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HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA

Tuesday 24th March, 2009

The House met at 11.10 a.m.

PRAYERS

(The Deputy Speaker in the Chair)

VOTES AND PROCEEDINGS

The Deputy Speaker: Hon. Members, I have examined and approved the Votes and Proceedings of Thursday 19th March, 2009.

ANNOUNCEMENT

Notice of Meetings:

Committee on NNPC and its Subsidiaries

The Deputy Speaker: The Ad-hoc Committee on activities of the Nigeria National Petroleum Corporation (NNPC) subsidiary and DPR will be meeting tomorrow Wednesday 25th March, 2009 in Committee Room 120, New Building, at 11.00 a.m.

Please endeavour to attend.

Signed: Hon. Igo Aguma
Chairman

Ad-hoc Committee on Niger Delta Crisis

The Deputy Speaker: There will be a meeting of the Ad-hoc Committee on Niger Delta Crisis tomorrow Wednesday 25th March, 2009. Time 10.00 prompt.

Please endeavour to attend as matters concerning the trip to Niger Delta States will be discussed.

Signed: Hon. Abdul Ningi
for Chairman

House Committee on Pensions

The Deputy Speaker: There will be a meeting of the House Committee on Pension with the Secretary to

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the Government of the Federation (SGF), the Accountant-General of the Federation as well as other stakeholders today, Tuesday 24th March, 2009 in House Committee 3.12, New Building at 2.00 p.m.

Honourable Members of the Committee are please requested to attend punctually.

Signed: Hon. Razaq,
Chairman

Meeting of PDP Caucus

The Deputy Speaker: There will be a meeting of Members of PDP Caucus with the PDP National Working Committee, today 24th March, 2009 at 2.00 p.m. PDP Members are requested to move to the National Headquarters after plenary.

Signed:
Tunde Akogun
(House Leader)

PDP Meeting

The Deputy Speaker: Let me remind Members of the Ruling Party (PDP) that there would be a meeting by 2:00 p.m. at the National Secretariat. All PDP Members are please invited to attend the meeting.

Anambra Caucus Meeting

The Deputy Speaker: I just received an announcement from the Chairman of Anambra Caucus that there would be a meeting of the Anambra caucus today inside the Chamber.

Signed:
Hon. Chuma Nzeribe

Chief Whip's Birthday

The Deputy Speaker: Hon. Colleagues, this is an announcement of birthday of the Chief Whip of the House of Representatives, Hon. Emeka Ihedioha, today 24th March, 2009.

The Chief Whip is 44 years old.

Visit of the Students of Bigard Memorial Seminary, Enugu

The Deputy Speaker: In the Gallery today we have students from the Bigard Memorial Seminary School, Enugu. Can you please rise for recognition?

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PRESENTATION OF PUBLIC PETITIONS

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

Arbitrary Increase in Staff Housing Rates

Hon. Ganiyu Tunji Olukolu (Amuwo Odofin): Mr. Speaker, I have a petition from 12 members of my constituency. The import of the petition centres on accommodation. They were former staff of Federal Mortgage Bank. Their employer promised to offer them various flats at certain rates but recently the rates were arbitrary hiked up.

Their prayer is that they want this honourable House to rescue them so that they can pay the original price negotiated with the FMBN.

May I have the permission of the Hon. Speaker to present the petition on the Table?

The Deputy Speaker: Please do.

(Petition laid)

Release of Retirement letter and other entitlements by the NNPC

Hon. John Agoda (Ethiope East/Ethiope West): Mr. Speaker, I have a petition before this distinguished Parliament from Mr. L.O. Opiti. The title of this petition is the released of retirement by the NNPC.

The petitioner averred among other things that he was an employee of NNPC/Warri Refinery Petro-Chemical and that was basically on the 10th of August, 1978. Since then he has been doing his duty diligently to the best of his ability. But on the 26th of May, 1996 the Chief Depot Officer made false allegation against him that he siphoned PMS (Fuel) from the depot. He further stated that without due regard to laid down procedures of investigation and fair hearing as required by the NNPC, he was dismissed. Later his dismissal letter was reviewed to retirement. Within the process precisely between the 20th and 25th August 2005, he was given a Long Service Award.

His prayer before this distinguished Parliament is that this august House should prevail on NNPC to issue him his retirement letter with all his entitlements.

Mr. Speaker, I beg to present the petition.

The Deputy Speaker: Please do so.

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(Petition laid)

Wrongful Termination of Appointment

Hon. Ndudi Godwin Elumelu (Aniocha North/Aniocha South/ Oshimili North/Oshimili South): Mr. Speaker, this petition is from one of my constituents, Mr. E.N. Igbeka whose appointment was wrongly terminated. He is asking this honourable House to come to his aid. He said his termination was as a result of unauthorised award of contract worth ₦1.5million only for the refurbishing of Federal Ministry of Industries grounded vehicles which he never participated in.

With you kind permission, I would like to lay it.

(Petition laid)

The Deputy Speaker: All petitions are referred to the Committee on Public Petitions.

(Petitions accordingly referred to the Committee on Public Petitions)

Hon. Emmanuel Bello (Gombi/Hong): Point of Order.

The Deputy Speaker: Order what?

Hon. Emmanuel Bello: My Point of Order, Mr. Speaker is Order VIII, Rule 4(1) page 26, Matter of Urgent Public Importance. It reads:

The matter for discussion shall, if possible, be referred to the Speaker prior to the commencement of the day's sitting and the Speaker shall refuse to allow the claim unless he is satisfied that the matter is definite and urgent.

Mr. Speaker, I rise to report a volcanic activity in my Constituency. On Thursday, the town of Zuma at about 3 a.m., witnessed fire spitting from heaven. It burnt down about 100 houses, and left about 32 people wounded with first degree burns.

The legend had it that it is the two mountains that the town is located in between that were fighting each other. But, as you know Mr. Speaker, it is clear with our modern education that it was some kind of volcanic activity going on. But it has never happened. It happened in 1963 and 1982 but it had a gap of twenty-three years each time that it happened. But this one burnt down 100 houses and reduced the block work down to rubbles.

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Mr. Speaker, I want to crave the indulgence of this House to bring a Motion tomorrow on this issue. I would crave the indulgence of my fellow Colleagues to allow me bring this Motion so that the Federal Government can intervene in this matter.

The Deputy Speaker: Is it the wish of the House to consider this issue as a Matter of Urgent Public Importance?

Question put and agreed to:

Resolved: That the House do take the matter tomorrow Wednesday 25th March, 2009, as a Matter of Urgent Public Importance.

PRESENTATION OF REPORTS

Mid-Sessional Reports:

Committee on Ethics and Privileges

The Deputy Speaker: The first Business of the Day is the presentation of Mid-Sessional Report of the Committee on Ethics and Privileges. The Report is standing in the name of Hon. Sani Saleh Minjibir.

Hon. Minjibir is invited to present his Report. But since he is not here, the Deputy Chairman can have the Floor.

Hon. John Kalipa (Okrika/Ogu/Bolo): Mr. Speaker may I on behalf of Hon. Minjibir move that this House do receive the Mid-Sessional Report of the House Committee on Ethics and Privileges.

Hon. John Agoda (Ethiope East/West): Mr. Speaker, I humbly second the Motion as ably moved by Hon. Kalipa.

Question put and agreed to:

(Report laid on the Table)

Committee on Anti-Corruptions, National Ethics and Values

The Deputy Speaker: The second Business of the Day is the presentation of the Mid-Sessional Report of the House Committee on Anti-Corruptions, National Ethics and Values standing in the name of Hon. Sabo Mohammed Nakudu.

Hon. Nakudu is invited to present his Report.

Hon. Sabo Mohammed Nakudu (Birnin-Kudu/Buji): Mr. Speaker, I move that this House do receive the Report of the Committee on Anti-Corruption, National Ethics and Values.

Hon. Adewale Aribisala (Ikole/Oye): Mr. Speaker, I rise to second the Motion as ably moved by Hon. Nakudu.

Question put and agreed to:

(Report laid on the Table)

Committee on Agriculture

The Deputy Speaker: The third Business of the Day is the presentation of Mid-Sessional Report of the House Committee on Agriculture. The Report is standing in the name of Hon. Gbenga Makanjuola.

Hon. Makanjuola is invited to present his Report.

An Hon. Member: He is not around.

The Deputy Speaker: In his absence, Hon. Ike, you have the Floor.

Hon. Ike Chinwo (Obio/Akpor): May I on behalf of Hon. Gbenga Makanjuola do move that this House do receive the Mid-Sessional Report of the House Committee on Agriculture.

Hon. Bitrus B. Kaze (Jos South/Jos East): I rise to second the Motion ably moved by Hon. Ike Chinwo.

Question put and agreed to:

(Report laid on the Table)

House Committee on Banking And Currency

The Deputy Speaker: The fourth Business of the Day is the presentation of the Mid-Sessional Report of the House Committee on Banking and Currency, standing in the name of Hon. Ogbuefi Ora Ozomgbachi.

Hon. Ozomgbachi is invited to present his Report. Hon. Hussein, you have the Floor, on behalf of your Chairman.

Hon. Hussein Namadi Abdulkadir (Hadejia/Kafin Hausa): Mr. Speaker, I hereby move that this House do receive the Mid-Sessional Report of the House Committee on Banking and Currency.

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Hon. Adamu Abba Anas (Birniwa/Guri/Kiri Kasamma): Mr. Speaker, I stand to second the Motion ably moved by Hon. Abdulkadir that the House do receive the Report of the House Committee on Banking and Currency.

Question put and agreed to:

(Report laid on the Table)

Committee on Gas Resources

The Deputy Speaker: The fifth Business of the Day is the presentation of the Mid-Sessional Report of the House Committee on Gas Resources standing in the name of Hon. Igochukwu Igo Aguma.

Hon. Aguma is invited to present his Report.

An Hon. Member: He is not around.

(Report with the leave of the House stood down)

House Committee on Education

The Deputy Speaker: The sixth Business of the Day is the presentation of Mid-Sessional Report of the House Committee on Education standing in the name of Hon. Farouk Lawan.

Hon. Lawan is invited to present his Report.

An Hon. Member: He is not around.

(Report with the leave of the House stood down)

House Committee on Information and National Orientation

The Deputy Speaker: The seventh Business of the Day is presentation of Mid-Sessional Report of the House Committee on Information and National Orientation, standing in the name of Hon. Daniel Dino Melaye.

Hon. Dino is invited to present his Report.

An Hon. Members: Hon. Dino Melaye is not around.

The Deputy Speaker: All right; Report stood down.

(Report with the leave of the House stood down)

(Interruptions)

Hon. John Halims O. Agoda: Mr. Speaker, with due respect when you called the Chairman of Banking and Currency to present his Report, n Hon. Member from Jigawa moved the Motion and it was appropriately seconded. But the Report has not been presented.

The Deputy Speaker: He has presented his Report.

Hon. Agoda: He has not. He came in here and left. He has not presented the Report.

The Deputy Speaker: Hon. Hussein, what happened? Clerk, has he presented his Report?

Clerk of the House: He has not, Sir.

The Deputy Speaker: Hon. Colleagues, if you know you are not holding brief for your Chairman, just allow the Motion to be stood down. In the next Legislative day, the Report could be taken.

Chief Whip, that particular Order of Committee on Banking and Currency has been withdrawn.

(Order for Presentation of the Report of the Committee on Banking and Currency, with the leave of the House withdrawn)

ORDERS OF THE DAY

CONSIDERATION OF BILLS

Commission of Acts of Torture etc; (Penalty) Bill 2008

A Bill for an Act Penalizing the Commission of Acts of Torture and Other Cruel, Inhuman and Degrading Treatment or Punishments, Prescribing Penalties Thereof and for Other Purposes, 2008

Order for Second Reading

The Deputy Speaker: The first Order of the Day is commencement of debate on the General Principle of A Bill for an Act Penalizing the Commission of Acts of Torture and Other Cruel Inhuman and Degrading Treatment or Punishments. The Bill was read for the First Time on Wednesday, 28th May, 2008.

I now invite Hon. Nkiruka Onyejeocha to move that the Bill be read the Second Time.

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Hon. Nkiruka Onyejeocha (Isuikwuato/Umunneochi): Mr. Speaker, I move that a Bill for an Act Penalizing the Commission of Acts of Torture and Other Cruel Inhuman and Degrading Treatment or Punishments, Prescribing Penalties Thereof and for Other Purposes, 2008 be read the Second Time.

Hon. Friday Itulah (Esan North East/South West): Mr. Speaker, I rise with all sense of patriotism to second this all important Bill ably moved by my honourable Colleague.

Question proposed.

Hon. Nkiruka Onyejeocha: Mr. Speaker, may I crave your indulgence to lead the debate on the General Principle on a Bill for an Act Penalizing the Commission of Acts of Torture and Other Cruel Inhuman and Degrading Treatment or Punishments, Prescribing Penalties Thereof and for Other Purposes.

The term torture means an act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as to obtain from him or a third party information or a confession. It also means punishing him or her or a third party on an act that was committed or he is suspected of having committed or intimidating or coercing him or her or a third party or for any reason based on discrimination of any kind or intimidation of any kind where such suffering is inflicted by or at the instigation of or with the consent or acquaintance of a public officer or other persons acting in an official capacity.

The right to fair hearing and such trial is a standard recognized by civilized nations. The term is made up of various rights which collectively ensure a defendant gets a fair trial. This right is considered as fundamental right that must be accorded all individuals whatever the accusation and no matter how heinous the alleged crime may be.

Also in Section 34 (1)(a) and Section 36 (1) of the 1999 Constitution provides for right of dignity of human persons - that no person shall be subject to torture, inhuman or degrading treatment and right to fair hearing respectfully. The provision against torture should be binding on all security agencies and no derogation under any circumstances is permitted.

At this juncture, please permit me to say that the 1999 Constitution in these Sections has provided for all these; but what this Bill is seeking among other things, is to make sure that people comply with these

provisions and where they do not comply, certain penalties or punishments should be meted to them.

It is an open secret that most security agencies get information through torture and also it is important to note that the Sections 27 and 28 of the Evidence Act Cap E14 Laws of Federation of Nigeria, 2004 states:

A confession made by an accused person is irrelevant in a criminal proceeding if the making of the confession appears to the Court to have been caused by inducement, threat or promise having reference to the charge against the accused person proceeding from a person in authority and sufficient in the opinion of the Court to give the accused person grants which will appear to be reasonable for supposing that by making it he would gain any advantage or avoid any evil of a temporary nature.

By this provision, you will see that when you get information through torture and the person proves that this information was gotten through torture, it does not matter whether the offence is committed or not, the Court will throw away the evidence and the culprit might not be prosecuted.

That brings us to line one that it is useless for us to get information through torture because at the end of the day, what we want to achieve by the investigation will be lost. I am aware that Nigeria signed a Treaty on Anti-torture in United Nations and that is to say that Nigeria has this provision in the 1999 Constitution. This means that this Bill is not against the provisions in 1999 Constitution but it seeks to place punishment for those who undermine Section 34 of the 1999 Constitution and still go ahead to torture people to get information. This Bill seeks for those people to be punished according to law.

I am also aware of this provision in the Criminal and Penal Codes. The Penal Code which applies to the Northern part of this country prescribed that if you get information through torture, you are liable to seven years in jail. This was not taken care of in the Criminal Code. The Criminal Code is applied in the Southern part of the country and this is the kind of gap that this Bill seeks to bridge.

I want to stress that Section 25 of the Penal Code provided to some extent what the Anti-torture Bill seeks to do. In fact, there is no similar provision in the Criminal Code. I emphasize specifically that there is undoubtedly the need to have an Act to make up for this gap that is missing in the Criminal Code.

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Secondly, both Penal Code and Criminal Code totally lack provisions as to the rights of a person, detained or arrested as provided in Section 6 of this Bill.

Section 7 of this Bill is also unique because it has expressly provided for liability of certain persons including superior officers that command people to get information through torture.

To buttress the fact that there is no similar provision against torture while obtaining a confessional statement or information from a suspect, I will refer the House to the following:

- Section 251 of the Penal Code
- Sections 335, 338, 351, 355 and 356 of the Penal Code Act Cap CA38 Law of the Federation of Nigeria, 2004.

These Sections talk about grievous harm, wounding, assault, occasioning harm and serious assault. These offences were not created in relation to obtaining confession or information.

Also the same Section of the Criminal Code all used the word unlawful assault and unlawful wounding. My question is, is any torture lawful or unlawful? It has to be specified what an unlawful wounding or unlawful harm is. These series of torture must be expressly defined and expressly prohibited or punished as in Section 2 (5) of the Penal Code so that the Officers will know that if one goes against certain provisions of the Constitution one is liable to punishment.

I plead with my Colleagues that they allow this Bill to be read the Second Time.

Hon. Abdul Ahmed Ningi (Ningi/Warji): Mr. Speaker, let me start by appreciating the forthrightness and the pro-activeness of the sponsor of this very important Bill.

As you are aware, Human Rights are fundamental not only within our legal jurisdiction but also worldwide. The issue of torture has been erased completely in most of the democracies across the world. A typical example was the issue of the Guantanamo Bay and the issue of torture that went with it.

This act of torture implies that somebody is guilty before even being prosecuted because if you are tortured to give a statement out of pains, out of fear of that continuous torture, it supposedly means that you are convicted even before prosecution.

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It is therefore imperative for our laws to take cognizance of the fact that if you are compelled by torture to give a statement our laws have in various High Courts, Appeal Courts and the Supreme Court judgments presupposes that where you are pained cruelly, you are already being convicted before prosecution.

In addition, because we are Nigerians and because of the policy we assimilated from Britain, initially in the early 60's torture was given prominence because the British then were coming out of feudalism when they invaded Nigeria and many other countries across the world as an imperial power. Therefore, they brought a lot of their tradition whereby feudalism gives right to torturing people, making sure that people are compelled by force.

We are in the era of democracy where my mind and freedom are so guaranteed that I should be able to do what I want to do within the confines of the law. In our laws, there are *dos* and *don'ts* and it is left for me to do what I want to do within the confines of such law.

Basically, this torture remains with us across the country. This torture especially in the police cell becomes a very serious weapon in making criminals hardened. If you arrest somebody today and he undergoes torture, he gets used to it; if he is released tomorrow he would still commit the same crime because the highest thing you can ever give him is that torture which he is already use to.

Because human beings are adaptable to some of those things, if you make things harder for them, it becomes practically impossible to rehabilitate somebody who is so hardened not because of the crime he committed but because of the kind of torture he underwent.

So, it is important that we look at this law critically. This is a law that is taking a universal outlook. Because we are in the Comity of Nations, because we are the giant of Africa and because we are the biggest democracy in Africa, it is imperative that we set the trend and guide other countries who are coming after us.

Hon. Sama'ila Abdullahi Mohammed (Bassa/Jos North): Mr. Speaker, I wish to commend our Colleague for coming out with a Bill that will criminalize torture in this country.

As she rightly stated, Section 34 (1)(a) of the Constitution of the Federal Republic of Nigeria, outlaws torture by any agency or Police or Military in this

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country. But as the Human Rights reports of 2005 succinctly put it, torture is occurring in virtually all Police Stations in this country and there are so many reported cases of death involving torture in this country for which no remedy is available to poor Nigerians.

Therefore, this Bill which is introduced by my Colleague is coming at the right time. However, for the information of this House, I want to say that in 1948 there was the Universal Declaration of Human Rights of which Nigeria is a signatory. That Declaration also outlawed torture.

In 1986, the United Nations again convened and adopted the United Nations Convention against Torture and in 1988 Nigeria signed and ratified that convention. When you look at this Bill, it is virtually word for word with that Convention and that Convention is already an Act in the Laws of the Federation in 2004. To that extent, I humbly submit that if we allow this Bill to go through, no matter how good intentioned it is, it is going to be a duplication of an existing Act in the 2004 Laws of the Federation of Nigeria.

However, after that Convention by 2001, the United Nation again adopted an Optional Protocol to the

United Nation Convention against Torture. That Optional Protocol essentially allows those who ratified the Convention to also ratify that Optional Protocol in such a way that Independent Inspectors can come from independent countries to come and inspect the state of Human Rights and in particular the issue of torture in this country.

Even though we have adopted that Convention, there is no international mechanism to inspect and ensure that, that particular Convention is being implemented. In our review with the African Peer Review, it was stated in that African Peer Review Mechanism Report for 2007 and 2008 that Nigeria needs to ratify the optional protocol to United Nation Convention against torture.

I would like to end my submission here.

Hon. Samson Osagie (Orhionmwon Uhumwode): Mr. Speaker, I want to entirely adopt the submissions of all those who have spoken in favour of this Bill and to state in particular that I see this Bill as the other side of the coin of Section 34 of the Constitution of the Federal Republic of Nigeria. I said so because Section 34 of the Constitution guarantees the Rights of the individual citizens of Nigeria against torture, in-human and degrading treatment. It went further in Section 42 to guarantee the individual citizen the right of access to justice in the event of an

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infringement on such rights. This Bill will seek to strengthen our criminal justice system in that there are certain provisions we have even in our Constitution that merely provides for civil remedies of Rights and Obligations of both States and individuals without criminalizing the Act complained against. It is in that perspective that I say that this Bill is timely and it is useful in our criminal justice system and we need to pass it.

Talking about the various Treaties, Protocols on Human Rights against torture and so on that Nigerians have been signatories to, we are not oblivious of the fact that there exist a great gulf between Municipal Laws, Treaties and International obligations to which nation states are obliged to enforce in their own countries. There is no denying fact that this Bill as presently put together by the sponsor has all it takes to ensure that there are ingredients that are indigenous for its implementation as a nation. To that extent, why we must take cognizance of the fact that Nigeria has been signatory to International Protocols and Declarations against Torture, the Committee that will eventually look at this Bill must put them side by side with a view to picking those things that are useful for us to have a complete package of an Act of the National Assembly against torture, in-human treatment and all sorts of things that are not required.

Of course we are not also oblivious of the fact that in developed democracies where the criminal justice systems have tended to thrive, the rights of the victims against torture, acts of in-human treatment, etc., are well enforced by the states. Though our democracy may not have developed to such an extent, this is one Bill that seeks to guarantee the individual citizen in our nation, those rights that are really inalienable and which the Constitution has also recognizes.

I therefore speak in favour of this Bill.

Hon. Ike Chinwo (Obio/Akpor): Mr. Speaker, I follow those who have commended our Colleague, Hon. Onyejeocha for bringing up this Bill at this time. Democracy, more than physical development, is more of human development. In a system where the rights and human beings are not respected you cannot be said to be developing in that wise. At this time that we are in a democratic dispensation, it is only good that we deepen democracy; and one way of deepening democracy is by coming with laws that are aimed at punishing those that commit the anti human offences. This Bill is against anti torture and all criminal activities against fellow human beings.

Just like the previous speakers have said we have signed International and United Nations conventions and many others but the question is, as we speak, we

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have not done anything to domesticate them. To that extent therefore, this Bill is still timely. I will urge that we pass this Bill through the Second Reading so that at the Committee stage both the International Conventions, the inputs from the Attorney General and Minister of Justice and others will be put together so that we can have a law that would be enforceable.

To that extend therefore I rise to support this Bill and I urge my Colleagues to do so.

Question put and agreed to.

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

Hon. Leo Ogor (Isoko North/Isoko South): Mr. Speaker, Point of Order.

The Deputy Speaker: Order what?

Hon. Leo Ogor: Mr. Speaker, I am relying on Order XII Rule 14 on page 59. It states clearly here that:

More than one Bill of the same subject matter may be introduced, but when the Second Reading of the Bill has been

agreed to or negated, the question shall not be proposed for the Second Reading of another Bill of the same subject matter during the same session.

On the order of the day relating to such a Bill being read, the Speaker shall direct that the Bill be withdrawn provided that such two Bills may with leave of the House be considered and debate taken together as if they were one Bill.

I have no objection against this Bill but it is important to look at the third Bill which is a Bill for an Act to Establish the Erosion and Floods Control Commission and to Vest it with the Responsibility for the Control and Management of Erosion and Flood and for the Utilization of the Sums received from the Federation Account and for Related Matters 2008.

Erosion and ecological problems are related. Therefore, it is important that we try to merge these two Bills so that we do not go into a very long debate on these Bills.

Hon. Ita Enang (Itu/Ibiono Ibom): Mr. Speaker, the Rules and Business Committee is very conscious of

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the provisions in our Standing Orders. This is why we, at every point that these Bills come, list them together so that they can be consolidated and taken together.

My brother has done well to raise it in advance but he jumped the gun because the intention was that the sponsor of the third Bill would also perhaps second the Motion and both of them be consolidated and taken together.

Nevertheless, even if he does not second, the debate can be taken together on both of them so that they can be referred at the same time to the same Committee. This is because if we put the question on the second Bill, we cannot put the question again on the third Bill. So, it is proper that both of them be taken together and that was the intent of it being listed at the same time and next to each other.

The Deputy Speaker: Is Hon. Akpan Udoka around?

Hon. Ita Enang: Mr. Speaker, he is aware and I am surprised he is not here. He has asked Hon. Sokonte Davies who is a co-sponsor to work for him.

The Deputy Speaker: Hon. Sokonte, the two Bills are almost on the same subject matter and I understand that you are a co-sponsor of the second Bill.

Hon. Davies Sokonte (Degema/Bonny): Actually Hon. Udoka has to go for a Public Hearing but he said he agrees to the two Bills being consolidated.

The Deputy Speaker: You have agreed to put them together.

Hon. Davies Sokonte: Yes, Sir.

The Deputy Speaker: He will move the Motion and you will second.

Hon. Davies Sokonte: Yes, Sir.

Hon. Ifaluyi Isibor (Egor/ Ikpoba/ Okha): Mr. Speaker, I am moving for a Bill for an Act to Establish the Ecological Disasters (Control) Commission and to Vest it with the Responsibility for the Control and Management of Ecological and Health Disasters; and for Related Matters, 2008 to be read the second time.

I so move.

Hon. Davies Sokonte: Mr. Speaker, I stand to second the Motion as moved.

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Question proposed.

Hon. Isibor Ifaluyi: Fellow Colleagues, the Bill on Ecological laws is looking at Nigeria holistically. Geologically, Nigeria is divided into two main headings: the Sedimentary Basins and the Basement Complex. The Basement Complex consists of crystalline rocks or the hard rock, which are mainly found in the North and some parts of South West. *(Interruptions)*

Hon. Ita Enang: Mr. Speaker, with respect, may I plead that we take the provision in Order XII Rule 14 before the debate is commenced. The proviso which says that:

Provided that such two Bills may with leave of the House be consolidated and debate taken together as if they were one Bill.

With that Sir, I take your leave to move that the two Bills on the Order Paper listed as HB 144 and HB 109 be consolidated and debated together as if they were one Bill.

I so move.

Hon. John Halims Agoda: Mr. Speaker, Point of Information.

The Deputy Speaker: Yes, Hon. Halims Agoda.

Hon. John Halims Agoda: Mr. Speaker, we learn everyday and I want to be educated if the issue I want to raise is right or wrong.

I am aware that this Parliament in our second tenure or thereabout, passed a National Disaster Response Management Act whose responsibility it is to deal with ecological matters.

In that Act, the body consists of Chief of Defence Staff and others from different Ministries and Commissions put together; and I remembered our good friend Hon. Chuma was the Chairman of that Committee. A lot was done throughout the period.

So, I am afraid and worried whether this Bill which we are about to discuss this morning will not be in conflict with what this Parliament passed and given legal teeth. I am worried so that we do not just create Commissions which we already have in place.

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Hon. Ita Enang: Mr. Speaker, there are two issues on ground. My Colleague and Learned friend Hon. Agoda has raised the issue of the pendency of an existing law but where we are now is a Motion for the consolidation of the two Bills to be taken together. It is after the consolidation and in the course of debate that he can raise an issue that there is an existing law and he can then cite that provision of an existing law and that based on that existing law that we cannot make another law.

I am conscious of the National Oil Spill Response and Detection Agency Act passed and signed into law. It is when we pass this Bill to a Committee, if we do, that that Committee will go and examine whether there are provisions in any or both of these two laws that are replicated in that existing law. At that time, it will bring a Report that this Bill be not passed because there is an existing law.

I pray that Mr. Speaker do take and dispose of the question of consolidation prior to any other matter.

Deputy Speaker: Hon. Colleagues, Hon. Ita Enang has agreed with the submission; but what he is saying is that we should take his Motion first and look at whether or not we can accommodate what he has said.

So let us look at it this way; we have these two Bills on the Order Paper and he is saying that those Bills should be consolidated and he moved a Motion to that effect. Let us consolidate the two Bills and see whether or not we can take them as one Bill; that is exactly what he is saying.

Hon. Ike Chinwo (Obio/Akpor): Mr. Speaker, I rise to second the Motion for consolidation as moved by Hon. Ita Enang.

Question put and agreed to.

Resolved: That the two Bills be consolidated and read together for the Second Time.

Deputy Speaker: Hon. Colleagues, we have a Bill on this subject matter and Hon. Halims Agoda is saying that already this Chamber has passed into law, a similar Bill to the one we are about to discuss. If we have already passed a law like that, there is no need for us to go and create another Commission in addition to the one we had already created.

May I ask the Chairman, Rules and Business

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Committee, whether we passed a law like that in this Chamber?

Hon. Ita Enang: Mr. Speaker, yes, we passed a law on the National Oil Spill Detection and Response Agency, but when these Bills came, there were issues which were not covered in that law and we considered that the two of them could go and be examined by the Committee and of course it is for the House to decide. Therefore, when you put the Question, if the House considers that the Bills should pass, they will vote in favour and if they consider that it should not pass, they will negative it.

Deputy Speaker: No Hon. Ita Enang; we may not have to go to that extent of putting the question. If already we have a law that we have passed in this House, why should we go to the extent of putting the question whether or not we are going to consider this Bill? Let us find out if a law of this nature has been passed, then we will stop this one and if there is none, then we will continue with this one.

Hon. Ita Enang: Mr. Speaker I leave it to the House.

Hon. CID Maduabum (Nnewi North/South/Ekwusigo): Mr. Speaker, let me say clearly and loudly that there is no such law anywhere in our status books. The Ecological funds office is an administrative arrangement not backed by any law. The Oil spillage Act is for Oil spillage and has nothing to do with Erosion. Every Ward in my constituency is damaged by erosion. We must take this very important Bill. We should not allow erosion issue die just like that. Nobody should misinform the House. There is no such law. Please cite the law for me, the laws of the Federation are here. Nobody should mislead the House for that matter.

Deputy Speaker: Take it easy Hon. CID; take it easy.

Hon. CID Maduabum: Ecological funds office handles erosion issues and it is not set up by any law; that is the position.

Hon. Patricia Olubunmi Etteh (Ayedaade/Irewole/Isokan): Mr. Speaker, I do not think there is any serious argument on this issue. If they are saying that we should take the items 2 & 3 on this Order Paper together, that is agreeable to the House because they are of the same procedures.

I quite agree with Hon. CID Maduabum that it is a different Bill all together from the one Hon. Ita Enang is talking about, but the House should be informed. If we

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want to take the two together now, then let us go ahead and consider the two together as a Bill.

Deputy Speaker: That one has been agreed upon.

Hon. Patricia Olubunmi Etteh: For us to compare it and take it to be the Oil spillage Bill, I think it is a different Bill all together.

Hon. Bala Ibn Na'Allah (Zuru/Fakai/Sakaba/Donko/Wasagu): Mr. Speaker unfortunately we have already taken a vote on this issue and there is nothing anybody can do about it. But for the records, it is important that we understand the fact that whatever we do here, is precedence. All of us will go but the House of Representatives will stay. So in doing whatever we are doing, we should not be moved by sentiment.

We have rules which we have provided for ourselves, and we have sworn to uphold and protect these rules. So let us in whatever we are doing try to, as nearly as possible, comply with the rules.

First, Hon. Ita Enang is not competent to move for the consolidation of these two Bills because he is not the person that introduced the two Bills. The proper procedure is that the sponsor of the first Bill will move.

Deputy Speaker: Is that in our rules?

Hon. Bala Ibn Na'Allah: Yes, then the second person will now move for consolidation. Then the House will then consolidate the two Bills and then we would debate it; but the procedure taken earlier was wrong.

Deputy Speaker: Honourable Colleagues, I have asked for the records and it has been provided. There was a Bill HB. 45 Erosion and Flood Control Commission Bill 2003 sponsored by Hon. Jerry Ugokwe on the 11th of November, 2003. The Bill was passed by the House but was not accented to. That is the only Bill that we have.

So, let me say at this juncture that everybody is correct. For those who said that there was a Bill on this issue which the house passed are correct; unfortunately, that Bill was not assented to. For the reason that the Bill was not assented to, we can now continue on the deliberation of this Bill before us. Thank you.

Hon. Isibor Ifaluyi (Egor Ikpoba Okha): Mr. Speaker, it is very clear that we need to discuss this issue and I appeal to all hon. Members, for your understanding and support of this Bill. In this Bill *per se*, we have gone beyond erosion control, we have gone

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beyond desert encroachment; we are now taking them holistically.

A moment ago, a colleague of ours from Adamawa State complained about the eruption of a one-time dormant volcano in his environment. This Bill is also addressing issues like that. So we are looking at ecological problems, environmental problems across the country holistically and getting a Commission to handle it.

I want to say here that by the time this Bill is passed, there might be information on the situation that arose before our friend would come to the House to talk about it and then people would have been evacuated.

Mr. Speaker, we are talking about this Bill which would be responsible for extensive survey and assessment of all ecologically related problems in this country. The Commission would formulate and implement policies and guidelines for the control and management of ecological disasters in this country.

The effect of ecological disaster is prevalent in every State of the country. The provision of the Bill will address the problems of desert encroachment, sand storms, whirlwind, erosion and flood of various kinds, ocean surge, draught, ecocide, salt-water intrusion in our coastal areas, bush burning, eco-catastrophe, acute shortages, land slide, earthquake (*interruption*)

Hon. Friday Itulah: Mr. Speaker Point of Order.

Deputy Speaker: Yes, Hon. Friday, what Order?

Hon. Friday Itulah: The Point of Order I am raising is on Order XV, Rule 8 on page 82. It is on Bills outstanding from the preceding Assembly. It reads thus:

Bills passed by the preceding Assembly and forwarded to the Senate for concurrence for which no concurrence were made or negatived, or passed by the Senate and forwarded to the House for which no concurrence were made or negatived or which were passed by the National Assembly and forwarded to the President for assent but for which assent or withholding thereof was not communicated before the end of the tenure of the Assembly, the House may resolve that such Bills upon being re-gazetted or clean copy circulated be re-considered in Committee of the Whole without being commenced de-novo.

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Mr. Speaker, only a while ago, you informed us that a Bill on this issue had already been passed by this House. But what was only lacking is that assent was not given and by our Rules, what we are expected to do is to commit such Bill to the Committee of the Whole and not start it *de-novo*. That is what our Rules states and I believe that our Rules are made to be complied with.

I believe what we should be doing is not to start a second or fresh debate on this issue. As our Rules provide Sir, we should now recommend it to the Committee of the Whole for consideration.

The Deputy Speaker: Thank you, Hon. Friday Itulah. The Bill we are discussing now was passed in 2003 when Hon. Jerry Ugokwe was a Member of this House. The subject matter of the present Bill we are discussing is more comprehensive than the one that was passed in 2003. So many new things have been introduced in the present one that we are discussing. It is not just lifting the one that was passed in 2003 and bringing it in as a new Bill to the House. No! This is an improved one. It has been improved from the one that was passed in so many aspects.

Therefore, if you look at it, it may not even look the same. For that reason, we are competent enough to discard this Bill on the Floor of the House. Go ahead, please Hon. Isibor Ifaluyi.

Hon. Isibor Ifaluyi: Mr Speaker, as I was saying, the Commission would address issues like the tornadoes, earthquakes and so on. Several years ago, it was agreed that the coastal shore of Nigeria is not susceptible to earthquake. I want to tell this House that at some time in 1982, there was an earth tremor around Ibadan, at the basement complex. An earth tremor is an indication of a likely earthquake or a very mild earthquake that would have happened.

What we are saying about this Bill is that we will have a Commission that would be proactive, study ahead and be able to advise people either to evacuate or do otherwise if there is going to be a disaster from the ecological system of our country.

You will recall that somewhere in California, they have had several earthquakes. Therefore, they became wiser such that all the bridges they have in California were built on wheels and logged on their roads with the hope that when there are earthquakes, the wheels will just wobble and remain where they are.

By the time this very Bill is passed, it is going to take into cognisance the setting up of a Commission that would look at Nigeria as its own success and be

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able to put machinery, equipment, detectors, and indicators at various locations in this country. It will be subject to reading at regular times and coming up with the data calculated and analysed and be able to advise people.

Some time last year, a friend from Kogi/Benue area complained of a smoke or gaseous foam that came out from the mountains. But if you look at the map of Nigeria and Cameroon, there is a long ridge starting from the North to the South. They are ridges of mountains that are having vents and openings. They can erupt anytime. A one-time dominant earthquake can become active sometime. They can bring out gasses like sulphur and others that are very dangerous to health.

When this Commission is in place, there would be instruments and equipments that will be installed in these areas that would detect this ahead of time. For example, again in America, before you talk about any hurricane coming, they would have given the name ahead; like *hurricane Katrina*, *hurricane Isle*. It is a kind of system that, that country is proactive and looking ahead to get this information registered. But in Nigeria, you will just wake up one day and see that there is a volcano in your environment and thousands or millions of people would be killed, a lot of houses and property will be destroyed, and this would create a big problem.

Therefore, this Bill is seeking to put in place a Commission that would look, manage and master all ecological disasters of this country, starting from the coastal erosion and flood to the desertification in the North and the earth tremor that might happen in the basement areas.

You will also agree with me that there is series of serious mining activities happening in this country, both from the South where you have the oil and the North where you are mapping the solid minerals. By the time you map the solid minerals, you are evacuating the metals which are precious, economical, and definitely you are creating voids and holes in the system. Then, you are going to have a problem, as time goes on, there will be a depression and ecological problems that would occur which we intend to be proactive about.

If this Bill is passed, it would enable us study this thing globally and in the national outlook, so that all the issues of erosion, volcanic mountains, and earthquakes would be put at the same table by the same manpower system that would evaluate this. It would also give room for further research in this country. We have about ninety-six Universities in this country and most of them are science-based. It would provide manpower and scientific research into these areas. We believe that

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by now, Nigeria should have a Commission that is solely charged with the management, monitoring and predicting the ecological disasters in this country.

Mr. Speaker and hon. Members, I appeal to you to support this Bill so that we can get it through and have a good Bill.

The Deputy Speaker: Let us now hear from the Co-Sponsor of this Bill, Hon. Davies Sokonte.

Hon. Sokonte H. Davies (Degema/Bonny): The importance of this Bill can not be over-emphasised as clearly elucidated by the real Sponsor of the Bill.

The issues of flood and erosion on the environmental impact of this nation are so cumbersome and complex that we need a careful study of them to avert possible natural disasters. This country is one country that is greatly blessed by God, that irrespective of the extent of oil exploration and production processes, mining and extraction on our land, we have not experienced the type of disasters that occur in other lands and clans. If you look at the issue of the Tsunami in Asia, the extent was that if such an event occurs in this country, it will not only sweep through the Niger Delta but it might go far into the country. We will talk about the destruction of lives and properties that we cannot quantify.

Therefore, without over-labouring the need of having the Commission, I urge this House to let this Bill pass through the Second Reading so that the appropriate Committee will look into it, give us the comparative studies and analysis that will help us to avert as you might dare say, imminent disaster.

We can see what is happening at the coastal area of this nation. Our coastal areas like other countries are supposed to generate revenue for us. They are our wealth but because there is no Commission to consciously look at what is necessary to be done, we have neglected it to the extent that there are some members of some communities which very soon, will not be able to set their foot on any place called dry land.

The issue of gully erosion in the entire South East of this country, part of the South West and even in the North Central are such that we need a Commission that will frontally discuss this matter. Today, we have just agreed to a motion under Matter of Urgent Importance of a possible volcanic eruption. If that volcano becomes very active and it causes earth tremor, it will affect our coast which will create great destruction in this country.

Therefore, honourable Colleagues, as I said, let us let this Bill pass the Second Reading and we let this

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Commission be so that we will not begin to cry over spilt milk.

Hon. Uche Ekwunife (Anaocha/Njikoka/Dunukofia): Mr. Speaker, this Bill is apt and it has come at a time we are experiencing not just erosion menace, but also landslide and earthquake in different parts of this nation.

Some of us who are from erosion prone States, know what our people are passing through with respect to erosion menace. I am actually from one of the Federal Constituencies that has the highest number of erosion spots in this nation. I am actually from Anaocha/Njikoka/Dunukofia as I said earlier. We have Agulu erosion which had been there before I was born. It is no longer Agulu alone; it has now spread to other environments and communities around that area.

About the middle of last year, I brought a motion on Agulu erosion in Anambra State. This is part of what the Agulu erosion has caused. The Federal government through the Federal Ministry of Environment, Housing and Urban Development in their lecture said that 50 million Nigerians are currently under the danger of erosion and flood disaster.

We are all aware that our Governors have not been applying the ecological funds the way it should be applied and that is why erosion is still devastating, still threatening lives and properties especially in Anambra State because I do not know more about other areas.

As far as I am concerned, this Bill is one of the most important Bills that have come up in the Floor of this House. When we hear about climate change, often times we begin to talk about foreign countries and others. However, we can see that climate change is gradually penetrating this nation and if we do not have a Commission like the one under consideration, it could be very impossible for us to tackle the erosion menace with all the seriousness it deserves.

It will be very impossible for us to tackle it the much we should tackle it in order to save our people from agony of being killed for negligence by governments that are supposed to protect lives and properties of Nigerians.

We are here to make laws that will shape the lives of our people in a positive manner. This is one of the Bills that, if passed and assented to by Mr. President, will give our people a new lease of life.

I therefore call on my Colleagues to come up and support it in order to give our people reason for voting

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us in and another reason for them to even give us another ticket.

Hon. Mohammed Ali Ndume (Damboa/Gwoza/Chibok): Mr. Speaker, as we all know the issue of erosion and other related ecological problems are not only affecting the areas mentioned by my respected Colleagues here. She was only trying to become very emotional about it. Even in Nafada, there is erosion problem; in Gwoza, there is erosion problem, in North Central there is erosion problem.

This is one of the important Bills that we really need to again work on. As the Speaker said, since the sponsor of this Bill has taken his time to do extensive research and to come up with this wonderful Bill that encompasses all related issues, I fee that this House should take this opportunity to thank the sponsor of this Motion and give it all the necessary support that it deserves because in one way or the other, if you do not have erosion problem, you may have desertification problem or flood problem or so many of such other problems that have been mentioned.

This is a very important Bill that needs to be supported and I call on Mr. Speaker, to just put the Question so that we would read the Bill for the second time.

Hon. Friday Itulah: Mr. Speaker, I am one of the sponsors of that Bill from the beginning. I did not say I am not supporting the Bill; I only wanted us to fast track the process.

The Deputy Speaker: I am not saying you are not supporting the Bill but you said we should not discuss it at this level.

Hon. Friday Itulah: I wanted us to go into the Committee of Whole so that we just pass it into law. It is only to make it faster.

You will recall that not too long ago I had cause to call on my distinguished Members to assist us in the coastal erosion that was devastating and threatening to wipe off a community in my constituency. I want to use this opportunity to thank Members of this House who granted our prayers. Today, work is going on in that place. Only a while ago, I was discussing with my Colleague here that we really need to look at the functions that we give to our Ministries and the Commissions that we also create.

I do know that in this country, we have a Ministry of Environment that is saddled with the responsibility of ecological management. Apart from my Constituency, I do also know that in the northern part of this country

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particularly in the North East, we have this problem of the degradation of environment as a result of the encroachment of the desert. I am sure everybody is already aware of the harm that the exploration of minerals is doing to the Niger Delta.

Therefore, this is an issue that we need to address once at a time. We really need to look at the possibility of forestalling the occurrences of this natural disaster so that we can have peace in our environment.

Only this morning, one of the hon. Members from Adamawa State had to appeal to us on what has been occurring in his own constituency. This again is another environmental matter. There is, therefore, the need to create a special commission which is a specialised body that will be in a position to forecast what is likely to occur and how to eventually present and manage it if it occurs eventually. This is highly desirable.

If you go to the southern part of our State, there is an area that we call Queen Ede. This is very close to a church and even a secondary school. If care is not taken and I am sure in the near future, we would need the scientist to revisit that place to see whether another world is existing in that environment. This is because all the schools that have been built in that place, even the church that is close by, are already deep inside the gully that was created by the devastation in that area.

I am sure that every one of us would have an account to give of the havoc it has been having on us in our various constituencies. Therefore, it is our plea that we allow this commission to come up without further ado. I believe that every one of us would willingly support the passage of this Bill to Second Reading. The Committee that it would be referred to, will need to interact strongly with the Ministry of Environment so that when the Commission is created we will not have conflict of function. Once we have that in place, it would be back to square one and we would not be able to carry out any of our activities.

Hon. Innocent Ugo Chima (Ikwo/Ezza South): Mr. Speaker, the sponsor of this Bill has done a beautiful job in the sense that he has brought together water pollution, desert encroachment, erosion *et cetera* into ecological disaster. He had also reduced the proliferations of Commissions, just like as the Speaker drew attention to Hon. Jerry Igokwe's Bill of 2003 that never saw the light of the day though it was passed in this House. It did not get the assent of the President.

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I am urging the House that this Bill does not need a lot of oratory. We should look at it dispassionately and give it a quick passage because it is one of the few Bills that I have seen that is likely to be assented to by both Houses. I am happy that I am putting my leverage for the first time in the House on this Bill.

The Deputy Speaker: Hon. Colleagues, the question is that the Bill be now read the Second Time.

Question put and agreed to.

Bills read a Second Time and referred to the Joint Committees on Environment, Emergency and Disaster Preparedness.

**Petroleum Technology Development Fund Act,
2004 (Amendment) Bill, 2008**

A Bill for an Act to Amend the Petroleum Technology Development fund Act Cap P15 Laws of the Federal of Nigeria, 2004 by providing for the Establishment of the Governing Board for the Petroleum Technology Development Fund; and for Related Matters.

Order for Second Reading.

The Deputy Speaker: The forth Order of the Day is commencement of debate on the general principle of this Bill. The Bill was read for the First Time on Wednesday, 25th February, 2008. I invite Hon. Andrew Uchendu to move that the Bill be now read for the Second Time.

Hon. Andrew I. Uchendu (Ikwerre/Emohua): I rise to move that a Bill for an Act to Amend the Petroleum Technology Development fund Act Cap P15 Laws of the Federal of Nigeria, 2004 by providing for the Establishment of the Governing Board for the Petroleum Technology Development Fund; and for Related Matters.

Hon. Wilfred C. Onyema (Ogbaru): I rise to second that the Bill be read the Second Time.

Hon. Emmanuel Jime (Makurdi/Guma): Point of Order!

The Deputy Speaker: What Order?

Hon. Emmanuel Jime (Makurdi/Guma): Mr.

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Speaker, with your kind permission I would like to draw attention of this august Assembly to Order XII, Rule 14. I am drawing attention to a situation where in this House we are dealing with two Bills which appeared to have relevance to the same subject matter and how this House may proceed in dealing with such situation.

Let me quickly draw attention of this House to the Petroleum Industry's Bill which is before this House and has been listed for Second Reading. I would particularly like to draw attention to Chapter 10, Section 227 (1) of that particular Petroleum Industry's Bill. With your kind permission I read:

There is hereby established for the development fund that is, the PTDF, a Board to be known as the Petroleum Technology Development Fund Board.

I think with greatest respect, Mr. Speaker, that the amendment that has been proposed by the instant Bill that we are about to consider which has to do with the establishment of a Governing Board for PTDF is one that has been covered adequately by this particular Bill which is an Executive Bill. It is all encompassing and indeed the biggest revolutionary Bill that has been introduced in the Petroleum Industry since 1969.

Therefore, I submit with greatest respect that there are two situations that are available to us in dealing with this Bill. It is either we kindly ask the sponsor of this Bill with greatest humility to either withdraw this Bill or to move for its consolidation with the Bill which is already listed to be read for the Second Time.

That is my Point of Order.

Hon. Leonard Okuweh Ogor (Isoko North/Isoko South): Mr. Speaker, let me with due respect disagree with my Colleague in respect of the Order that he has just raised.

First and foremost, it is a privilege of every Legislator to put Bills before Parliament. As you know, it goes through a tedious job to be able to package a Bill and present it before Parliament.

Secondly, the Bill we are discussing at the moment is now at the Second Reading state. The Bill he is mentioning about has not come in for Second Reading. It therefore means that if we decide to drop this Bill we might give some kind of preference to some Executive Bill that was not there when our Colleague was busy burning the night light to prepare this particular Bill.

I believe that it is important for credit to be given to those that deserve the credit. Even if there is an \

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Executive Bill, there are some specific issues that are in this Bill before this Executive Bill came in.

I therefore appeal to Members that it is important we consider this Bill because the Executive Bill has not even come in for Second Reading yet and here we have a Bill that has been presented so far before the First Reading of that Bill came and we are now saying that the Bill should be dropped so that we can now consolidate them. I think it is not fair to the author of this Bill.

I so submit.

The Deputy Speaker: I want to believe that you have agreed with him that there is a similar Bill from the Executive just like that.

Hon. Leonard Okuweh Ogor: Yes.

The Deputy Speaker: It is all right. Hon. Ita Enang, we have a situation whereby a similar Bill that we are now about to consider for Second Reading has been proposed by the Executive and it has passed the First Reading; it is now on the Notice Paper for Second Reading. Now, in a situation where you have an Executive Bill and a Member Private Bill, what do you do in that situation?

Hon. Ita Enang: Mr. Speaker, let me first say that this Bill was listed in anticipation that the Executive Bill which treats all the Parastatals, Agencies and a body simply called *Petroleum Industry Bill* would be taken today. On the Notice Paper that Bill is placed; but when we had some challenges we removed it this morning and inadvertently we left this Bill because we intended that that Bill, together with this one, would be taken together.

So, I agree *in-toto* that this Bill is dealing with the same subject matter that the Executive Bill is dealing with. I also agree the industry of our Colleague, the sponsor of this Bill who brought this Bill over seven months ago before the Executive comprehensive Bill should not just be ignored.

I pray that this Bill be stood down and taken on the same time, Tuesday next week when the comprehensive Bill will be taken. That was the intention, Mr. Speaker, please.

If we put question on this one the other one may somehow be endangered according to our Rules. I pray that we stand it down in order to consolidate with the other.

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The Deputy Chairman: Hon. Bala Ibn Na'Allah, is Hon. Ita Enang competent to move that Motion?

Hon. Bala Ibn Na'Allah: For the purpose of our record I say with precision that it accords with parliamentary practice because he is the Chairman of House Committee on Rules and Business. Having stated that it was there in the Notice Paper, it is obvious that anybody can see. Like I have said, there is always no point to say the obvious. If I start telling you that my Deputy Whip, Hon. Aminu Waziri Tambuwal has two eyes I think it will not be helpful to you.

Let me respectfully say that I must commend the industry of my brother, my friend, Hon. Andrew I. Uchendu in respect of this matter. But again, it adds to the beauty of the House that the House is a repository of industry of men with foresight as to walk along the same side with the Executive to foster the relationship that has always existed in the running of governance.

It is more so, that my brother, my friend, belong to the prestigious party; the People Democratic Party which is today in power.

With the greatest respect, the danger is that the Leader of the House has the responsibility to move the Executive Bill. I am sure that my Colleague, out of the respect he has for the Leader, will appreciate the Motion moved by my friend, my brother, Hon. Ita Enang that the two Bills be stood down for the purpose of being consolidated.

The Deputy Speaker: Let us listen to the sponsor of the Bill.

Hon. Andrew I. Uchendu (Ikwerre/Emohua): Mr. Speaker, I am very pleased with the views expressed so far on this very important Bill. As pointed out by Hon. Ita Enang, this Bill has been with us for about six months.

I have no problem with the proposal but it is quite coincidental that some time in 2004 I brought to this Parliament *a Bill for an Act to establish a Standard Tendering Procedure for the award of contract in Public Service*. That Bill was taken and by the time it was listed for discussion the Executive came in with the Public Procurement Bill and the decision was taken that my Bill would be consolidated.

I initiated the Due Process but no credit was given to me. It was shortly after my presentation of that Bill that Federal Tenders Board started its own. So, today again I have been given the opportunity to sponsor this Bill and I have been properly informed that there is an Executive Bill. Of course, I must concede that better

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and detailed work may have been done. However, we must be careful not to ignore Parliamentary procedure because the impression and assumption is that the Bill that is being anticipated must go into the Second Reading. That is the assumption.

The Deputy Speaker: But it is on the Notice Paper.

Hon. Andrew I. Uchendu I thank my Colleagues for saying that this Bill is an important one and that we need to integrate and consolidate them.

Hon. Abdul Ahmed Ningi (Ningi/Warji): Mr. Speaker, I rise to speak for the purposes of guiding this Chamber as far as a Bill is concerned. You allude to the question of superiority of a Bill whether the Executive or Private Bill. (*Interruptions*)

The Deputy Speaker: Which the Chairman has not answered.

Hon. Abdul Ningi: Which the Chairman was trying to dodge.

The Deputy Speaker: I know the answer. I was only asking you.

Hon. Abdul Ningi: Now that the Sponsor has rightly accepted to stand down the Bill, I would have appreciated if the House would consider the Sponsors who have taken time to come up with this very important matter which he has discussed elaborately with Members.

I would have imagined that we test the veracity of each of the Bills that come before us; which means that we can still debate this Bill and pass it and when the Executive Bill comes, if it is possible, we can pass it at the same time. He has already said that we should not allude to the fact that any Executive Bill must be passed, even though we belong to the same party. But let it not be that it is a rule that any Executive Bill must be passed.

The Deputy Speaker: Thank you. I think Hon. Abdul Ningi has decided on that one openly because the Sponsor of this Bill has accepted. You have talked about his *OFR* and maybe the only prayer you would have talked of is promoting him from *OFR* to a higher grade. (*Laughter*)

Hon. Farouk M. Lawan (Shanono/Bagwai): Hon. Speaker, I think we have spent enough time on this matter. Considering the fact that those of us in the PDP would go for a meeting any time from now, I second the Motion moved by Hon. Ita Enang that this Bill be stood

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down and brought up on the day that the Executive Bill will be brought out for discussion.

Question put and agreed to.

Bill with the leave of the House stood to be brought up on the day the Executive Bill would be brought out for discussion.

ANNOUNCEMENT

PDP Caucus Meeting

The Deputy Speaker: You are being reminded that there will be a meeting of the PDP Caucus at the Party's Secretariat by 2.00 p.m.

Members are expected to be seated by 1.45 p.m.

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ADJOURNMENT

Hon. Tunde Akogun (Akoko -Edo): Hon. Speaker, I move that the House do stand adjourned till tomorrow, Wednesday, 25th March, 2009 at 2.00 p.m.

I so move.

Hon. Waziri Aminu Tambuwal (Kebbe/Tambuwal): Mr. Speaker, I second the Motion as moved by the House Leader.

Question put and agreed to.

Resolved: That the House do stand adjourned till tomorrow, Wednesday, 25th March, 2009 at 2.00 p.m.

The House adjourned accordingly at 1.10 p.m.