving. If our banks collapse as you would remember it did in the 80s when we had banking crisis, the Nigerian Capital Market supported the economy.

Today the Capital Market is already down. So if the banking sector which is the money market also goes down, there would be no economy and if there is no economy, there is no basis for our sitting here.

We should as a matter of concern and in the discharge of our responsibility, urge the Federal Government to intervene. The intervention is because

0169

we are not in a position to determine how the intervention comes. What is more important is for us to get the government to agree to intervene, then government would now package its bail out or stimulus plan and send to the Legislative arm of government for further deliberation and resolution.

If this intervention is to be carried out, of course it would be done sectorally. Sectorally here means the intervention will not only go to the banking sector because you do not bail out Capital Market directly; you have to do it through a vehicle.

What we are saying in essence is that it is not only the banking sector that is suffering what is happening or what is obtained today in the Nigerian Capital Market. There are other public quoted companies that we all know that are doing very well. Their fundamentals are still standing but because of the prevailing economic situation in the country, they are as low as they are.

When and if an intervention is done, it is going to inject liquidity into the system. Liquidity here will enable the banks to be able to discharge their responsibilities as much as they can.

As a matter of concern and responsibility, I know my Colleagues are responsible and they will definitely rally round this Motion and assist the Motion to salvage the Nigerian economy for the well-being of the Nigerian citizenry on whose mandate we are here.

I love you all. (*Laughter*)

Hon. Samson R. Osagie (Orhionmwon Uhunmwode): Mr. Speaker, I believe that the downward trend in the Nigerian Capital Market deserves the attention and discussion by representatives of the Nigerian people. Even if we are not going to adopt the prayers as herein contained in the Motion, I believe that we should spare this time having come up to discuss this matter because it is very critical to our economy.

It is no longer news that the Nigerian Shares are no longer worth their values as they stand today and a large segment of our society have had to lose their investments in this direction. It is therefore, pertinent that we as the people's representatives take some steps to look at what has actually happened with a view to finding solutions to it.

We cannot close our eyes to the happenings in the

0170

Capital Market especially as it consists of huge institutional frameworks and we cannot continue to allow them operate as if nothing is happening. It would appear that the way things are, those who have become managers of the Capital Market and the economy have completely lost grip of the situation and it is our responsibility to come to terms with the reality so that we will be able to unearth a few things and fashion out a framework with which we can revamp the Capital Market economy in Nigeria.

Hon. Bala Ibn Na'Allah (Zuru/Fakai/Sakaba/D/Wasagu): Mr. Speaker, I have two assignments. Firstly, because of my proximity to the mover of this Motion, I am under obligation to contribute but more important is the fact that we have a responsibility as a Parliament and what is this responsibility?

The issue of economic crisis has become a global phenomenon. There is no country that has not been affected by this. The consequence of this is equally far reaching. You may not see it as something directly connected but if you look at the analysis of what has happened in this country in the last four months, it is obvious that something serious is happening to the Federal Republic of Nigeria.

In the last four months, any transaction that involves foreign element would go for an exchange rate of ₦119 to a Dollar. I am talking from the authoritative source that as at yesterday, the Naira was ₦178 to a Dollar.

We cannot sit down here as a Parliament and pretend that there is nothing going wrong in this country. We cannot equally as a Parliament sit down and say that what is happening has nothing to do with the people we represent. We cannot equally as a Parliament say that what is happening is not serious enough to be given Parliamentary consideration.

Combining these three, it is obvious that something is wrong and if something is wrong, by the primary responsibility of Parliament we need to ensure that there is law, order and good governance in this country. It is important that effort is being made by this Parliament to show that we are responsive to the yearnings and aspirations of Nigerians on the street, not only when they are favoured but at all times.

It is on this note that I say this Motion needs to be supported by my Colleagues and I am optimistic that they will do that.

0171

The Speaker: Please, I reserve the right to pick from the Floor. Therefore, the next to speak on this Motion will be Hon. Agoro.

Hon. Lanre Adeniran Agoro (Irepo/Orelope/Olorunsogo): Mr. Speaker, I rise to support this Motion. Why am I supporting this Motion? I am supporting this Motion because the Stock Exchange or the Stock Market is supposed to be one of the means by which wealth is distributed in any country. By that, we expect commoners to participate in Stock Exchange Market whereby they will take the opportunity of the dividends that will be given by the companies in the form of capital appreciation and bonuses and gradually grow their wealth. Alas, the opposite is what is now happening in Nigerian.

It is true by those who want to argue against this particular Motion that Nigerian stocks were overpriced at one point in time. Because they were overpriced, ordinary commoners were lured into the business. Some people went as far as borrowing ₦20,000 to ₦25,000 to invest but all of a sudden the market came crashing! These people are now in a state they did not expect they will be. They expected to move up but they are now down.

The essence of the bail out now is to bring back these fortunes of those commoners whom we are representing here. The way they will do it as the mover of the Motion said is another thing entirely.

I learnt that the Nigerian Stock Exchange Management has submitted a proposal to the Federal Government. In the light of this, we are not saying that they should take this action or take that action but any action that will be taken to bring back to those Nigerians the reward to their investments should be done. I am not talking of you and I or any other person outside this confine who has millions of Naira to put there but I am talking of the ordinary Nigerians who saw the distribution of wealth in the Stock Exchange Market and invested therein.

In the light of this, I enjoin all Members to support this Motion.

Hon. Mayor Chukwudi Eze (Orlu/Orsu/Oru East): Mr. Speaker, the worst thing in issues like this is inaction. For those who want to misunderstand this, Prayer (ii) says:

Further urge the Executive Arm of Government

0172

to overhaul the entire institutional structures in the financial system in order to strengthen them to cope with the situation.

Mr. Speaker, I do not believe that anybody has a point against this particular Prayer. The issue is that the world now is a global family, not even a global village. Every government, big or small, is intervening directly or indirectly in the stock market. The stock will always be a barometer towards assessing any government by outsiders. We cannot be in the country and pretend as if everything is normal. All we have to do is to look at the Motion critically and take the ones we are going to take. The idea of discarding it can never be well.

The Speaker: Honourable Members, three Members have spoken in favour of the Motion. If you wish to speak against the Motion, this is your chance.

Hon. Ita Enang (Itu/Ibiono Ibom): In law, we say *volenti non fit injuria*. When you volunteer an action, you cannot complain of the consequences. We Nigerians volunteered to invest in a system that does not produce, that simply generates quick money; that is a gamble and we knew that it was a danger; so we cannot complain of the injury. *(Applause)*

Secondly Sir, when you are bailing out, you do not bail out the stock market all over the world. The issue is not bailing out the market. They bail out manufacturing companies which will employ people, generate money for the economy, create employment and also manufacture for the economy. None of the great economists of the world is bailing out the market as a market.

Thirdly, when we talk of the banking sector, where were we when banks will come out with public offers and will collect peoples' money and one year after, they will not issue share certificates? We sit here without doing anything, yet they were trading with our money. When a share is for instance ₦50.00, they sell it to you at that time and would not give you a certificate until the shares come down to ₦5.00.

I am very surprised that this Motion is coming from Hon. Aliyu Ahmed Wadada who has been our adviser. I am very surprised because he has been warning us. He had warned this country about four times on the Floor of this House through several Motions. I am sure he is just frustrated and that was why he brought this Motion because we did not do what he said.

0173

Therefore, I oppose that we should bail out. If we must bail out, whose money should we use to bail out? If we are to bail out, did we provide bail-out fund in the 2009 Appropriation? No, we did not provide. And of course, if we are to bail out, is it with the Federal, State or Local Government's funds? Are we bailing out the factories? I want to say that we should just allow the spilt milk to spill and let us sing one new song: *I will pick myself up, dust myself up, and start all over again.*

Let Nigeria and the Stock Market and we the investors, pick ourselves up, dust ourselves up and start all over again because this is spilled milk. (*Interruptions*)

I oppose this Motion from the beginning to the end.

The Speaker: Honourable Colleagues, I will allow honourable Dino Melaye to make a contribution.

Hon. Daniel Dino Melaye (Kabba/Bunu/Ijumu): Mr. Speaker, I am as surprised as my Colleague, Hon. Ita Enang (*Interruptions*)

I will start by saying that we should not allow the House to be used to correct the recklessness of banks on this law. What Hon. Wadada said is that the stock is in

trouble and they need a bail out and the banks are also in trouble. But what we see and hear does not connote that. As I speak to you, Zenith Bank is still advertising on CNN on daily basis. As I speak to you, banks are opening new branches all over world - Europe, America and in the Asia countries but we are taking *Panadol* for other peoples' headache.

Just last year we bought shares that more than eighty percent of the money was refunded because the banks have had enough; there was over-subscription. What happened in less than one year that you are asking for bail out; those that should be asking for bail out are the manufacturing industries. Where are the textile industries in this country today? Where are the Rubber producing companies? The Dunlop has closed down; all the textile industries in Kaduna have closed down. We are not thinking of bailing out those productive capacity units of our national life; we are talking of banks who use our money to drive jeeps, travel abroad to take coffee and now because there is recession somewhere, you want a bail out. As we are talking they are still giving us loan between 20% and 21% and they want us to use the tax payer's money, money meant for road construction, water project, hospitals and for the

0174

development of this country to bail the banks out. Do you want us to carry this money miraculously and give it to banks to mismanage again?

I will not belabour the House with more commentaries because I know that the Motion is already an obituary. I come against this Motion in the name of the Father and of the Son and of the Holy Ghost.

The Speaker: Hon. Colleagues, the last person to speak against the Motion would be Hon. Nelson Belief.

Hon. Nelson Belief (Brass/Nembe): Mr. Speaker, I will not contribute much because the last two Speakers have said most of the things I wanted to say. But then, I would want to know from the Movers of this Motion what they mean by Stock Market and Capital Market? It is an investment that you as an individual have decided to invest your fund for your own personal interest. As at the time stock prices were going up and they were making very good money, what percentage of that money did they pay as tax to the Federal Government?

There are other sectors that are also suffering the same fate. Should we then bail out other sectors? Is it because there are no people that are crying for them or what?

I am in total opposition to this Motion and whoever that has the interest to vote for this Motion should please change his mind and vote against it because the Nigerian government does not have any surplus fund to bail out only a single sector.

The Speaker: Hon. Colleagues, I will give Hon. Wadada the right of reply. He has the right to reply.

Hon. Aliyu Ahmed Wadada: Mr. Speaker, thank you very much for this opportunity. If my Colleagues have listened to my presentation very well, they will realize that the interventionary measure we want government to do is not only to bail out the banking industry. I said it would be done sectorally - the banking industry, manufacturing sector and other sectors. We should not lose sight of one thing: the banks in Nigeria are owned by Nigerians; it is not about what the banks do but what the investors in those banks either benefit or lose that should be of concern to us.

The Speaker: Possible amendments now. The first amendment will come from Hon. Suleiman Kawo.

0175

0176

Hon. Abdulrahman Suleiman Kawo (Sumaila/Takai): Mr. Speaker, my amendment is to expunge Prayer No.1 and retain Prayer No.2. This is because most of the complaints are from Prayer No. 1.

The Speaker: Is there any seconder?

Hon. Leonard Ogor (Isoko North/South): Mr. Speaker may I with due humility second the amendment proposed by Hon. Kawo.

Amendment put and negatived.

Hon. Patrick Asadu (Nsukka/Igboeze South): Mr. Speaker, my amendment is to combine Prayers 1 and 2; and look not at financing but at a comprehensive bail out package that the Executive should forward to the National Assembly for urgent consideration.

Hon. Rufus Omeire (Ideato North/South): Mr. Speaker, I rise to second the amendment as moved by Hon. Patrick Asadu.

Amendment put and negatived.

Hon. C.I.D. Maduabum (Nnewi North-South/Ekwusigo): Mr. Speaker, my amendment seeks to solve the problem of the ordinary investor; not the banks. These are the ordinary men and women of this

country who invested in those banks. My Amendment is to urge the President to come up with solutions to bail out the ordinary investor in the Nigerian Capital Market.

Hon. Adamu Gora Kalba (Dukku/Nafada): Mr. Speaker, I rise to second the amendment proposed by Hon. Maduabum.

Amendment put and negatived.

Hon. Abubakar Maifata (Tarauni): Mr. Speaker, Point of Order!

The Speaker: Order what?

Hon. Abubakar Maifata: Order V Rule 2: *Privilege*. I felt that my privilege in this House has been breached. When the Hon. Chairman of the Committee on Capital Market got up to present a Motion by the Committee, I heard some people mention some words which I felt impinged on my privilege.

I heard some Members say that we should kill this Motion because it is a commercial Motion. But let me say the preamble of this Motion. When the Committee decided to bring this Motion to the Floor of the House, the Chairman of the Committee was not even in the meeting; and Members of the Committee who are here agreed and drafted this Motion. As the Chairman of the Committee, he has to present the Motion which was borne out of the activities of the Committee.

Based on that we had meetings with all the stakeholders in the Capital Market such as the Central Bank of Nigeria, all the regulators, the players of the market, the stock broking firms, and we all agreed to address this issue based on the information we have collected. But to my surprise, I heard members saying this is a commercial Motion. I can mention names.

The Speaker: Hon. Deputy Chairman of the Capital Market, honourable Colleagues, we need to be very patient with each other and we need to be very careful with the kind of words we use to describe each other. I am pleading with all of us that we can make our points without upsetting each other. So, please, I plead with you.

Thank you.

Hon. Abubakar Maifata: Mr. Speaker, *(Interruption)*

The Speaker: Hon. Maifata, please, I have ruled. *(Prolonged Interruptions)*

BILL

Taxes and Levies (Approved list for Collection) Act, 2004 (Amendment) Bill, 2009

A Bill for an Act to Amend Taxes and Levies (Approved list for Collection) Act 2004.

Order for Second Reading.

The Speaker: The next Order of the Day is commencement of debate on the general principles of a Bill for an Act to Amend Taxes and Levies (Approved list for Collection) Act 2004.

The Bill was read for the First Time on Wednesday, 11th February, 2009. I invite Hon. Moruf Akindelu Fatai to move that the Bill be read the Second Time.

0177

Hon. Moruf Akindelu Fatai (Oshodi-Isolo I): Mr. Speaker, I move that this House considers for Second Reading a Bill for an Act to Amend Taxes and Levies (approved list for Collection) Act 2004.

Hon. Abubakar Garba Shehu Matazu (Matazu/Musawa): Mr. Speaker, I do sincerely second the Motion as ably moved by Hon. Moruf Fatai.

Question Proposed.

Hon. Moruf Akindelu: Mr. Speaker, the Bill is in line with Section 315 (1) of the Constitution which reads thus:

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

We are trying to bring into contemplation Section 315 of the Constitution of the Federal Republic of Nigeria, which vested on the National Assembly with the power to amend an existing Act that is not in conformity with the provisions of the Constitution.

The original Bill is titled *Taxes and Levies (approved list for collection) Decree No.28 of 1998; a legislation issued by the Federal Military Government*

in 1998 as a result of pressure from the organized private sector Joint Taxes Board. The major reason behind this amendment is not really to go into the nitty-gritty of the law but to look at certain aspects of the law that contravene the provision of the 1999 Constitution.

It has been published also in the law of the Federation 2004. Section 1(1) of the Principal Act is to be amended by deleting the existing clause:

Notwithstanding anything contained in the Constitution of the Federal Republic of Nigeria 1979 as amended or any other enactment or law.

It is our view that we should substitute this with the following: *pursuant to the Constitution of the Federal Republic of Nigeria 1999.*

Section 1(2) also of that principal Act should be amended by deleting the existing clause by order

0178

published in the Gazette and substituted with the following clause *in consultation with the National Assembly.*

Section 2(1) of that principal Act should be amended by deleting the existing phrase *notwithstanding anything contained in the Constitution of the Federal Republic of Nigeria 1979 as amended* and substituted with the following clause:

Subject to the provision of the Constitution of Federal Republic of Nigeria 1999.

I want to say that this particular part of the Bill notwithstanding anything contained in the Constitution is at variance with Section 1 (1) and (3) of the 1999 which says and I quote:

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

So I hereby move that the areas that I have mentioned should be removed from the principal Act.

I so move.

Hon. Abubakar Garba Shehu Matazu: Mr. Speaker, this Bill seeking for these amendments is a very straightforward Bill because as we all know as Lawmakers; we are not supposed to make any law that conflicts with any provision of the Constitution of the Federal Republic of Nigeria, 1999.

Therefore, what the Bill is seeking is to amend those provisions of the Act, which conflicts with the provisions of the Constitution of the Federal Republic of Nigeria. It is a very straightforward issue and every Member should lend his or her support so that we can quickly make these amendments and refer it for Second Reading.

I, therefore, second the Motion.

Hon. Mohammed Ali Ndume (Damboa/Gwoza/Chibok): As the previous speakers and the sponsor of the Bill said, this is more or less a straightforward Bill that seeks to amend areas that contravene the Constitution of the Federal Republic of Nigeria.

0179

Let me add here that I personally have been thinking that in view of the dwindling revenues being generated from our major source that is oil, there is the need for the Federal Government to look inwards through taxes as to how to improve its internally generated revenue and one of it is taxes.

I have not looked at the details of the Bill but since it is an amendment and it is going to be committed to the appropriate Committee hopefully, it will pass this stage. I believe there is the need to critically look at other areas of taxes especially Property Taxes, as it relates generally to the Federal Government.

One of the major ways to curbing corruption is by blocking the loopholes through which the resources that are derived from corruption is being channelled. One of it fundamentally, and especially in the Federal Capital Territory, Lagos and other big cities, is their use to amass many properties.

This is convenient to those individuals because there are virtually no taxes on properties. One person will own about 20 houses and he pays virtually nothing on it. Supposing, you have one house and on the next house you have to pay a very heavy property tax on it; that would help in generating revenue. That would also discourage those who use corrupt money to amass houses.

So, I want my Colleagues to use this opportunity to provide input so that we can improve on our internally generated revenue. I implore our Colleagues to support this very important Amendment as it requires taking care of some of the loopholes that we have in our revenue generating system.

The Speaker: Thank you. Is there any Member who wishes to speak against this Bill? (*No response*). All right, I may as well put the Question.

Question put and agreed to

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

CONSIDERATION OF REPORTS

Report of the Committee on Public Petitions on the Petition by the Stakeholders Forum of the Lagos International Trade Fair Complex (LITFC) on the Concession of the Complex by the Bureau of Public Enterprises (BPE)

0180

The Speaker: The sixth Order of the Day is consideration of the Reports of the House Committee on Public Petitions on the Petitions by the Stakeholders Forum of the Lagos International Trade Fair Complex (LITFC) on the concession of the Complex by the Bureau of Public Enterprises (BPE). Members will recall that this was laid on Thursday 27th November, 2008.

Hon C.I.D. Maduabum will now move for the consideration of the Report.

Hon. C.I.D. Maduabum (Nnewi North-South/Ekwusigo): Mr. Speaker, I move that this House do consider the Report of the House Committee on Public Petitions on the Petition by the Stakeholders Forum of the Lagos International Trade Fair Complex (LITEFC) on the Concession of the Complex by the Bureau of Public Enterprises (BPE).

Hon. Igwe Paulinus Nwagu (Ezza North/Ishielu): Mr. Speaker, I second the Motion as moved by Hon. C.I.D. Maduabum.

Question put and agreed to.

Resolved: That the House do consider the Report of the House Committee on Public Petitions on the Petition by the Stakeholders Forum of the Lagos International Trade Fair Complex (LITFC) on the Concession of the Complex by the Bureau of Public Enterprises (BPE)

Report of the Committee on Public Petitions on the Petition By Mr. Mohammed Bashir Fekin against the National Drug Law Enforcement Agency (NDLEA)

The Speaker: The next Order of the Day is consideration of the Report of the House Committee on Public Petitions, on the Petition by Mr. Mohammed Bshir Fekin against the National Drug Law Enforcement Agency (NDLEA). This was laid on Thursday 11th of November, 2008.

Hon C.I.D. Maduabum is invited to move for the consideration of the Report.

Hon. C.I.D. Maduabum: Mr. Speaker, I move that this House do consider the Report of the House Committee on Public Petitions, on the Petition by Mr. Mohammed Bashir Fekin against the National Drug Law Enforcement Agency (NDLEA).

0181

Hon. Nnenna Ijeoma E. Ukeje (Bende): Mr. Speaker, I rise to second the Motion as moved by Hon. C.I.D. Maduabum.

Question put and agreed to:

Resolved: That the House do consider the Report of the House Committee on Public Petitions, on the Petition by Mr. Mohammed Bashir Fekin against the National Drug Law Enforcement Agency (NDLEA)

**Report of the Committee on Public Petitions
on the Petition by Mr. Ojiah Francis against the
Federal Road Safety Commission (FRSC)**

The Speaker: The seventh Order of the Day is the consideration of the Report of the House Committee on Public Petitions, on the Petition by Mr. Ojiah Francis against the Federal Road Safety Commission (FRSC). It was laid on Thursday 27th November, 2008.

Hon. C.I.D. is invited to move that the Report be considered.

Hon. C. I. D. Maduabum: Mr. Speaker, I move that this House do consider the Report of the Committee on Public Petitions on the Petition by Mr. Ojiah Francis against the Federal Road Safety Commission (FRSC).

Hon. J.J. Ajatta (Oshodi-Isolo II): Mr. Speaker, I rise to second the Motion as moved by Hon. C.I.D. Maduabum.

Question put and agreed to:

Resolved: That the House do consider the Report of the Committee on Public Petitions, on the Petition by Mr. Ojiah Francis against the Federal Road Safety Commission (FRSC)

**Report of the Committee on Public Petitions on the
Petition by NICON Insurance Pensioners against the
Bureau of Public Enterprise (BPE)**

The Speaker: The ninth Order of the Day is consideration of the Report of the House Committee on Public Petitions, on the Petition by NICON Insurance Pensioners against the Bureau of Public Enterprise (BPE). It was laid on the 27th November, 2008.

Hon. C.I.D. is invited to move that the Report be considered.

0182

Hon. C.I.D. Maduabum: Mr. Speaker, I move that this House do consider the Report of the House Committee on Public Petitions on the petition by NICON Insurance Pensioners against the Bureau of Public Enterprise (BPE).

Hon. Peter Linus Umoh
(Oron/Mbo/Okobo/Udung Uko/Uren/Offong/Oruku):
Mr. Speaker, I rise to second the Motion as moved by Hon. C.I.D. Maduabum.

Question put and agreed to:

Resolved: That the House do consider the Report of the House Committee on the Petitions by NICON Insurance Pensioners against the Bureau of Public Enterprise (BPE)

**Report of the Committee on Public Petitions on the
Petition by Mr. B. I. Gberave against the Nigerian
National Petroleum Corporation (NNPC)**

The Speaker: The next Order of the Day is consideration of the Report of the House Committee on Public Petitions, on the Petition by Mr. B. I. Gberave against the Nigerian National Petroleum Corporation (NNPC). It was laid on Tuesday 20th of November, 2008.

Hon. C.I.D. is invited to please move for the consideration of the Report.

Hon. C.I.D. Maduabum: Mr. Speaker, I move that this House do consider the Report of the House Committee on Public Petitions, on the Petition by Mr. B. I. Gberave against the Nigerian National Petroleum Corporation (NNPC).

Hon. Bala Adamu Kuta (Shiroro/Rafi/Munya):
Mr. Speaker, I rise to second the Motion moved by the Chairman Public Petitions.

Question put and agreed to:

Resolved: That the House do consider the Report of the House Committee on Public Petitions on the Petition by Mr. B.I. Gberave, against the Nigerian National Petroleum Corporation (NNPC)

**Report of the Committee on the Public Petitions on
the petition by Mrs. Washir Mshelia against the
Central Bank of Nigeria (CBN)**

0183

The Speaker: The eleventh Order of the Day is consideration of the Report of the House Committee on Public Petitions, on the petition by Mrs. Washir Mshelia against the Central Bank of Nigeria (CBN).

It was laid on the 20th of November, 2008.

Hon. C.I.D. Maduabum: Mr. Speaker, I move that this House do consider the Report of the House Committee on Public Petitions, on the Petition by Mrs Washir Mshelia against the Central Bank of Nigerian (CBN) and approve the Recommendations therein.

Hon. Nkiruka Onyejeocha (Isuikwuato/Umunneochi): Mr. Speaker, I rise to second the Motion as moved by Hon. C.I.D. Maduabum.

Question put and agreed to

Resolved: That the House do consider the Report of the House Committee on Public Petitions on the petition by Mrs Washir Mshelia against the Central Bank of Nigerian (CBN) and approve the Recommendations therein

**Report of the Committee on Public Petitions on the
Petition by Mr. Kabiru Yakubu against the
Nigerian Bottling Company, Plc**

The Speaker: The next order of the day is consideration of the Report of the House Committee on Public Petitions, on the Petition by Mr. Kabiru Yakubu against the Nigerian Bottling Company Plc. It was laid on 20th November, 2008.

Hon. C.I.D. Maduabum is invited to move that the Report be considered.

Hon. C.I.D. Maduabum: Mr. Speaker, I move that this House do consider the Report of the House Committee on Public Petitions, on the Petition by Mr. Kabiru Yakubu against the Nigerian Bottling Company Plc.

Hon Samuel Whesu Sejoro (Badagry): Mr. Speaker, I rise to second the Motion as moved by Hon. C.I.D. Maduabum.

Question put and agreed to

Resolved: That the House do consider the Report of the House Committee on Public Petitions, on the

0184

Petition by Mr. Kabiru Yakubu against the Nigerian Bottling Company Plc

**Report of the Committee on Public Petitions
on the Petition By Mr. Agu Kenneth
against the Nigerian Navy**

The Speaker: The next Order of the Day is consideration of the Report of the House Committee on Public Petitions, on the Petition by Mr. Agu Kenneth against the Nigerian Navy. It was laid on the 20th November, 2008.

Hon. C.I.D. is invited to move that the Report be considered.

Hon. C.I.D. Maduabum: I move that this House do consider the Report of the House Committee on Public Petitions on the Petition by Mr. Agu Kenneth against the Nigerian Navy.

I so Move.

Hon. King Aniedi Ikpong (Etinan/Nsit Ibom/Nsit Ubium): I rise to second the Motion as moved by Hon. C.I.D. Maduabum.

Question put and agreed to

Resolved: That the House do consider the Report of the House Committee on Public Petitions, on the Petition by Mr. Agu Kenneth against the Nigerian Navy

Hon. Baba Shehu Agaie (Agaie/Lapai): Mr. Speaker, I rise to move that this House do resolve into the Committee of whole to consider the eight Reports.

Hon. Suleiman Abdullahi Kiau: I rise to second the Motion as moved by Hon. Baba Shehu Agaie.

Question put and agreed to:

**Reports of the Committee on Public Petitions
on the Petitions by Mr. Mohammed Bashir Fekin
against the National Drug Law Enforcement Agency
(NDLEA) – CONSIDERED IN THE COMMITTEE
OF THE WHOLE**

The Chairman: Hon. Colleagues, you would recall that yesterday we adjourned the consideration of this Report because it was not distributed to Members and we observed that most Members were at the various Public Hearings. I believe we are ready today to take the Reports.

0185

We will start with item No. 7 in the Order Paper. I now call on Hon. C.I.D. Maduabum to guide us.

Hon. C. I.D. Maduabum (Nnewi North/South/Ekwusigo): Mr. Chairman, this Petition was presented to the House in November, 2008. After the Committee's Investigative Hearing, we found as follows:

- (i) That the National Drug Law Enforcement Agency could not establish any case to warrant the termination of the appointment of the Petitioner.
- (ii) Due Process was patently flouted in the procedure leading to the termination of the Petitioner's appointment. As he was not given any platform to defend himself of the accusations leveled against him.

We therefore, make the following recommendation: *(Interruptions)*.

The Chairman: You have only one recommendation.

Hon. C.I.D. Maduabum: Yes.

The Chairman: Your recommendation is *that the Petitioner be reinstated into the services of the National Drug Law Enforcement Agency (NDLEA) and his entitlements calculated and paid to him without further delay.*

Hon. C.I.D. Maduabum: Yes.

Question put and agreed to.

Report of the Committee on Public Petition on the Petition by Mr. Ojiah Francis against the Federal Road Safety Commission – CONSIDERED IN THE COMMITTEE OF THE WHOLE

The Chairman: The next Report is that this House do consider the Report of the House Committee on Public Petition by Mr. Ojiah Francis against the Federal Road Safety Commission. The Committee has completed investigation and laid their Report.

Let us now hear from the Chairman, House Committee on Public Petition.

0186

Hon. C.I.D. Maduabum: Mr. Chairman, this other Petition too is from Mr. Ojiah Francis against the Federal Road Safety Commission. And the Committee conducted an Investigative Hearing and made the following findings or facts:

- (i) We found that the Petitioner appealed to the Federal Road Safety Commission on 14th August, 2002 for re-instatement by a letter dated 22nd November, 2002. Engineer Abba Kyari Wakibe, the Deputy Corps Marshall reviewed the Petitioner's case. He took note of the Petitioner's remorsefulness and his length of service and recommended for his re-instatement on compassionate grounds. This recommendation was not implemented.

(ii) The Petitioner consequently appealed to the authorities and both requests was rejected by the Commission.

We therefore, made the following recommendation after painstakingly reviewing the case: *(Interruptions)*.

The Chairman: Thank you. The only recommendation that they have there is *that the Committee gave the Petitioner the benefit of doubt and recommend that Mr. Ojiah Francis be re-instated to the service of the Federal Road Safety Commission (FRSC), in order to avoid miscarriage of justice as the money found on him was satisfactorily explained.*

Question put and agreed to.

Report of the Committee on Public Petition on the Petition by NICON Insurance Pensioners against the Bureau of Public Enterprises (BPE) – CONSIDERED IN THE COMMITTEE OF THE WHOLE

The Chairman: The next Order of the Day is the consideration of the Report of the Committee on Public Petition on the Petition by NICON Insurance Pensioners against the Bureau of Public Enterprises (BPE).

Honourable Members would recall that the Report was laid on Thursday, 27 November, 2008. Hon. C.I.D. Maduabum is now called upon to explain the findings of the Committee and thereafter we will take the recommendation.

0187

Hon. C.I.D. Maduabum: Mr. Chairman, the Committee conducted an Investigative Hearing on this Petition where all the parties were heard and we made the following findings or facts:

(i) We found no evidence that the Petitioners signed and collected their cheques under duress. Therefore, the claim that they received only part payment when they signed that they had received full payment could not be substantiated.

(ii) In respect of the claim of 10 to 15 percent guaranteed Pension, no evidence of approval was tendered by the Petitioners in support of their claim.

(iii) A few of the Petitioners were inadvertently omitted during the exercise and the BPE assured the Committee that steps are being taken to remedy this.

Therefore, we made the following recommendation. (*Interruptions*)

The Chairman: Recommendation No. 1 is *that the Bureau of Public Enterprises should expedite action in paying the beneficiaries who were inadvertently omitted in the payment exercise.*

Question put and agreed to.

Recommendation No. 2: *That the Bureau of Public Enterprise and NICON Insurance Pensioners enter into dialogue with a view to resolving areas of difference.*

Question put and agreed to.

Recommendation No. 3: *That the House Committee on Pension and House Committee on Privatisation and Commercialisation should monitor the resolution of this matter.*

Question put and agreed to.

Report of the Committee on Public Petition on the Petition by Mr. B.I. Gberave against the Nigerian National Petroleum Corporation (NNPC) – CONSIDERED IN THE COMMITTEE OF THE WHOLE

0188

The Chairman: The next Order is on the Petition by Mr. B.I. Gberave against the Nigerian National Petroleum Corporation (NNPC).

I call on Hon. C.I.D. Maduabum to brief the House on the findings of the Committee.

Hon. C.I.D. Maduabum: Mr. Chairman, we carried out an Investigative Hearing on this Petition on the 28th May, 2008 and we made the following findings or facts:

(i) The Petitioner was granted Study Leave for two years, that is, from 1999 – 2001.

(ii) His application for extension of this Study Leave was not approved and he did not resume work until January, 2003.

(iii) He was issued query on 27th November, 2002 for absence from duty without leave.

His failure to report for duty attracts termination of appointment according to the Corporation's Manual and procedure but he is currently on retirement and earning pension.

We therefore made the following recommendations:

That the Petition by Mr. Gberave be dismissed for lack of merit as his employer, the Nigerian National Petroleum Corporation (NNPC), was magnanimous in retiring him rather than terminating his appointment for abscondment.

Question put and agreed to.

Report of the Committee on Public Petitions on the Petition by Mrs. Washir Mshelia against the Central Bank of Nigeria (CBN) – CONSIDERED IN THE COMMITTEE OF THE WHOLE.

The Chairman: The next Report is that of Mrs. Washir Mshelia against the Central Bank of Nigeria.

Hon. C.I.D. Maduabum will brief the House on the findings of the Committee on this matter.

Hon. C.I.D. Maduabum: Mr. Chairman, on this Petition we conducted a Public Hearing where all the

0189

parties were represented. We made the following findings that following a breakdown in the working relationship between the Governor of Central Bank and the petitioner who was a Deputy Governor, the former President offered the petitioner another position in the Nigerian National Petroleum Corporation.

Not satisfied with the offer in the NNPC, which she considered below her status, she offered to resign her appointment as Deputy Governor. The President accepted her offer of resignation and subsequently she left the employment of the Central Bank of Nigeria. The Central Bank Act 2004 clearly sets out the mode of appointment of Governor and Deputy Governor of Central Bank and cessation of this appointment.

Only the President of the Federal Republic can exercise the power to make these appointments. In her handing over notes at the Central Bank, Mrs. Mshelia stated clearly that her resignation from the post of Deputy Governor was voluntary. Section 11(4) of the Central Bank Act authorises the President to appoint a fit and proper person to take the place of a person who resigns.

The President subsequently appointed Dr. Mailafia to take her place as Deputy Governor of Central Bank of Nigeria. So we made the following recommendations.

Recommendation 1: That the Committee is unable to recommend the petitioner's restatement to her former position as Deputy Governor of Central Bank as the evidence available from the investigative hearing showed clearly that Mrs. Mshelia voluntarily resigned her appointment;

The Chairman: Is there any comment?

Hon. Abdul Ningi (Ningi/Warji): Mr. Chairman, this is a well known case to me and I am sure to quite a number of hon. Members. This is a case of executive lawlessness and hatched job. From the statement of the Chairman of the Committee, one can easily deduce that this woman did not resign voluntarily. What was the case? He said this woman had a running battle with the Governor of Central Bank and the then President, Olusegun Obasanjo decided to take side on the matter.

By deciding to take side on the matter, he decided on ethnic cleansing at the Central Bank of Nigeria just because of her. The President also felt that this woman should not at anytime disagree with the present Central

0190

Bank Governor. So he offered her an appointment somewhere else which does not tally with her years of experience and qualifications.

The Chairman: Within the Central Bank?

Hon. Abdul Ningi: Outside the Central Bank.

Look at the position they are offering her in relation to the position she was occupying and because they have the power of life and death, they threatened her that if she will not resign she would be dismissed from the Central Bank. Not only the dismissal, will she be arrested and prosecuted.

When the Committee said that this woman voluntarily resigned; that is not the correct interpretation of voluntary resignation. She was forced to resign. If she voluntarily resigned, why should she petition the House? Why should I resign voluntarily and still petition the House that I did not? What is she trying to achieve?

Look at the prayers before we get there. You can see prayers (ii) and (iii) of the Committee which said:

That the Petitioner be granted authority to purchase her official quarter; House No. 4, Plot 1499 IBB Way, Maitama Abuja in line with the monetization policy of the Federal Government;

That means she was forced out of that quarter under armed police when her other colleagues were made to purchase their own. Look at prayer (iii) which said:

That the Central Bank of Nigeria facilitate the immediate return of all the property removed from the petitioner's official quarters including her used vehicles, furniture and computers;

If she voluntarily resigned, why would they confiscate her quarters, property including her personal and official cars? What we are trying to do this evening is not only important but it is going to be historic. We are here not to take side; we are here to look at justice and bring equity.

Let us be fair to all whether from the South, East, North or West. Justice had not taken place in this particular case and I thought the Committee would have

0191

done better assessment of this issue than what they had done. They would have gone a long way to ameliorating her situation. The crux of the matter is that she was forced to resign and that is the truth.

Recommendation (v) says they could not ask for her restatement because somebody had already occupied her place. Something is amiss and we must investigate this matter and get the Chairman to give us more information on it.

The Chairman: The Committee raised a point of voluntary retirement, from your recommendation, you said the woman voluntarily retired and in your findings is there anywhere she admitted that she voluntarily retired?

Hon. C.I.D Maduabum: Yes she did it in writing.

The Chairman: No, from your findings, when you were interacting with her.

Hon. C.I.D Maduabum: She resigned in writing.

The Chairman: But she petitioned and you invited her.

Hon. C.I.D Maduabum: She was there and everybody was there.

The Chairman: In your interaction with her, did she admit that she voluntarily retired?

Hon. C.I.D Maduabum: She said so and we have the verbatim report.

The Chairman: Voluntarily?

Hon. C.I.D Maduabum: We know that behind the scenes some things may have happened but on paper that I have, she resigned. What is being asked for in the petition is reinstatement as Deputy Governor at the Central Bank and that is the difficulty. It is clear that things may have happened but on record she resigned. She signed the letter personally and we put the question to her and she agreed.

The Chairman: Was there any comment or she just said she agreed?

Hon. C.I.D Maduabum: No, there were grounds that made her to resign but on record she resigned her

0192

appointment and the issue of reinstatement in a political office is a difficulty one.

Hon. John Halims O. Agoda (Ethiopia East/Ethiopia West): I have confidence in our friend and brother but from what Hon. Ningi said, you can deduce that from items 4,5,6,7,8 and 9, particularly the last three; the last statement and last paragraph under item 9 of the main Report, she said, if I may read:

That she stated that just under three months after her forced resignation;

You deduce this recommendation from facts and figures from the Report and I am referring you to page three of the Report.

The Chairman: You said No. 9?

Hon. Halims Agoda: Yes.

The Chairman: I do not have that one.

Hon. Halims Agoda: You do not have it?

The Chairman: No, I do.

Hon. Halims Agoda: Alright, give the Chairman a copy of the Report. When you look at the last paragraph there under page 3, it says:

She stated that just under three months after her forced resignation, she received a letter from one of the Deputy Governors that she should vacate the house. The petitioner added that she had already sent a letter to the President expressing her interest to purchase the house as per government monetization policy.

When you put these statements together, it does confirm what the former leader of the House said about the matter generally.

Hon. Mohammed Ali Ndume (Damboa/Gwoza/Chibok): For the purpose of the consideration of this Report, let me provide some information. Mrs. Mshelia is somebody that I know very well. She was a Bursar at the University of Maiduguri before she was appointed subsequently as the Deputy Governor of the Central Bank; she went through the ranks.

0193

After this incidence, the woman came to me several times. She was going round trying to see how she can get justice outside the system. I encouraged her to write a petition and even then she expressed fear that considering the system that we operate, her life was threatened.

I had to convince her that nobody takes life except God and that she should bring her petition to the House. It is only through this avenue that she can get justice. So the truth of the matter as it has been stated in the petition is that she was forced to resign. The fact is that she suffered injustice and just after some time, that

position she was occupying was taken over by somebody. That does not deny her of her fundamental rights.

I am appealing to the Committee or everybody here to look at this case so that the issue of her reinstatement as Deputy Governor of Central Bank should be taken up.

Hon. Nkiruka Onyejeocha (Isuikwuato/Umunneochi): Mr. Chairman, we are Nigerians and we know that most resignations are forced sometimes. This woman had stated that she was forced to resign and now the Committee is saying in their recommendation 5;

That the office of the Deputy Governor vacated by the petitioner is currently occupied by another officer and it would be unfair and unreasonable to remove him from office for no just cause;

If there is an injustice and we want to do justice, we should not go into whether the office is vacant or not because what it simply means is that this woman has not completed her tenure and if somebody had come to that seat, what are we waiting for? The person should wait until it gets to his own turn or the woman will be given another position.

Let it be seen and known that the woman did not resign voluntarily and of course, there will not be any vacuum because if you forced somebody to resign, somebody must be used to replace her. Let us look at this issue critically so that things like this will not be happening after now. Once we correct one, people will go back and say at a particular point this kind of thing was done and nobody will do that kind of thing again.

Hon. Alex Ikor Ukam (Akamkpa/Biase): Mr. Chairman with the issue of the petitioner as currently

0194

said by my Colleagues, it is very unfortunate that this woman is suffering from what probably was not her design.

Let me say that in this House, we are dealing with justice through documents. Ordinarily on the face value of the matter, one would be compelled to sympathize with her but my problem is that the Committee saddled with the responsibility to look into Petitions has to deal with documents. So, the prominent issue here is that the woman has resigned. We are well informed; even if she was forced, we know there are various laws in this country that gave rooms and opportunity for an individual or any persons to go to Court to seek redress.

This is a situation where somebody has resigned whether by force or not. The evidences are not before us.

The Chairman: They are before us in this case because she stated, among other things, that just under three months after her forced resignation her official accommodation was taken from her. The same way she can go to Court, she can equally come to the House.

Hon. Alex Ukam: What I am trying to say in essence is that what we are considering now is the evidence put down in black and white before us. It is not the oral evidence which she later tendered.

The Chairman: Then in that case, you are saying that we should not do anything on that matter.

Hon. Alex Ukam: What I am saying is that even if this case is taken to Court, the Court would consider the matter based on evidence before it.

The Chairman: Do your bit and allow the Court to do its own.

Hon. Alex Ukam: It is just like the National Assembly will deal with matters based on evidence before us and not on sentiment.

Hon. Betty Apiafi (Ahoada East/Abua/Odual): I have had interactions with Mrs. Mshelia in the Committee of Banking and Currency over this issue. She really believes that she can get justice from this House.

What she told us at the Committee was that her comment during the first re-capitalization of banks was what led her into trouble. I really believe her because

0195

of the rush with which the Federal Government decided to go into that re-capitalization exercise. From what the Committee's Recommendation is saying, it is obvious that the seat is occupied. I do not think it is because there is no vacancy that somebody should not get justice.

We should look at the case objectively. If the lady needs to be called back, she should be called back; not because somebody else is occupying the seat. If somebody is sitting on the seat, then the person has to move. We have had instances where Governors who are on seat have had to leave and current Governors came in. This lady believes that this is the only place where she can get justice and I believe she deserves that justice.

The Chairman: Thank you. If I may understand what she is saying, the fact that somebody is occupying that position does not mean we cannot do our work. Do your work rightly and allow those who are in charge to know how to manage it.

Hon. Mohammed Ali Ndume (Damboa/Gwoza/Chibok): I want to propose that Recommendation (i) be changed to read thus: *That the House recommends that Mrs. Mshelia be re-instated.*

The Chairman: Is there any Seconder to that?

Hon. Ahmed Njidda Gella (Maiha/Mubi North/South): I do second the amendment as proposed.

Hon. C. I. D. Maduabum: I had difficulty in this matter because a lot of our people were interested in it. What type of remedy do you give?

I called the Secretary to the Government and all the parties involved who determined that this was a political office. It is like a Minister; when you remove a Minister, do you re-instate him? These are the only problems I had with respect to remedy. In my view, we should not look stupid to ask the government to re-instate a political office holder; we would make the House look funny.

Let us work around this thing to find a remedy if we are interested in the matter. That is why we have all the Recommendations in her favour. But re-instatement for a political office holder is a difficult issue.

If there is any other office within the agency, we feel so minded, that is different. But to re-instate

0196

somebody to political office like a Minister or the Governor of the Central Bank of Nigeria, it is a very difficult thing to do. The House should not lend its name to that type of Resolution.

I would really suggest that if there is a way of helping this lady, I do not mind it. It is not personal but on re-instatement, the name of this House would be stained.

The Chairman: The issue is very simple. It is unlike that of the Minister. A Minister has no tenure. Members of the Board, Deputy Governor or Governor of the Central Bank of Nigeria have tenure, unlike that of a Minister.

A Minister has no tenure. I can appoint you as a Minister today and by tomorrow I can sack you if I am the Chief Executive. That is why we are saying that the tenure of the present Governor is about to expire because there is a tenure.

Hon. Colleagues, I would like to put a question on it.

Hon. Henry S. Dickson (Sagbama/Ekeremor): Mr. Chairman, I rise to draw our attention to a few salient issues. I know that we are all swayed by the requirement of justice. We all sympathise with the lady about what we think that she might have gone through all this period.

I would refer you to page 6 where there is reference to a letter she wrote. Let me just take one second to read it. It says: *Sequel to my recent voluntary resignation from the position of the Deputy Governor (Policy), and my subsequent disengagement...*

With all due respect, what I am drawing our attention to is how we feel about it, which is right because we are all human. First of all, the lady has her remedies by way of seeking restitution in a Court of law if she is entitled to.

Secondly, these areas that we are going into are so contentious because if we order re-instatement, it would go against what is so clearly written in several documents, which we, as a Committee, have. This is because I served in the Public Petitions Committee, which also examined this matter. Understandably, my position also is that because of that tricky situation where we do not want to say that there was no resignation.

0197

The Chairman: Nobody is saying that there was no resignation. What they are saying is that she was forced to resign.

Hon. Henry Dickson: What we are saying is that the lady has other remedies in that area. For example, even if there is no vacancy in that particular position now, we may create a situation that would lead to a lot of legal difficulties for those Agencies and public officers that would implement or carry out our Recommendation no matter how well intended. If you look at the other recommendations, we want to minimize our laws by saying that she can buy all those things.

The area of restitution as a Deputy Governor is not something we may easily implement. It is only a Court of Law that can do that.

The Chairman: The actual Motion on the ground is duly seconded and I would like to put the question.

Hon. Mohammed Ali Ndume, could you please read the Motion again?

Hon. Mohammed Ali Ndume: The Motion is simply that Mrs. Washir Mshelia be re-instated into the employment of the Central Bank of Nigeria.

The Chairman: It has been seconded.

Amendment put and agreed to.

The Chairman: Hon. Colleagues, the second recommendation says:

That the Petitioner be granted authority to purchase her official quarter, House No 4, Plot 1499 IBB Way, Maitama, Abuja in line with the Monetization Policy of the Federal Government.

Hon. Mohammed Ali Ndume: Mr. Chairman, I need clarification on that note. The Committee should probably be commissioned to find out the present state of the house. Has it not been purchased by someone else?

The Chairman: If it has been purchased they would not have put that recommendation.

0198

Hon. C.I.D. Maduabum: Mr. Chairman, I think the recommendation is in order.

The Chairman: Is she purchasing the house?

Hon. C.I.D. Maduabum: Yes, based on her submissions.

Question put and agreed to:

The Chairman: Hon. Colleagues, the next recommendation is that

The Central Bank of Nigeria facilitates the immediate return of all the property removed from the Petitioner's official quarters including her used vehicles, furniture and computers.

Hon. Abdullahi Shuaibu Hashimu (Awe/Doma/Keana): Mr. Chairman, I just want to know whether or not those were her personal property because it was not made clear in the report.

Hon. CID Maduabum: Even her personal property was also involved.

The Chairman: I cannot understand how somebody will go to someone's house and start packing someone else's property.

Question put and agreed to.

The Chairman: The Recommendation No. (iv) is

That the Committee is unable to recommend the issuance of a public apology by Professor Soludo, Governor of Central Bank of Nigeria as demanded by the Petitioner since the Petitioner resigned voluntarily.

I want us to understand what this statement is saying.

Hon. C.I.D. Maduabum: Mr. Chairman, what the Committee is saying is that no apology should be issued to her.

The Chairman: Yes, but your reason was because she resigned voluntarily

0199

0200

Hon. C.I.D. Maduabum: If you do not mind, you can expunge the prayer.

The Chairman: Any seconder that we expunge Recommendation No. 4?

Hon. Darlington Okereke (Ivo/Ohaozara/Onicha): Mr. Chairman, I rise to second the Motion that we expunge Recommendation (iv).

Amendment put and agreed to.

The Chairman: Recommendation No. (v):

That the office of the Deputy Governor vacated by the Petitioner is currently occupied by another officer and it would be unfair and unreasonable to remove him from office for no just cause.

Hon. Halims Agoda: (Ethiope): Mr. Chairman, when viewed properly there is the need for this House to delete that since in our first recommendation; we are given an open way. So if that recommendation (v) is not there, it is left for the Central Bank to do what they ought to do at the appropriate time. I will urge this House to expunge that as if it does not exist.

Hon. Chile W. Igbawua (Kwande/Vandekiya): Mr. Chairman, I rise to second the Amendment that Recommendation (v) be expunged because it has become irrelevant.

Also, I am saying that when the Supreme Court ruled that Amaechi should take over the office, there was somebody in that office. Somebody being in office cannot oppose a judicial body from giving the right judgment. But for now, because of Prayer (i), I second the Amendment that we should expunge Recommendation (v).

Amendment put and agreed to:

Hon H.S. Dickson: Mr. Chairman, we have made positive findings and conclusions here that this lady, a citizen of this country, a public officer has been unfairly treated. We have just expunged what I think is very central to the issue of justice we are dealing with which is the issue of a public apology.

I think that having expunged the recommendation in that regard, we should direct the Executive arm; not

Prof. Soludo, to tender a public apology to the lady because we have found very weighty evidences to support that.

We have said that a citizen of this country has been unfairly treated; we have said that an officer of the public service of the Federal Republic has been unfairly treated. It behoves on us, in my view, to make a correlative finding or recommendation to the effect that an apology be administered. What may even please this woman more than the job and the repurchase of the house may just be the injury to her dignity.

It is in that respect that I think we should revisit the issue of apology and to say further that since by the Central Bank Act, it is the President that can employ and remove, I propose therefore that we recommend that the Presidency tenders an apology to this lady because I considered that even more important than the monetary considerations.

The Chairman: What is your prayer Hon. Dickson?

Hon. H. S. Dickson: Mr. Chairman, my prayers is that we have to specify the appropriate authority because by the CBN Act, it is only the President that can appoint or remove.

Hon. C.I.D. Maduabum: Point of Order!

The Chairman: Yes, Hon. CID.

Hon. C.I.D. Maduabum: Mr. Chairman, this is a matter that the House has decided to expunge. He should not revisit it again. The President under the CBN Act has powers to fire the Deputy Governor of CBN at that time. For the President to apologize for exercising his power is what I cannot understand.

The Chairman: They are two issues; one is apology which we cannot take because we have ruled on that. The second issue is to urge the appropriate authority, which you have not recommended.

Hon. C.I.D. Maduabum: Mr. Chairman, to do what?

The Chairman: He should repeat what he said.

Hon. H.S. Dickson: Mr. Chairman, flowing from the far reaching conclusions of injustice and unfair

0201

treatment that we have all accepted, I am moving that we add a recommendation.

The Chairman: Any seconder to that Amendment?

Hon. Bitrus B. Kaze (Jos South/Jos East): Mr. Chairman, I rise to second the Amendment moved by Hon. H.S. Dickson.

The Chairman: His Amendment is that this House urges the President to reinstate this woman.

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

The Chairman: Yes, if you want to raise a Point of Order just raise up your hand; you do not have to put on your microphone. It is only when you are recognised then you can rise up and talk into your microphone. That is the procedure. Let us hear from the Leader of the Minority.

Hon. Mohammed Ali Ndume: Order IX Rule 4: *Behaviour of Members in the House.*

The Chairman: My observation today is that Members are behaving well. Thank you. (*Applause*)

Hon. Ita Enang: I want to support before I second the Amendment that was brought by Hon. Dickson.

The Chairman: What are you supporting?

Hon. Ita Enang: I want to support the Prayer that he has made that the appropriate authority which to my own understanding is the Office of the Secretary to the Government of the Federation which issues sometimes on behalf of the President, letters of appointment or converse the decision of the President to drop somebody do apologize to Mrs. Mshelia.

The Chairman: We have ruled on that.

Hon. Ita Enang: No, I want to second the Prayer he has made because sometimes it is what you are that is more important than what you have. And the reputation of Mrs. Mshelia is more important than the office. Therefore, I second what he has said and to also say that although we have come to a near conclusion we did not come to a conclusion. So the matter is still on the Floor of the House and the House is still in session

0202

and in the same Committee of Whole where this decision was to be taken.

The Chairman: We have ruled on that, Hon. Ita Enang. Let us move on to the next Report, please. Normally the resolutions of this House are taken to the Office of the Secretary to Government for onward transmission to the President or the appropriate authorities.

**Report of the Committee on Public Petition on a
Petition by Mr. Kabiru Yakubu against the
Nigerian Bottling Company Plc**

The next is the Report of the Committee on Public Petition on a Petition by Mr. Kabiru Yakubu against the Nigerian Bottling Company Plc. May I invite Hon. C.I.D. Maduabum to brief the House on the findings of his Committee on this matter?

Hon. C.I.D. Maduabum: We conducted an Investigative Hearing on this matter and the Committee found as follows:

- (i) That procedure leading to the dismissal of the Petitioner was initiated only two days to the end of the notice to leave the company by resignation of appointment.
- (ii) On the issue of shortage of ₦2 million, this matter came up long after the Petitioner had left the depot and the Committee gave the Petitioner the benefit of doubt as the Company cannot conclusively establish that he was at work at the loss of the said sum.
- (iii) Furthermore, one Mr. Paul Ali had written to the Commercial Manager on this matter with sufficient background information on the genesis of the shortage and clearly identified the personnel involved, which did not include the Petitioner.

Based on this we make the following recommendations. (*Interruptions*).

The Chairman: Thank you. The Committee's recommendations are:

- (i) *That the Petitioner has clearly discharged his responsibility to the Nigerian Bottling Company by tendering his notice of*

0203

resignation three months in advance and he is therefore entitled to his terminal benefits.

Question put and agreed to..

- (ii) *That the Nigerian Bottling Company should calculate and immediately pay to the Petitioner all his entitlements.*

Hon. Rabe Nasir (Bindawa/Mani): We should be thoroughly formal with our language; the best thing here is to simply recommend that they should pay him. We do not have to tell them that they should calculate and pay him.

The Chairman: So the word *calculate* should be removed. When you are paying somebody, you do not need to tell him to go and do the calculation. Just pay him; it is left to you the way you do the calculation.

Amendment put and agreed to.

(iii) *That his letter of dismissal should be withdrawn and struck off the record and his resignation from the company accepted.*

Hon. Chile Igbawua (Kwande/Ushongo): The No.1 recommendation presupposes that the resignation is accepted. Therefore, we should be saying *that the letter of dismissal be withdrawn and a letter of acceptance of his resignation issued.*

The Chairman: I understand what he is saying. Is there any seconder?

Hon. Peter Linus Umoh (Oron/Mbo/Okobo/Udung Uko/Irue Offong/Oruku): I second the proposed amendment.

Amendment put and agreed to.

**Report of the Committee on Public Petition
on the Petition by Mr. Agu Kenneth
against the Nigerian Navy**

The Chairman: The next Petition is that of Mr. Agu, which came in against the Nigerian Navy. May I call on the Chairman of the Committee on Public Petition to brief the House on its findings.

Hon. C.I.D. Maduabum: On this Petition, we also conducted an Investigative Hearing and we made the following findings. However, the Navy's

0204

description on the issue of torture presented by the Petitioner as personal between the Petitioner and Admiral Agboti is untenable.

Secondly, the Committee notes that as Flag Officer commanding Eastern Naval Command Admiral Agboti performed his function at the instance of the Nigerian Navy not in his personal capacity.

Thirdly, while the Committee concedes that in order to maintain service personnel discipline the Navy has the powers to keep its personnel in custody beyond 24 hours. Such powers ought to be exercised only in the overall interest of the service.

Fourthly, the Petitioner showed clearly that the Nigerian Navy did not avail him proper medical care leading to his resorting to self-help.

We therefore made the following two recommendations:

The Chairman: The recommendations read thus:

- (i) *That the Petitioner be discharged from the service of the Nigerian Navy on the ground of ill health.*

Question put and agreed to.

- (ii) *That he be paid his entitlement for the four years that he was denied salaries and other entitlements due to him.*

Hon. Shuaibu Hashimu Abdullahi (Awe/Doma/Keana): I just want to ask, on what grounds the Petitioner should be paid his entitlement for four years.

The Chairman: Are you sure you have read the findings? When you are paying somebody his entitlements, such entitlements could be either salary or any other allowances or both.

Hon. C.I.D. Maduabum: It is for emphasis because for four years he was not paid anything on grounds that he deserted. If he is now discharged it is not only his four years salary that he is entitled to, there are other entitlements due to him by virtue of his service.

That is why we said that he be paid other entitlements due to him.

0205

Question put and agreed to.

The Chairman: Hon. Colleagues, do we take the next Report?

Several hon. Members: No!

Hon. Baba Shehu Agaie (Agaie/Lapai): Mr. Speaker, I move that this House do revert to plenary.

Hon. Aminu Waziri Tambuwal (Kebbe/Tambuwal): I second the motion.

House in Plenary

(The Deputy Speaker in the Chair)

The Deputy Speaker: The House in the Committee of the Whole considered the following Reports of the Committee on Public Petitions:

- (i) *Petition by Mr. Mohammed Bashir Fekin against the Nigerian Drug Law Enforcement Agency (NDLEA).* The House approved the only recommendation.
- (ii) *Petition by Mr. Ojiah Francis against the Federal Road Safety Commission (FRSC).* The House approved the recommendation.
- (iii) *Petition by NICON Insurance Pensioners against the Bureau of Public Enterprise.* The House approved the three recommendations.
- (iv) *Petition by Mr. B. I. Gberave against the Nigerian National Petroleum Corporation (NNPC).* The House approved the only recommendation.
- (v) *Petition by Mrs. Mshelia against the Central Bank of Nigeria.* The House amended recommendation (i), approve recommendations (ii) and (iii); deleted recommendations (iv) and (v).
- (vi) *Petition by Mr. Kabiru Yakubu against the Nigerian Bottling Company Plc.* The House approved recommendation 1 and amended recommendations (ii) and (iii).

0206

ADOPTION OF REPORTS

Hon. Baba Shehu Agaie: May I move that this House do adopt the recommendation on Committee of Whole as approved and amended.

Hon. Abdul Ningi (Ningi/Warji): In between the Motion, I had wanted to come through Order V Rule 4: *Matters of Privilege*. I also thought to come through a Motion by the inherent power of the Speaker to commend the efforts of this House Committee who had done a very good job to my mind so that it will be an incentive.

The Deputy Speaker: All right let us adopt this one then you can move your Motion.

Hon. Abdul Ningi: The Motion is in *pari pasu* with the recommendation.

The Deputy Speaker: You are adopting the Report of the Committee of Whole.

Hon. Abdul Ningi: Very well and as the Speaker pleases.

The Deputy Speaker: Any seconder?

Hon. Ita Enang: I second the Motion as moved by the Deputy House Leader for the adoption of the recommendations.

Question put and agreed to.

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

Hon. Abdul Ningi: In view of what I have witnessed today and in view of the right granted by you, I am using your office and the privilege to your office.

I am coming through Order V Rule 4; although this Committee is doing its statutory job; I felt as a person and as a Parliamentarian of many years experience, I thought the Committee had done a good job that is worthy of commendation by the Chairman which would be an added incentive to them and generate some kind of vigour and energy for other Committees to do the same.

Hon. Shehu Matazu (Matazu/Musawa): I second the Motion as ably moved by the former leader

0207

Hon. Abdul Ningi that the Chairman should commend the House Committee on Public Petitions.

Hon. Leo Okuweh Ogor: I am forced under some circumstances to withdraw my Motion.
(Laughter)

The Deputy Speaker: What was your Motion?

Hon. Leo Okuweh Ogor: I was of the opinion that because the Leadership knows that the man was competent, he has the capacity that is why he was appointed. I believe that in the whole process he is doing his job. (Interruptions)

The Deputy Speaker: Hon. Agoda what Hon. Leo Ogor is also commending the Chairman.

Hon. Leo Ogor: I tend to agree with the position that you have already adopted.

(Laughter)

The Deputy Speaker: Thank you very much Hon. Members. I want to use this opportunity to commend the House Committee on Public Petitions under the leadership of Hon. C.I.D Maduabum. We thank you very much for a job well done and I hope other Chairmen will emulate Hon. C.I.D Maduabum in bringing their Reports to the House as at when due.
(Applause)

It was not a mistake that the Hon. Speaker left the office of the Chairman for Committee on Public Petition vacant when you were away for about four or five weeks. He knows you are capable of handling that office and we want to thank you for that.

0208

I can see only two women present today in the Chamber; maybe in your next meeting of Female Parliamentarian you have to intimate your Colleagues that we have made this observation that you need to put in more effort to see that you stay back so that together we can consider the Bill.

ANNOUNCEMENT

Notice Paper

The Deputy Speaker: Hon. Members should please note that the notice paper containing legislative business to be considered by the House on Thursday, 12th March, 2009 has been circulated to members.

The Committee on Rules and Business is doing this in order to have members prepare in advance for effective debate and contribution please.

Signed:

Hon. Ita Enang

(Applause)

ADJOURNMENT

Hon. Baba Shehu Agaie: Mr. Speaker, may I move that this House do adjourned till Thursday, 12th March, 2009 by 10:00 a.m.

Hon. Leo Ogor: I second the Motion.

Question put and agreed to.

Resolved: That the House do stand adjourned till Thursday 12th March, 2009 at 10:00 a.m.

The House adjourned accordingly at 5:20 p.m.