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HOUSE OF REPRESENTATIVES

FEDERAL REPUBLIC OF NIGERIA

Thursday 29th April, 2009

The House met at 2.45 p.m.

PRAYERS

(The Speaker in the Chair)

VOTES AND PROCEEDINGS

The Speaker: Hon. Members, the House is called to order. I have examined and approved the Votes and Proceedings of Tuesday, 28th of April, 2009.

ANNOUNCEMENTS

Message from the President of the Federal Republic of Nigeria

The Speaker: Hon. Members, I have the following messages from Mr. President. The first one reads:

27th April 2009

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

Dear brother,

**BILL TO AMEND THE TRANSFER OF
CONVICTED OFFENDERS (ENACTMENT AND
ENFORCEMENT) ACT CAP T16 LFN 2004 AND
FOR OTHER RELATED MATTERS**

I forward herewith for your kind consideration and passage into law the attached Bill for the amendment of the Transfer of Convicted Offenders (Enactment and Enforcement) Act, Cap. T.16 LFN 2004 and Other Related Matters.

Pursuant to the above therefore and in line with the powers vested in the National Assembly, I hereby present the said Bill for the consideration of the Honourable House of Representatives of the Federal Republic of Nigeria.

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

Yours sincerely,

(Signed)

AHAJI UMARU MUSA YAR'ADUA
PRESIDENT

21st April 2009

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

Dear brother,

**NIGERIAN COMMUNICATION
COMMISSION 2009 BUDGET PROPOSAL**

I write to forward for the kind consideration and approval of the House of Representatives of the Federal Republic of Nigeria the 2009 budget proposal of the Nigerian Communications Commission.

While hoping that the Budget Proposal will receive the usual expeditious consideration and passage by the honourable Members, please accept, Mr. Speaker, the assurances of my highest regards.

(Signed)

ALHAJI UMARU MUSA YARA'ADUA
PRESIDENT

**Meeting of Hon. Members of the Catholic Faith
with Archbishop John Onayekan**

The Speakers: This is from Hon. David Idoko. He is reminding all hon. Members who are Catholics of the meeting with his Grace, Archbishop John Onayekan today Wednesday, 29th April, 2009 at 7.00 pm at the Church of the Assumption, Asokoro.

(Signed)

Hon. David Idoko

Invitation to Wedding Fatiha

The Speaker: This is from Hon. Maifata. He is communicating to those who wish to attend the Wedding Fatiha of Hon Kawu Sumaila, the Deputy Minority Leader who is getting married on Saturday in Kano. Hon. Members who wish to attend the wedding should contact the following:

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- 1 Hon. Mohammed Maifata
- 2 Hon Haruna Musa Fatahi
- 3 Hon. Sani Saleh
- 4 Hon. Nasiru Gabasawa,

for hotel accommodation and other things.

(Signed)
Hon. Mohammed Maifata.

Immunization of Hon. Members

The Speaker: Hon Members are hereby informed that due to the outbreak of cerebrospinal meningitis in some parts of the country, a team from the National Assembly Clinic will undertake immunisation of Members as scheduled below:

Date: Thursday, 30th April 2009.

Time: 9.30 a.m. – 10.00.a.m.

Venue: At the Entrance of the Chamber.

2. Families of Members can also visit the Clinic on Tuesdays and Thursday for immunisation against the deadly disease.

(Signed)
Hon. Al-Makura Mohammed Ahmed.
Chairman

PRESENTATION OF PUBLIC PETITION

The Speaker: Any Member who has a Petition to present may, please, rise to do so.

Hon. Kolawole A. Yusuf (Ifelodun/Offa/Oyun): Mr. Speaker, I have a Petition from one of my constituents, Alhaji Lateef Shittu, who was wrongly dismissed by the Management of NCC after twelve years service. He is asking the House to, please, look into his case with a view to reinstating him on the job.

I seek your permission to place this Petition on the Table for the consideration of this honourable House.

The Speaker: You may do so.

Petition laid.

The Speaker: Any other petition? *(No Response)*
The Petition is referred to the Committee on Public Petition .

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(Petition accordingly referred to the Committee on Public Petitions)

PRESENTATION OF REPORTS

Report of the Ad-hoc Committee on the Review of the Recommendations in the Report of the House Committee on Power

The Speaker: The first Business of the Day is Presentation of the Report of the Ad-hoc Committee to review the recommendations in the Report of the Committee on Power on the power investigation standing in the name of Hon. Aminu Waziri Tambuwal, the Deputy Whip of the House. On Thursday, 19th March, 2009 the House in a resolution mandated the Ad-hoc Committee to revisit the recommendations of the Committee on Power and draw up recommendations that would enable the House reach a consensus on the matter.

The Report is ready. Hon. Aminu Tambuwal, please, present your report.

Hon. Aminu Waziri Tambuwal (Kebbe/Tambuwal): Mr. Speaker, I rise to move that this House do receive the Report of the Ad-hoc Committee on the Review of the Recommendations in the Report of the House Committee on Power.

Hon Sani Sale Minjibir (Minjibir/Ungogo): Mr. Speaker, I rise to second the Motion moved by Hon. Aminu Tambuwal.

Question put and agreed to.

Report laid on the Table.

Mid-Sessional Report of the Committee on Poverty Alleviation

The Speaker: The second Business of the Day is Presentation of the Mid Sessional Report of the Committee on Poverty Alleviation standing in the name of Hon. Madwatte Anthony Lazarus.

Honourable Madwatte, please proceed.

Hon Anthony Lazarus Madwatte: Mr. Speaker, I move that the House do receive the Mid-Sessional Report of the Committee on Poverty Alleviation.

Hon. James J. Idachaba (Idah/Ibaji/Igalamela/Ofu): Mr. Speaker, I rise to

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second the Motion that the House do receive the Mid-Sessional Report of the Committee on Poverty Alleviation.

Question put and agreed to.

Report laid on the Table.

Mid-Sessional Report of the House Committee on Niger Delta Development Commission (NDDC)

The Speaker: The next business of the day is the presentation of the Mid-Sessional Report of the Committee on Niger Delta Development Commission (NDDC) standing in the name of Hon. Mutu Nicholas Ebomo.

The report is ready. Hon. Nicholas Ebomo is invited to present the report.

Hon. Mutu Nicholas Ebomo (Bomadi/Patani): Hon. Speaker, I move that this House do receive the Mid Sessional Report of the Committee on Niger Delta Development Commission (NDDC).

Hon. Patrick A. Ikhariale (Esan Central/ Esan West/Igueben: Mr. Speaker, I hereby humbly second the motion moved by the Chairman, Committee on NDDC.

Question put and agreed to.

Report laid on the Table.

Mid Sectional Report of the House Committee on Public Procurement

The Speaker: My dear Colleagues, the next business of the day is presentation of Mid Sessional Report of the Committee on Public Procurement standing in the name of Hon. Yusuf Maitama Tuggar.

Honourable Tuggar is now invited to present the report.

Hon. Yusuf Maitama Tuggar (Gamawa): Mr. Speaker, I rise to move that this House do receive the Mid-Sessional Report of the Committee on Public Procurement.

Hon. Adamu A. Gurai (Shira/Giade): Mr. Speaker, I do second the Motion moved by Hon. Maitama Tuggar that this House do receive the Mid Sessional Report of the Committee on Public Procurement.

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Question put and agreed to.

Report laid on the Table.

Mid-Sessional Report of the House Committee on Youth and Social Development

The Speaker: The next business of the day is the presentation of the Mid-Sessional Report of the Committee on Youth and Social Development standing in the name of the Chairman, Hon. Oladepo S. Oyedokun

Hon. Oyedokun is invited to present the report.

Hon. Oladepo S. Oyedokun (Ibadan North/East/South East): Mr. Speaker, I rise to move that this House do receive the Mid-Sessional Report of the House Committee on Youth and Social Development.

Hon. Emmanuel Yisa O. Jev (Buruku): Mr. Speaker, I second the submission of the report as ably moved.

Question put and agreed to.

Report laid on the Table.

Mid-Sessional Report of the House Committee on Urban Development

The Speaker: The next business of the day is the presentation of the Mid-Sessional Report of the Committee on Urban Development standing in the name of Hon. Faruk Mustapha.

Hon. Faruk is invited to present the report.

Hon. Abdullahi Umar Faruk (B/Kebbi/Kalgo/Bunza): Mr. Speaker, before I move I will crave your indulgence to give my correct names, please. I hope the Chairman, Rules and Business and the Clerk of the House will take note, please. My name is Hon. Engr. Abdullahi Umar Faruk. I do not have any letter *M* in my name.

Mr. Speaker, I move that this House do receive the Mid-Sessional Report of the Committee on Urban Development.

Hon. Ike Chinwo (Obio/Akpor): Mr. Speaker, I rise to second the Motion moved by Hon. Umar Faruk.

Question put and agreed to.

Report laid on the Table.

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ORDERS OF THE DAY

CONSIDERATION OF BILLS

A Bill for an Act to provide for the manner in which individuals may in public interest disclose information that relates to unlawful or other Illegal Conduct or Corrupt Practices of others; to provide for the protection against victimisation of persons who make these disclosure; to provide for a fund to reward individuals who make disclosures and to Provide for Related Matters, 2008 (HB. 117) –

Order for Second Reading.

The Speaker: The first Order of the Day is commencement of debate on the general principle of A Bill for an Act to provide for the manner in which individuals may in public interest disclose information that Relates to unlawful or other Illegal Conduct or Corrupt Practices of others; to provide for the protection against victimization of persons who made these disclosure; to provide for a fund to reward individuals who make disclosures and to Provide for Related Matters, 2008.

I now invite Hon. Arola Fancy to move that the Bill be read the Second Time.

Hon. Arola Akeem Fancy (Surulere II): Mr. Speaker, I humbly move that a Bill for an Act to provide for the manner in which individuals may in public interest disclose information that Relates to unlawful or other Illegal Conduct or Corrupt Practices of others; to provide for the protection against victimization of persons who made these disclosure; to provide for a fund to reward individuals who make disclosures and to Provide for Related Matters be read the Second Time.

Hon. Adebayo F. Odulana (Ikeja): I hereby second the Motion moved by Hon. Arola Fancy.

The Speaker: Hon. Arola Fancy, please, lead the debate on the general principles of the Bill.

Hon. Arola Fancy: Mr. Speaker, this Bill is called Patriot Alarm Act, 2009. A person who makes a disclosure of impropriety is referred to in this Bill as a Patriot.

In the United State of America, similar version of this Bill is called Whistle Blower Act. This Bill is self-explanatory. It is an Anti Corruption Bill that will complement the efforts of all Anti Corruption agencies

like ICPC and EFCC. It also emphasises the need for a patriot to be compensated.

This Bill has been professionally crafted in such a manner that it defines who a patriot is, the procedure for making disclosure of impropriety, the person to whom and the institution to which a case of disclosure of impropriety could be made. Also, the Bill mentioned the establishment of a Patriot Reward Fund. By the time we get to the Committee level, we will be able to expatiate on the very wide provisions of this Bill.

From all the seminars and international conferences we have been attending, there is one major conclusion at the end of each seminar. The conclusion has been that common citizen should be mobilised through the enactment of a law that will empower them to be more involved in law enforcement and observation.

It is my belief that if we pass this Bill, common citizens will be legally empowered to be involved in law enforcement and observation like their colleagues in other countries.

Corruption as we all know is a big barrier to justice, peace, progress and even our democracy. This statement has been accepted by the Federal Government of Nigeria and all the citizens of this country. Consequent upon this and in spite of the existence of the Penal Code in the Northern Nigeria and the Criminal Code in the Southern part of Nigeria, the Federal Government went ahead to establish ICPC and EFCC to fight corruption in this country.

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

The Speaker: Which point of Order?

Procedure on Bills

Hon. Friday Itulah: It is Order XII of our Standing Orders dealing with Procedures on Bills. Rule 3(2) at page 51 of the Standing Orders states:

At the conclusion of the proceedings of the First Reading or on any subsequent stage of a Bill, a day to be named by the Committee on Rules and Business shall be appointed for the next stage.

I am aware that the Bill we are treating now was slated by the Rules and Business Committee for yesterday and when the Bill came up, the sponsors said that they were not ready and subsequently, it was stood

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down. We are now being ambushed; nobody is aware that the Bill is coming up today.

The Speaker: Please, I do not think I am wrong because hon. Members of the House are eager to treat this matter.

Several hon. Members: Yes!

The Speaker: Hon. Arola Fancy, please continue.

Hon. Fancy Arola Akeem: Thank you Mr. Speaker for the protection. I was saying that corruption is a very big barrier to justice.

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

The Speaker: Hon. Fancy, the Leader of your Party is raising a point of Order against you.

Hon. Olufemi Gbajabiamila: It is not against him but a point of Order on the same page 51.

The Speaker: Which point of Order?

Hon. Olufemi Gbajabiamila: Order XII, Rule 3 at page 51. It states:

On the introduction of a Bill, a compendium of background information and financial implications of such Bills if passed into law shall be delivered to all members. If it is an amending Bill, an up-to-date consolidation of the Act or Acts to be amended shall be delivered unless the Bill amends an Act amended previously.

The Bill talks about a Fund to be created. Unfortunately, there is no attachment of any financial implication. I would respectfully ask that we step this Bill down.

Several hon. Members: No! No!!

Hon. Olufemi Gbajabiamila: I would expect a ruling from Mr. Speaker because this is what our Rules say.

Several hon. Members: No! No!!

The Speaker: Hon. Colleagues Hon. Gbajabiamila is still trying to make sure that we treat this Bill as quickly as possible. That is what I guess. Hon. Fancy, please, you have two minutes to go. Hon. Colleagues, let him wrap it up so that we can move forward.

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Hon. Fancy Arola Akeem (Surulere II): Mr. Speaker, within available resources these anti-corruption agencies tried their best to fight corruption but we all know that their efforts are not sufficient to eradicate corruption.

It is my belief that by passing these Bill patriots should be allowed to be part of the fight against corruption.

Sometimes, I ask myself who checks the checkers. The law enforcement agencies in this country will be more alive to their responsibilities when they realise that common citizens by law have the legal right to report them to senior authorities. The passage of this Bill will protect Nigerians, especially civil servants from victimisation and discrimination in the event that they make disclosure of impropriety.

This Bill is in compliance with Section 24 of the 1999 Constitution that makes it mandatory for concerned citizens of this Country to be part of law enforcement and law observation. I am very hopeful that the struggle against corruption in this country will be a success story.

Our elder statesmen fought colonial rule and they saw the end of colonialism. We all gathered to fight Military rule and we put an end to Military rule. Today it is corruption. As we have the precedents of success in the entire national struggle it is my belief that we shall fight corruption to the end of it.

With this humble presentation of mine, I urge all of us to pass this Bill so that it will be added to our success story in this Chamber.

God Bless the Federal Republic of Nigeria.
(Applause)

The Speaker: Hon. Colleagues, does anyone wish to speak on this Bill?

Several hon. Members: No.

The Speaker: Hon. Gbajabiamila, do you want to speak? You asked us to stand this Bill down and now you want to talk.

Hon. Olufemi Gbajabiamila (Surulere I): Mr. Speaker, you overruled it, so we have to continue.

The Speaker: You do not have to.

Hon. Olufemi Gbajabiamila: I feel a sense of obligation to contribute to this Bill. I do not intend to actually debate this Bill; I intend to appeal to Members

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the reason being that I am neither blind nor deaf. So, I understand the mood of Members.

My only appeal will be for us to look at the Bill in its entirety. When it gets to the Committee level, it can be couched and amended in a way that Members will be happy with whatever provision that is there that they have a problem with.

I will rest my case and ask that we all support this Bill.

The Speaker: Does any other Member wish to speak on this Bill?

Hon. Sani Sale Minjibir (Minjibir/Ungogo): Mr. Speaker, before I proceed to make my contribution on this issue, I want to draw Mr. Speaker's attention to a name that Hon. Njidda Gella just called me; he called

me a Taliban and I take very strong exception to that. That is not my name. My name is Hon. Sani Sale Minjibir.

Hon. Ahmed Njidda Gella (Miaha/Mubi North/Mubi South): I hereby apologise.

Hon. Sani Sale Minjibir: Apology accepted. Mr. Speaker, I feel duty bound to contribute positively to this Bill. First of all, what is the intendment of the promoters of this Bill?

The intention is to strengthen the position of the institutions that are legally empowered to fight corruption in this country and in this honourable Chamber where we are supposed to be the protectors of the common kitty of the Nigerian people to make sure that we stand up to make laws that will propel us in the proper direction, understanding that the majority of the ills befalling this country at the moment are as a direct consequence of the results of corruption within this country.

I make haste to add that we will be sending a wrong signal to the populace of this country if this House does not stand up to do justice to this Bill.

I therefore urge my Colleagues to sincerely look at the intendment of this Bill and give it the necessary support so that it passes to Second Reading.

The Speaker: It is all right. Hon. Dino Melaye, you have two minutes to make your contributions.

Hon. Dino Melaye (Kabba/Bunu/Ijumu): I just want to tell us that in this House everybody supports this Bill. Let us take the question.

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The Speaker: The last speaker on this Bill will be Hon. West Idahosa, our learned hon. Member.

Hon. Ehiogie West Idahosa (Ovia North East/South West): Just before my Colleagues pass judgment on this Bill let me say that like Mark Anthony said that I have come not to praise the Bill but to reawaken the spirit of national consciousness of this House and to remind this Parliament that the buck stops here. Beyond, there can be no place as collectively representing the Nigerian people like the Nigerian Parliament.

Let us remember that we belong to many other international affiliations and that at the last IPU meeting in Addis Ababa, our Colleagues were a bit taken aback when they noticed that we were hesitating taking the right steps in the right direction.

This Bill is very strongly opposed to what I consider the main bane of the Nigerian nation today. God forbid that we sit down here to canonize corruption. We concede that nobody is a saint. We concede that we cannot all say that we are so pure that we do not know that there is something wrong with our system. I believe that those who brought this Bill simply wanted to send a message. We must get the message clearly and we must signify our interest to support this message and say; no to the wrong things in this country.

We cannot stay here as a Parliament and say that we are happy with what is happening in the country. What is the percentage that belongs to this country today that can say that they are satisfied with our quality? What is the percentage of this country today that can say that they are so happy and Nigerianised that anywhere they go they can say; thank God I am in today's Nigeria?

The point I want to make is that we are gifted with natural resources. We have some of the best brains in the world. We have one of the most parliaments in Africa. The question is what is the problem? In my ten years here I have identified the problems as doing the wrong things deliberately, wilfully and recklessly. Even if this law does not address this issue the way we want it we must not send the signal; we must not give the Nigerian people the impression that we do not care about an attempt to redress this. We must do it in a way that they believe that we know the problem and that together we can solve this problem.

Finally, I want us to look at this Bill as a very sober moment. Just before we put the question let me remind all of us that our Oath to our country men is solemn and serious.

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The Speaker: I am going to put the question. Hon. Colleagues about five members have spoken and they all spoke for. I think the outcome should be positive.

Question put and negatived.

The Speaker: Hon. Colleagues, please permit me to make a little contribution which I do not want to make while the debate was going on. I think that this House understands what the Bill is all about; I have no doubt about that. However there is a suspicion in our system that a lot of people are being accused for political motivation and other things. In my own opinion that seems to be the concern of some members of the House.

In politics, for example, the easiest way to get overcome your opponent apparently is to write frivolous petitions and all sorts of things which are not probably vetted. So I will appeal to the mover of the Motion to, please, not give up. Find a way in the future of probably letting us understand how we can actually address this issue without the notion of somebody taking advantage of another person.

Review of Existing Trade Agreements Bill, 2009

A Bill for an Act to provide for the Review of Existing Trade Agreements and Renegotiation of Existing Trade Agreements Based on the Review; Provide for the Terms for Future Trade Agreement; Provide for the Establishment of the Joint Trade Agreement Review Committee and for other Matters, 2009 (HB. 186) -

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 provide for the Review of Existing Trade Agreements and Renegotiation of Existing Trade Agreements Based on the Review; Provide for the Terms for Future Trade Agreements; Provide for the Establishment of the Joint Trade Agreement Review Committee and for Other Matters, 2009. This was read on Tuesday, 17th March, 2008.

Hon. Ralph Okeke, please, move that the Bill be read the Second Time.

Hon. Ralph Okeke (Anambra East/West): I move that a Bill for an Act to provide for the review of Existing Trade Agreements and Renegotiation of Existing Trade Agreements based on the Review; Provide for the Terms for Future Trade Agreements; Provide for the Establishment of the Joint Trade

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Agreement Review Committee and for Other Matters, 2009 be read the Second Time.

Hon. Saudatu Sani (Lere): I rise to second the Motion moved by Hon. Ralph Okeke.

Question proposed.

Hon. Ralph Okeke: This Bill is very straight and simple. Just as the title goes the Bill seeks to involve the Nigerian National Assembly in the making of international trade agreements. Nigeria is a party to so many Treaties, Conventions and Protocols. Treaties and Conventions when signed into law are supposed to be binding to the Nigerian nation. It is therefore the practice that when a country enters into Treaty with another country it will only be legally binding when the National Assembly or the parliaments of those countries ratify the instrument.

In Nigeria, Section 12 of the Constitution of the Federal Republic of Nigeria, 1999 empowers the National Assembly to make laws relating to treaties. Again, the Treaties Making Procedure Act, T20 Laws of the Federation of Nigeria, 2004 also empowers the National Assembly to make laws or rectify treaties. Treaties are of various kinds. We have the ones for Sports, Culture, Trade etc. Of all kinds of treaties, trade agreements are of paramount importance. The trade agreement is very important because it touches on the economic activities of the masses of every country. In fact, trade agreement touches the economic soul of every nation.

Here in Nigeria the practice has been for the National Assembly to wait for the Executive Arm of Government to go on and negotiate trade agreements with other countries only for us to sit down here and rectify. This practice has been problem in this country. It has been giving problem because the Nigerian Parliament is not directly involved in the making of treaties or trade agreements in spite of the importance of trade agreements in every country.

This is what this Bill seeks to stop. It seeks to provide for the establishment of joint committee here in the National Assembly that will from time to time liaise with the Executive Arm in the making of trade agreements especially in these days of economic crisis all over the world. The emphasis has to shift away from oil revenue. If we must increase or grow the non-oil revenue in Nigeria it is the duty of the Legislature to lay the framework for this. An example is the Cotonou Convention which laid the framework for the economic activities between the EU on the other hand, African nations, pacific and Caribbean group of countries currently being negotiated of which Nigeria is a party to. Let me say that many hon. Members in this

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Chamber were not aware of this economic negotiation while the European Parliament got wind of it. They were able to know because they are part of trade agreement negotiations in their various countries.

Sometime last year I raised a Motion here urging this House to pass a resolution to urge the Federal Government of Nigeria not to sign that economic agreement because it does not favour this country. Before the Motion was listed here in the Chamber the EU Parliament raised alarm saying that it will be signing a death warrant of the Third World countries if the agreement is signed on the form it was negotiation. It was on this basis that so many African nations, not Nigeria, refused to sign that agreement and this made me to stand this Motion down because it was belated.

I believe that it is time for the Nigerian Parliament to be fully involved in the making of trade agreements. The import of that Cotonou Convention is that our borders would have been thrown open to all manners of goods. Nigeria would have become a dumping ground. The result will be that our ailing industries would have been killed completely. Not only that, our farmers would have abandoned their farms. Even a Custom Excise which is second to oil in terms of generation of revenue would have been scrapped because what are you checking? I thank God that some African countries refused to sign because of the alarm raised by the EU; these are our Colleagues in Europe. In spite of the fact that it will benefit them they were able to know that it is not good for the Third World countries and they raised alarm. It is time we do the right thing. It is time we join in the making of trade agreements.

The Bill which consists of 30 Sections is divided into 6 parts. Part I of the Bill deals with the Review and Report of Existing Trade Agreements. Part II is on provision in Trade Agreement. Part III is on Re-negotiation Plan for Existing Trade Agreements. Part IV is on the Joint Trade Agreements Review Committee while Part V is on Trade Negotiation Procedure and Part XI is on miscellaneous provisions.

The establishment of the Joint Trade Agreement Review Committee which will be resident in the National Assembly shall not attract more funding except for the cost of manpower development and capacity building. The review and re-negotiation processes is the responsibility of certain institutions which are already in place including the Federal Ministry of Commerce and Industries, the Ministry of Foreign Affairs, the Ministry of Justice, etc. To this end, the exercise as contemplated by this Bill will not attract huge financial outlay.

Hon. Colleagues, it is our duty to protect the Nigerian masses. It is our duty to protect the economy

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of this country. I enjoin you to support this Bill so that it will pass the Second Reading for the committee responsible for the Bill to examine it Clause by Clause.

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

Question put and agreed to.

Bill read the Second time and referred to the Committee on Foreign Affairs and Commerce.

The Speaker: Hon. Onyejeocha, the next Motion is sponsored by you. Are you ready for it?

Hon. Nkiruka Onyejeocha (Isuikwuato/Umunneochi): Mr. Speaker, there are some supporting documents I would need to circulate to members and I do not have it.

The Speaker: Are you aware that this Bill has been listed for Second Reading today?

Hon. Nkiruka Onyejeocha: No, Sir.

The Speaker: Chairman, Rules and Business Committee.

Hon. Ita Solomon J. Enang: Mr. Speaker, hon. Members, this Bill is one of the Bills that were published on the Notice Paper for the week which we have even re-circulated and that is the notice we give to Members. Once she is not ready, I can be obliged.

The Speaker: This Bill is in the Notice Paper for the week. So, you are aware.

Hon. Nkiruka Onyejeocha: Mr. Speaker, hon. Colleagues, I am not aware that it is coming up today because Hon. Ita Enang Secretary spoke with me yesterday and I told him to circulate some documents to hon. Members.

The Speaker: So you are aware.

Hon. Nkiruka Onyejeocha: He told me it was not going to come up today.

The Speaker: Hon. Ita Enang, what she is saying is that you told her it was not going to come up today.

Hon. Ita Solomon J. Enang: There is no problem. After speaking with most members who had Bills, it was obvious that they will publish an empty Order Paper.

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The Speaker: It is all right. Hon. Nkiruka, we do not need to join issues anymore. Are you ready?

Hon. Nkiruka Onyejeocha: No, Sir.

The Speaker: When will you be ready?

Hon. Nkiruka Onyejeocha: Tuesday, 5th May, 2009.

Consideration of Bill by leave of the House deferred till Tuesday, 5th May 2009.

The Speaker: Hon. Maduabum, are you ready?

Hon. C.I.D Maduabum (Nnewi North-South/Ekwusigo): I am not ready, Mr. Speaker.

The Speaker: When will you be ready?

Hon. C.I.D Maduabum: On Tuesday next week.

The Speaker: Chairman, Rules and Business Committee, Hon. C.I.D. Maduabum will be ready on Tuesday, 5th May, 2009.

Consideration of Bill, by leave of the House, deferred till Tuesday, 5th May 2009.

Is Hon. Folake Etteh here?

Hon. Ita Enang: She is not here but the Bill was published on the Notice Paper.

The Speaker: Is Hon. Olaka J. Nwogu ready?

Hon. Olaka J. Nwogu (Eleme/Oyigbo/Tai): Mr. Speaker, I am just being told about this Bill in the Chamber.

The Speaker: Are you ready?

Hon. Olaka J. Nwogu: No, Sir.

The Speaker: When will you be ready?

Hon. Olaka Nwogu: We are having a meeting on this next week.

The Speaker: When will you be ready?

Hon. Olaka Nwogu: Any day after next week.

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The Speaker: Will Tuesday, 5th May, 2009 be all right for you?

Hon. Olaka Nwogu: Yes, Sir.

The Speaker: Hon. Nwogu will present his Bill on Tuesday next week.

Consideration of Bill, by leave of the House, deferred till Tuesday, 5th May 2009.

The Speaker: Hon. Beni Lar, are you ready for you Bill?

Hon. Beni Lar (Langtang North/Langtang South): Yes, Sir.

CONSIDERATION OF REPORTS

Report of the Joint Committee on Women Affairs and Human Rights on a Bill for an Act to Establish a Trust Fund for the Physically Challenged in Nigeria and National Commission for Persons with Disability Bill, 2008

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

Establish a National Commission for Persons with Disability and Vest it with the Responsibilities for their Education, Health Care and Protection of their Social, Economic, Civil and Political Rights and for Other Matters Connected Therewith, 2008. The Report on the Bill was laid on Wednesday, 25th March, 2009.

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

Hon. Beni Lar (Langtang North/Langtang South): I move for the consideration of this Report.

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

Question put and agreed to.

Resolved: That the House do consider the Report of the Joint Committee on Women Affairs and Human Rights on a Bill for an Act to Establish a Trust Fund for the Physically Challenged in Nigeria and for Other

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Matters Connected Therewith, 2008 and a Bill for an Act to Ensure Full Integration of Nigerians with Disability into the Society and to Establish a National Commission for Persons with Disability and Vest it with the Responsibilities for their Education, Health Care and Protection of their Social, Economic, Civil and Political Rights and for Other Matters Connected Therewith.

The Speaker: Leader of the House?

Hon. Tunde Akogun (Akoko Edo): Mr. Speaker, hon. Members, I rise to move that the House do resolve into Committee of the Whole to consider this report. *(Interruptions)*

Hon. C.I.D. Maduabum (Nnewi North-South/Ekwusigo): Mr. Speaker, I am only urging that I am ready to go on with my report. They are about ten here.

The Speaker: You are ready with your report for consideration?

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

The Speaker: The Leader has already moved but it has not yet been seconded. We need to consider Hon. Maduabum's request as well since his report will also be considered in the Committee of the Whole.

Hon. Ita Enang: Mr. Speaker, if Hon. Maduabum could move for his own Report, then the Motion moved by the House Leader will accommodate it because the reports are ready and we circulated them yesterday.

The Speaker: Hon. C.I.D. Maduabum, can you move for the consideration of your report?

Report of the House Committee on Public Petitions on the Petition by Evening Programme Graduates of the University of Nigeria, Nsukka

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 the Evening Programme Graduates of the University of Nigeria against the University of Nigeria, Nsukka and approve the recommendations therein.

Hon. Eluemunoh Chiedu Godswill (Anyamelum/Oyi): Mr. Speaker, I rise to second the Motion moved by Hon. C.I.D. Maduabum.

Question put and agreed to.

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Resolved: That the House do consider the Report of the House Committee on Public Petitions on the Petition by Evening Programme Graduates of the University of Nigeria against the University of Nigeria, Nsukka and approve the Recommendations therein.

Report of the House Committee on Public Petitions on the Petition by the Technical Trainee Graduates against the Nigerian Ports Authority (NPA)

Hon. C.I.D. Maduabum: I have the other ones too and with your kind permission I will move for their consideration at the same time.

I move that this House do consider the Report of the House Committee on Public Petitions on the Petition by the Technical Trainee Graduates against the Nigerian Ports Authority (NPA) and approve the Recommendations therein.

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

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 Technical Trainee Graduates against the Nigerian Ports Authority (NPA) and approve the Recommendations therein.

The Speaker: House Leader, can you now move for us to move into the Committee of Whole?

Hon. Tunde Akogun: Mr. Speaker, I move that the House do resolve into Committee of the Whole to consider these Reports.

Hon. Shehu Baba Agaie: Mr. Speaker, I rise to second the Motion as moved.

Question put and agreed to.

Report of the Joint Committee on Women Affairs and Human Rights on a Bill for an Act to Establish a Trust Fund for the Physically Challenged in Nigeria and for Other Matters Connected Therewith - CONSIDERED IN THE COMMITTEE OF THE WHOLE.

The Chairman: Hon. Colleagues, the first report we are considering is a Report on a Bill for an Act to Ensure Full Integration of Nigerians with Disability into the Society and Establish a National Commission for Persons with Disability and Vest it with the Responsibilities for Their Education, Health Care and

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the Protection of their Social, Economic, Civil and Political Rights, 2008.

I invite Hon. Beni Lar, Chairman, Committee on Human Rights, to brief the House on the Report.

Hon. Beni Lar (Langtang North/Langtang South): Mr. Chairman, if you will recall the House on Tuesday, 15th April, 2008 considered the above mentioned Bill. After concluding debate on the General Principles of the Bill, the House referred it to the Joint Committees on Women Affairs and Human Rights. The Committee chose the longer Title; which is the Title that Mr. Chairman had just read: A Bill for An Act to Ensure Full Integration of Nigerians with Disability into the Society and Establish a National Commission for Persons with Disability and Vest it with the Responsibilities for their Education, Health Care and the Protection of their Social, Economic, Civil and Political Rights and for Other Matters Connected Therewith.

The Bill has three objectives:

- (i) To fully integrate Nigerians with disability into the society;
- (ii) To create a specific disability rights and correlative duties by government;
- (iii) To establish a Commission whose responsibility shall be to cater for the needs of people living with disability, including their education, health care, protection of their social, economic, civil and political rights.

It was merged with the Physically Challenged Persons Trust Fund Establishment Bill which was sponsored by Hon. Herman Hembe. The first was sponsored by Hon. Abike Dabiri.

The mode of operation of the Joint Committee was to set up an Ad-hoc Technical Committee to harmonise the two Bills and to add professional inputs into it. We set up a Technical Committee with people from the Disability Community, Disability Law Experts from the Federal Ministry of Justice, Ministry of Women Affairs and the Human Rights Commission.

The Committee conducted a Public Hearing which attracted a lot of stakeholders; among them are: the Attorney General of the Federation; Ministry of Women Affairs; Child's Human Rights Commission; Civil Society Groups; Association of Comprehensive Empowerments of Nigerians with Disabilities; the National Joint Association with People with Disabilities

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and the Department for International Development and the Coalition for Change.

The highlights of the Committee's recommendations are that the Bill contains 110 Clauses while the Physically Challenged Trust Fund Bill contains 24 Clauses so we harmonised the two Bills. The highlights of these two Bills are:

Section 6 was expunged as it may infringe on the Rights of the private owners. It talks about private owners having to make modifications to private homes in order to give the disabled accessibility to their homes - *(Interruptions)*

The Chairman: Thank you very much, Hon. Beni Lar. You may stop there.

The Chairman: Hon. Colleagues, we will start from Clause 1.

Clause 1 - (PROHIBITION OF DISCRIMINATION AND HARMFUL TREATMENT) – ordered to stand part of the Bill.

Clause 2 – (PROHIBITION OF HARMFUL TREATMENT PENALTY)

Amendment proposed.

The Chairman: Hon. Leonard Okuweh, you can make your contribution.

Hon. Leonard Okuweh Ogor (Isoko North/Isoko South): Mr. Chairman, I have some observations to make.

The Chairman: Is that on Clause 2?

Hon. Leonard Okuweh Ogor: Yes. Clause 2(2)(a) bothers on the statement that says; *if a corporate body, a minimum of ₦250,000 damages payable to the affected person with disability.*

I am at a loss as to the intent of this. When sometimes the Government finances some of these court charges, it therefore becomes the responsibility of the court to impose penalties which has clearly been stipulated. My worry, if I am correct, is that this particular penalty is going to the affected person.

The Chairman: Yes.

Hon. Leonard Okuweh Ogor: This to me is quite wrong. This is because what the person has gone

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there to do was to establish that he has been deprived of a privilege. Where such a penalty now becomes the privilege of that particular person, it is totally a procedure that I think is not in conformity with what happens in the courts.

I want to ask what is actually the reason(s) behind this particular arrangement whereby when there is a penalty, he that had been able to establish that he has been deprived of an opportunity becomes the beneficiary of that particular penalty?

The Chairman: What are you suggesting now in this circumstance?

Hon. Ogor Leonard Okuweh: I am suggesting that normally when the court fines anybody, it goes into the Treasury of the Federation but where we have a situation where the money now goes to the disabled; it is amazing. I do not think it is a very good standard practice.

The Chairman: Chairman, may we hear from you?

Hon. Beni Lar: The money does not go to the disabled. The Federal Ministry of Justice told us specifically that the money goes to the Federation Government.

The Chairman: The money goes to who?

Hon. Beni Lar: The money goes to the Federal Government because any law that is a criminal offence should come with penalty attached to it.

The Chairman: If you read Section 2(2)(a) on page 2 it says: *If a corporate body, a minimum nominal damages of ₦250,000 payable to the affected person with disability.*

Hon. Beni Lar: Those are civil damages and in the case of civil damages, it is a matter of law. When there is an offence committed against the person, he is entitled to damages and the law should stipulate what the compensation should be.

The Chairman: Are you all right with the answer?

Hon. Leonard Okuweh Ogor: No, I am not. I am not in the sense that if you are saying that this issue of damage affects a corporate body; if the disabled is going to court to challenge a situation, it becomes a different thing entirely. In this situation, we are enacting a law to say that this man has been deprived of

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his privilege, which is a right. It therefore means that at that particular situation, it is the Government against the corporation. There is no way we should say that the money should go to the individual. If the person is going separately to challenge a right that he has been deprived of, it becomes a different thing.

The Chairman: Is it when an individuals goes to the court on his own or is it just by having this law in place that if any corporate body violates the law it will pay ₦250,000.00?

Hon. Beni Lar (Langtang North/Langtang South): The individual can go to court; he has the right to sue.

The Chairman: But if he goes to court, it is the duty of the Judge to determine what punishment should be given to the corporate body. However, if you are specifying fine for the corporate body, such money should go to the treasury, not to the individual.

Hon. Beni Lar: We should get legal opinion on this.

The Chairman: All right, let me call on Hon. Agoro to help.

Hon. Lanre Adeniran Agoro (Irepo/Orelope/Olorunsogo): Mr. Chairman, the intent might be that if you are the person initiating the suit that is what you are entitled to. It is a form of damage. That is the maximum that you will be demanding for this. And his Lordship, who is adjudicating on the matter, is entitled to award you that.

However, if it is the Federal Government or an institution of the government that is instituting such a suit then the money goes to the purse of the government. It is very clear.

The Chairman: Then, is the drafting all right like this?

Hon. Lanre Adeniran Agoro: Let us look at it and reframe it.

Hon. Aminu Shehu Shagari (Yabo/Shagari): I happened to be part of the Committee that came up with this. Our intendment here is a kind of tort. In tort, you are entitled to some kind of compensation to the aggrieved person. It says: *No person with disability shall be subjected to prejudices or harmful practices including those based on sex* and that anybody in contravention of this provision is liable, in case of a corporate body, to a fine of ₦250,000.00 and in case of an individual to ₦50,000.00 and the amount goes to the victim.

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The intendment here is like in the Law of Tort; you are entitled to go to court and seek redress for an infringement on your own person. That is why we feel that this amount goes to the person injured.

Hon. C. I. D. Maduabum (Nnewi North South/Ekwusigo): The problem here is that it is a bit difficult because from the way it is worded, it is clear that what is being addressed here is a criminal liability. Because it says:

Any person in contravention of the provision of this Section is liable to.

This wording is criminal in approach. If you also look at Clause 2(b), it also talks about imprisonment. It seems to me that Clause 2(a) is criminal in nature and, therefore, saying that the money should go to the State or the person himself is not the normal jurisprudence with respect to criminal liability and punishment. This Clause is talking of tort as criminal; Law of Tort is largely civil. What they have tendered here is to criminalise the conduct and when you criminalise the conduct of this discrimination, it is the State that will first of all prosecute this.

The Chairman: So the money goes to the State.

Hon. C.I.D. Maduabum: Yes, not to the person himself.

Hon. Ita Enang: Mr. Speaker, if we want to create a criminal liability, we should create criminal liability. If it is as it is sought here to create a civil liability, in a civil liability you cannot fix the amount that any damage done to a person should be because it depends on the quantum of damage that you are able to prove.

We should create a distinction between punishment and compensation. If it is punishment for a fine, the fine should go to the State. But for civil liability, the victim of the tort could enjoy you up to ₦500,000.00 or ₦1 million.

Therefore, it is not appropriate in law for you to fix the amount that a liability should be. The person may suffer a liability that is above ₦5,000.00, ₦10,000.00 or ₦50,000.00 and here you are saying that the liability should not exceed a ₦100,000.00; it is not right. We should make it in three places.

Firstly, on punishment, the amount you are to pay on conviction goes to the State; or secondly, imprisonment. Thirdly, liability which amount should go to the victim of the Tort.

The Chairman: Hon. Leo Okuweh Ogor, you raised this issue. Yes, Hon. Rabe what do you have to say?

Hon. Rabe Nasir (Bindawa/Mani): Mr. Chairman, although I am not a lawyer but I believe it is a civil matter. Therefore, we should take it away from the branch of Criminal Law to Tort by removing the word *imprisonment* and replacing it with the word *compensation*. I absolutely agree with you except for the fact that I do not agree that this matter should be treated as a criminal case.

The Chairman: Now if you violate a law, is it criminal or civil?

Hon. Rabe Nasir: This is because we are talking about disabled people.

The Chairman: Yes, after passing this Bill it has become an Act of Parliament and if you violate the Act, is it criminal or civil?

Hon. Rabe Nasir: The point is that if it is criminal it can as well be treated by other provisions of the law, not necessarily this one. It depends on what the Prosecution Counsel decides.

The Chairman: Hon. Ita S. J. Enang, can you reframe it for us and let us put the question.

Hon. Ita S. J. Enang: Did you say I should redraft or rephrase it?

The Chairman: As a lawyer, you know what to do.

Hon. Ita S. J. Enang: All right, let me redraft it while we go to another Section.

The Chairman: All right.

Part II - (AWARENESS)

Hon. Ita S. J. Enang: Mr. Chairman, this one is very wrong; awareness raising is awkward. It is coming from the back: *Awareness raising regarding persons with disabilities, their rights, respect and dignity*. We should either be creating awareness or raising awareness and not *awareness raising*.

The Chairman: Which one are you reading Hon. Ita S. J. Enang?

Hon. Ita S. J. Enang: Mr. Chairman, I am reading clause 3(a) which says *Every media house*,

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institution or establishment, licensed to operate in Nigeria, may make provisions in its programmes for awareness raising.

The Chairman: Do you have the word *shall* there or *may*?

Hon. Ita S. J. Enang: It should be: *may make provisions for raising awareness regarding persons with disabilities, their rights, respect and dignity.*

Hon. Umar Buba Jibrin (Lokoja): Mr. Chairman, what Hon. Ita S. J. Enang is saying is that the word *raising* should be deleted which is appropriate.

Hon. Beni Lar (Langtang North/South): I removing the *raising* is all right. I agree with Hon. Ita S. J. Enang.

The Chairman: The problem of this report is that you have to be reading from one column to the other and join them together because your recommendations should have carried everything in one column.

Clause 1 – (AWARENESS) – as amended, ordered to stand part of the Bill.

Part III - ACCESSIBILITY OF PHYSICAL STRUCTURES

Clause I – (PRIVATE HOUSES RIGHTS TO ACCESS)

Hon. C.I.D Maduabum (Nnewi North/South): I need clarification on the status of the current public buildings. Is it affected here or just from the date of the passage of this Bill into law? We are talking of Part III: *Accessibility Aid in Public Buildings* where it states that:

No public building shall be constructed without the necessary accessibility aids such as lifts where necessary, ramps to make them accessible to and usable by persons with disabilities including those on wheelchairs and the visually impaired.

What is the status of current public buildings that do not have these facilities stated in this law?

Hon. Betty O. Apiafi (Ahoada East/Abua/Odual): Mr. Chairman, buildings are supposed to be provided with these access for the disabled people once the law is passed.

The Chairman: The existing buildings.

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Hon. Betty O. Apiafi: Yes.

The Chairman: So what it means, Hon. C.I.D Maduabum, is that even existing buildings that do not have these facilities should have them.

Hon. Betty O. Apiafi: They are given five years within which to provide that.

Hon. C.I.D Maduabum: It is all right but we are not in that very Section because this Section does not allow that.

The Chairman: May be it is somewhere because they said they have it.

Hon. Leonard Okuweh Ogor: I am taking my point of argument from the private houses rights to access. The author of the Bill said here that a person with disability shall have the rights and necessary facilities to access the physical environment and buildings on an equal basis with others, which the Committee has successfully retained.

When you go to Clause 6, it says that:

A private house owner shall allow a person with disability lawfully occupying the private owner's house as a tenant to make such access related to modifications to the building as would allow him access his apartment provided he is acting in good faith and has given adequate notice to the private house owner.

My concern here is that it is a private arrangement. It might be very difficult to provide some of these necessary facilities, which probably the intent of the builder might not have probably provided for.

If such a house does not have that facility, how would it be possible for the disabled to access such a private apartment if he lacks the power to do such modifications that have been deleted in Clause 6?

The Chairman: May be that is why they gave a period of five years in the Bill.

Hon. Leonard O. Ogor: I am talking about private ownership in this situation.

The Chairman: It is applicable everywhere. That is what it means that if you own a house now in Abuja and may be currently you do not have the ability to make that modification; you are given five years to make the modification. That is what it means. Is it deleted?

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Hon. Beni Lar: Mr. Chairman, Clause 6 is deleted.

The Chairman: But you retained Clause 4? What is the difference between Clauses 4 and 6?

Hon. Beni Lar: Clause 4 gives the general rights to occupy any house or building. For instance, if you want to sign up as a tenant and you are disabled some landlords do not like to have disabled people in their buildings. We are, therefore, saying that if you are disabled and you apply to live anywhere in Nigeria you have the right on the same basis as another person to rent and to live in those premises.

However, we feel it may be too much for the private owner to be made by law to make modifications to allow disabled persons into their buildings. For instance, if you have a six-storey apartment and you are renting it out, it may be difficult to ask a private owner to have lifts, ramps and other communicable devices. We are, therefore, leaving that up to the private owners.

The Chairman: Are you all right with that explanation, Hon. Leonard Ogor?

Hon. Leonard Okuweh Ogor (Isoko North/Isoko South): I tend to agree with her explanations to some extent. A good example is if as a disabled I have been able to access a house but I do not have the opportunity of going up. The sixth section have not deleted my opportunity of probably making some modifications. I do not know if that is the intent. I have not really been able to relate with her. If I am at the Ground Floor and I find it difficult to go up and I have appealed to the owner of the house that can I have the opportunity of doing some modification, is that the intent?

The Chairman: As a tenant?

Hon. Leonard Okuweh Ogor: Yes.

The Chairman: You are occupying the Ground Floor?

Hon. Leonard Okuweh Ogor: Let me put it this way; the right to now occupy a house as a tenant has been given to me under section 4.

The Chairman: Yes.

Hon. Leonard Okuweh Ogor: For the fact that I am disabled for me to move further on, I need to make some modifications.

The Chairman: In somebody's house? You said you are occupying the Ground Floor.

Hon. Leonard Okuweh Ogor: Yes. This is because you have already made it mandatory that the disabled must be able occupy a house by approving that particular law.

The Chairman: No, if you can occupy the Ground Floor it is assumed that there is a lift in the house.

Clause 6 – (PRIVATE HOUSE) – ordered to stand part of the Bill.

Clause 7 – (ACCESSIBILITY OF ROADS AND SIDEWALK) – ordered to stand part of the Bill.

Clause 8 – (TRANSITORY PERIOD) – ordered to stand part of the Bill.

Clause 9 – (BUILDING PLAN) – ordered to stand part of the Bill.

Hon. Soli Sada Jibia (Jibia/Kaita): Mr. Chairman, my question is: are we adopting the Committees recommendation or the actual Bill?

Hon. Soli Sada Jibia (Jibia/Kaita): No, we are considering Committee recommendation.

Hon. C. I. D. Maduabum (Nnewi North South/Idemili South): I was considering Clause 9 (PENALTY) on page 4. I want some clearance on the issue of *personal liability* for a public officer who approves a building plan that does not contain what is imposed by this law. It says the person *shall be personally liable*.

The Chairman: Any officer or officers who approve(s) or direct(s) the approval of a building plan that contravenes the Building Code provided for in Section 85(m) shall be personally liable.

Hon. C. I. D. Maduabum: If a man retires and in his house resting and you ask him maybe twenty years later to come and pay one million naira or go to prison for what he approved while he was in office.

The Chairman: Twenty years? No.

Hon. C. I. D. Maduabum: No, you said personally liable even if you leave office you are personally liable, it is not the office that is liable. It is a matter of what you want to put in the law.

I am not saying there is anything wrong with it. I am saying that I want to remove the word *personally* and put *liable* so that you can be here in the office

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rather than to the individual personally, permanently. I know this might make the people to actually wake up in following the law but the truth is sometimes there may be a lot of ignorance; the person may not even know the existence of the law.

The Chairman: Is that an excuse?

Hon. C. I. D. Maduabum: That is what I am saying. He becomes personally liable.

The Chairman: I agree with you but for him to be ignorant of the law is not an excuse.

Hon. C. I. D. Maduabum: If he is not properly trained in his office to know what the laws are.

The Chairman: Let us hear from the Chairman. Chairman, what is the wisdom of putting personally liable there?

Hon. Beni Lar (Langtang North/Langtang South): We all know what has been happening with public buildings in Nigeria. It is supposed to be a statement outright to ensure the building officer; whoever constructs a building on behalf of the government follows the provision of Building Code and also makes the modifications for the disabled, which is the wheel chair and the ramps. If you do not provide the ramps for the disabled to gain access, then you should be personally held liable because of the seriousness of the offence.

Hon. Takori Mohammed Sani (Gunmi/Bukkuyum): This section tends to create a personal liability for a public officer and I am sure that we all know that material liability is best recognised in criminal and civil offences. So, stating the position personally liable in this law I think you are not fair to the public officers who may be involved in this kind of issues. I am suggesting that we should remove the words *personally liable*.

The Chairman: You are also of the opinion that the word *personally* be removed?

Hon. Umar Buba Jibrin (Kogi (Lokoja): The provision as recommended by the Committee is in order because the officer or officers that are charged with this responsibility are exercising that responsibility as professionals. I believe when this law comes into effect they will be aware of these provisions and the reason for this is to check corruption because for some people, it might be convenient for them to overlook the provision of the law and pass the building plan or code the way they probably might be pressured to do. If you

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have such a penalty it will dissuade such officers acting corruptly to contravene the law.

Hon. Rabe Nasir (Bindawa/Mani): I tend to believe what Hon. C. I. D. suggested. The insertion of that personally is very wrong and that is why it would bring about a lot of controversy. Let me give an example. In the Federal Ministry of Works, for instance, there is hardly one person that you can pin the responsibility of personally getting involved in approval of any structure because you have builders and architects. Even the Permanent Secretary and the Minister are involved in the process of securing approval for any structure to be built anywhere. So, if you say *to be held personally liable*, who amongst these officers in the chain of command will you hold responsible?

It is controversial; it is going to be very vague. If we remove the word *personally* it will not take away anything. After all this is the normal thing in the provision of law that the person who does this is liable. If you are acting on behalf of the State the office is responsible.

The Chairman: If you remove the word *personally* there, then the issue of imprisonment should also be removed

Hon. Rabe Nasir: That is why my standpoint from the onset is that we should remove this matter from being criminal to civil. So, I am not even taking into consideration that aspect at all. I still maintain my stand that this is supposed to be a civil matter anywhere. In line with that I am suggesting we should remove anything that will pin any personality. It should be a State matter.

Hon. Idris Umaru Isah (Igabi): I need to contribute here because there is a Bill on enforcement of the Building Code, which will soon come up and which has comprehensively taken care of contravening the Building Code and penalty has been apportioned there. I hope and pray that it will go through the Third Reading and be signed into law.

So this one specifically coming under this Bill is duplication and should go because contravening the Building Code has special penalty and there are categorisation in the Building Code as to which kind of public building that requires taking care of disabled person and how and where? It has clearly specified all kinds of buildings that require these facilities for the disabled. For this reason contravening that Act or that code has special penalty, which I think we should delete here and that Bill has adequately taken care of it.

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I also have reservation on Clause 9 because it will create a lacuna or a problem in approving building plan generally. That word in conjunction with the commission should be removed under Clause 9(1) – Building Plan. It reads: *Before erecting any structure its plan should be scrutinised by relevant authority in conjunction with the commission.* The word *in conjunction with the commission* should be removed because the Building Code provides specific relevant bodies that give approvals and they have to be in conformity with the Building Code; their responsibility is there. If you say *in conjunction with the commission* it means we will have to come to a commission probably in the Headquarters in Abuja for scrutiny before that plan is approved and it will bring a lot of problems. Therefore, I want that deleted.

The Chairman: On the issue of penalty, I think it is not be proper for us to wait for a Bill that is not presented before this committee; to just remove a clause in this Bill under consideration in anticipation that a coming Bill will come with such provision. Rather, if we pass this one, if any other subsequent Bill comes with a provision like that, that provision should be removed because it has been taken care by a Bill that has been passed by the House but it is not proper now. We do not know what will happen to that Bill whether or not it will get to this stage. We are sure this one has got to this stage; we do not know when the other one you are talking about will come; we do not even know whether it will come or not. It depends on what the committee decides.

I will now put the question that the word *personally* be removed.

Amendment put and agreed to.

Clause 10 – (COMPLAINT OF INACCESSIBILITY). – *as amended ordered to stand part of the Bill.*

The Chairman: We will go to Part IV - (ROAD TRANSPORTATION) on page 4 of the Bill, now page 5.

Clause 11 - (ACCESSIBILITY OF VEHICLES) – *ordered to stand part of the Bill.*

Clause 12 – (WAIVER OF CHARGES ON ASSISTIVE DEVICES) – *ordered to stand part of the Bill.*

Clause 13 – (RIGHT TO DRIVE) - *ordered to stand part of the Bill.*

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Clause 14 – (RESERVED SPACES) - *ordered to stand part of the Bill.*

The Chairman: We now go to Part V, Clause 15.

Hon. Soli Sada Jibia: On this Clause 11 – Accessibility of Vehicles, we are trying to improve on it. Every public vehicle should have functional audible and video display of their destination. For those vehicles that do not have at the time the law takes effect, what timeframe do we give them to install such things?

Hon. Beni Lar: Mr. Chairman, basically for all the houses and the vehicles, we should just put that five years maximum.

The Chairman: It is not too much, Hon. Soli Sada Jibia.

Clause 11 – (ACCESSIBILITY OF VEHICLES) - *as amended ordered to stand part of the Bill.*

Clause 15 - (SEA PORTS AND RAILWAY) - *ordered to stand part of the Bill.*

Clause 15(2) - *ordered to stand part of the Bill.*

Clause 16 – (TRANSITORY PERIOD FOR RAILWAYS AND SEAPORTS) - *ordered to stand part of the Bill.*

PART VI – AIRPORT FACILITIES

Clause 17 – (ASSISTIVE SERVICE AND AIRLINE) - *ordered to stand part of the Bill.*

Clauses 18 to 24 - *ordered to stand part of the Bill.*

PART VII – SITTING ARRANGEMENTS IN VEHICLES, VESSELS, TRAINS AND AIRCRAFTS

Clause 25 – (CONVENIENCE OF PERSONS WITH DISABILITIES ON BOARD) - *ordered to stand part of the Bill.*

Clause 26 – *ordered to stand part of the Bill.*

PART VIII – (CHILDREN WITH DISABILITIES)

Hon. C.I.D. Maduabum: Mr. Speaker, I have

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been in various fora where persons with disability gave the impression that that word *persons with disability* is derogatory and they coined a new phrase *physically challenged persons*. Why is it that in the whole of this Bill, it is talking of persons with disability instead of physically challenged persons? I just want to ask the question whether it was considered, Sir.

The Chairman: Perhaps, when we come to consider the Long Title, it will be changed and it will affect everything.

Hon. Aminu Shehu Shagari (Yabo/Shagari): Mr. Chairman, I should explain because I was the Chairman House Committee on Human rights when we were sitting. The phrase *physically challenged* envisages the physically challenged; but what about those with mental disability? You cannot call them physically challenged. So we said people with the physical disability. We considered that an acceptable phrase used all over the world.

But I would suggest that we use the phrase *people with special needs* because it is a normal expression that you can find especially in Europe. It is not derogatory. Why do we not try that?

The Chairman: You said people with special needs?

Hon. Aminu Shehu Shagari: Yes, Mr. Chairman.

Hon. Rabe Nasir (Bindawa/Mani): Well Mr. Chairman, I think we better stop debating on that, until when we are there. We have had a lot of Public hearings with people with disability and we know how they preferred to be called.

The Chairman: Alright, there is no problem. When we are there, we would consider it.

Part IX – (RIGHT TO LIFE AND PROTECTION) - *ordered to stand part of the Bill.*

Let us now go to Part X – LIBERTY

Hon. S.J. Ita Enang: Mr. Chairman, now that we are talking about this Part X, which has issue of Penalty and other issues which we had to redraft, I think this is a better time to take the Amendment, so that we would know what we have decided on account of this section.

The Chairman: Can you read it if you have finished redrafting it.

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Hon Ita Enang: Mr. Chairman, may we turn to page 1 of the Report which contains the Amendment that we are doing,

The Chairman: Hon. Members, can we turn to page one?

Hon. Ita Enang: Mr. Chairman, I proposed that we delete clause 2(a) and (b) and substitute with the following word as redrafted:

(1) *Any person who contravenes the provisions of Subsection (1) of this Section shall be liable to:*

(a) *A fine not exceeding N250,000 in the case of a corporate body; or*

(b) *a fine not exceeding N100,000 in the case of an individual; or*

(c) *both such fines and imprisonment.*

Notwithstanding the prosecution, conviction or otherwise of any person for any offence under this Act, the person against whom any such crime or wrong is committed shall maintain a civil action against any such person committing the offence or causing the injury without prejudice to any conviction or acquittal.

The Chairman: Do we have any seconder to the Amendment?

Hon. Betty A. Apiafi (Ahoada East/Abua/Odual): Mr. Chairman, I rise to second the Amendment as moved by Hon. Ita Enang.

Amendment put and agreed to.

Clause 1 (PROHIBITION OF DISCRIMINATION PENALTY) as amended, ordered to stand part of the Bill.

PART X – LIBERTY

Clause 39 – (LIBERTY) – Deleted

Clause 40 – (PROHIBITION OF UNLAWFUL EXPERIMENTATION) – Deleted

Clause 41 – (ABUSE AND MISUSE OF DISABILITY OR PERSONS WITH DSABILITIES) – Ordered to stand part of the Bill

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Clause 42 – (PROTECTION OF INTEGRITY) – Deleted.

Hon. Bitrus B. Kaze (Jos South/Jos East): Mr. Chairman, I thought the essence of this amendment was also that it can be captured in Part X which has a similar provision like this one. So, I thought we should take the specific amendments as it affects Section X and not just to carry it like that.

The Chairman: What is the problem of Part X Hon. Bitrus? In Part X it says: *Any person in breach of this section shall be liable to six months imprisonment or fine of N50,000 or both.* What is the problem of this?

PART XI – COMMUNAL LIFE

Clause 43 – (FREEDOM OF MOVEMENT) – Ordered to stand part of the Bill.

Clause 44 – (LIVING INDEPENDENTLY OF OTHERS) – Deleted

Clause 45 – (PROHIBITION OF SEGREGATION) – Deleted.

PART XII – PERSONAL MOBILITY

Clause 46 – (GOVERNMENT PROVISION OF ASSISTIVE DEVICES) Deleted.

PART XII – FREEDOM OF EXPRESSION AND OPINION AND ACCESS TO INFORMATION

Clause 47 – (FREEDOM OF EXPRESSION AND OPINION, AND ACCESS TO INFORMATION) Deleted.

PART XIV – MARRIAGE, FAMILY AND PRIVACY

Clause 48 – (RESPECT FOR PRIVACY) – Deleted.

PART XV – RIGHT TO FREE EDUCATION

Clause 49 – (RIGHT TO FREE EDUCATION) – Ordered to stand part of the Bill.

Clause 50 – (ALL PUBLIC SCHOOLS, WHETHER PRIMARY, SECONDARY OR TERTIARY SHALL BE RUN TO BE INCLUSIVE OF AND ACCESSIBLE TO PERSONS WITH DISABILITIES

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Clause 51 – (ESTABLISHMENT OF VOCATIONAL CENTRES) – Deleted

Clause 52 – (NATIONAL INSTITUTE FOR DISABILITY STUDIES) – Deleted.

Clause 53 – (FREE EDUCATION FOR SPECIAL EDUCATION PERSONNEL) – Ordered to stand part of the Bill.

Clause 54 – (APPROPRIATE MODE OF EDUCATION FOR PERSONS WITH DISABILITIES) – Ordered to stand part of the Bill.

PART XVI – HEALTH

Clause 55 – (FREE HEALTHCARE) - Ordered to stand part of the Bill

Clause 56 – (CERTIFICATES OF DISABILITY) – Ordered to stand part of the Bill.

Clause 57 – (PROVISION OF SPECIAL COMMUNICATION AT HOSPITALS) – Ordered to stand part of the Bill.

Clause 58 – (WAIVER OF CHARGES ON ASSISTIVE DEVICES) – Ordered to stand part of the Bill.

PART XVII - WORK AND EMPLOYMENT

Clause 59 – (EQUAL RIGHT TO WORK)

The Chairman: Chairman if I may ask, supposing there is a vacancy existing in a place and you have given somebody with disability equal right with somebody who is able to work and that job may include climbing and maybe that person with disability may not climb and he came and say because of this law he must also be considered for that job. What will happen?

Hon. Beni Lar (Langtang North/Langtang South): The law stipulates that it is only where the disabled can carry out those functions. So the job must be appropriate to it.

The Chairman: Is there anywhere in the Bill this thing was highlighted?

Hon. Betty A. Apiafi: Mr. Chairman, when we are talking about the buildings being built or modified to specification within five years, it means that from then at least, it is compulsory for you to have equal opportunity with the able bodied personnel.

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The Chairman: That is what I am saying Hon. Betty. You have given them equal opportunity. For example, maybe I have one leg and you have two legs and we applied for a place where only somebody with two legs can do the job and I went there and say because of this Bill I also have the right to be employed there.

Hon. Betty A. Apiafi: Yes, I believe that, because somewhere in this Bill we have also stated the time frame for which modifications would be made.

The Chairman: This is not about modification; you cannot modify me because I have one leg.

Hon. Betty A. Apiafi: I am referring to the buildings but of course, that does not preclude the fact that the disabled people have right to work.

The Chairman: That is why we have right, work and employment.

Hon. Beni Lar: Mr. Chairman, if you look at Job Security page 23, 62(2a) it says;

No employee shall be relieved of his employment on the ground of disability sustained during this employment.

(2)An employer of labour whose employee sustained a disability during his employment shall:

(a) retain and retrain the employee to still be effective in the employment or pay him off with a sum that is not less than the aggregate value of his 48 months of his salary if his disability is of such degree that permanently renders him unable to discharge his function or any other function that may be assigned to him in the employment.

In the case of paragraph (b), if the disability is sustained in the course of the employment, the employee's compensation shall not be less than the aggregate value of his 60 months salary.

The Chairman: That is not what I mean but if you go to Clause 60 it says:

(1) No employer or his agent or purported agent shall discriminate against a person with disability in any manner whatsoever and in particular but not limited to:

(a) job application procedure;

That is what I am saying.

The Chairman: I believe you understand what I am saying.

Hon. Aminu S. Shagari (Yabo/Shagari): I understand your question and it is very germane. We should have a proviso in that law which states that provided the person with disability can carry out that function like anybody else.

The Chairman: Yes. Chairman, can you then reframe it?

Hon. Beni Lar: In that case, we will reframe it but just give me a few minutes.

The Chairman: Or do I get a lawyer to do it for you?

Hon. Beni Lar: That will be helpful.

The Chairman: I know she is a lawyer but in this case she is the Chairman.

Hon. Ita S. J. Enang: Mr. Chairman, while we are waiting for the redraft of that particular Section and since we are still on Clause 60, we should go to the second page and all the pages which talk about penalty. In view of the general amendment I had proposed earlier and was adopted, I want to propose that wherever in this Bill the issue of penalty, crime, conviction and so on appears, it should be deleted so that it should be generally covered by the provision that was earlier drafted by Amendment of Clause 1(2).

Amendment put and agreed to.

The Chairman: Have you finished, Hon. Lar?

Hon. Beni Lar: Yes.

The Chairman: Read what you have.

Hon. Beni Lar: We will go back to Clause 59 and make a slight amendment.

Equal Right to Work: Persons with disabilities shall have the right to work on an equal basis with others provided they are physically and mentally capable of carrying out such functions.

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Hon. Abdullahi Shuaibu Hashimu (Awe/Doma/Keana): Mr. Chairman, if we insert that proviso, then we are not guaranteeing equal right to work for the able and disabled persons. I would rather we leave it the way it is in the Bill because all what the provision is saying is that disabled persons have equal right to work. This is at the discretion of the employer. After all, not all able persons can be employed. Even with able persons the employer has some other criteria in mind when he is going to carry out employment exercise; but then they all have equal right. That is what is important.

The Chairman: The able person has no law. Now the disabled person has.

Hon. Abdullahi Shuaibu: That is what Clause 59 is saying that because he is disabled, he should not be disallowed from applying for employment; he has the same right as able persons.

The Chairman: The only law the able person has to observe is that of Federal Character and if you go to them, they will tell you that they have observed the Federal Character. If he is disabled, he has this law and he will go with the law to his employer and show them this portion to prove that he has the right to be employed under this law. It is not at the discretion of the employer.

Hon. Abdullahi Shuaibu: What is important is that the employer should not discriminate against disabled persons. It is not that he will go and claim a right to be employed because he is disabled.

Hon. Beni Lar: I think Clause 60(b): *The Terms and Conditions of Employment* takes care of that. It says:

No employer or his agent or purported agent shall discriminate against a person with disability in any manner whatsoever and in particular but not limited to the terms and conditions of employment.

If the terms and conditions of employment say that you have to carry out some physical functions and he can, then there is no obligation on the part of the employer to employ him.

The Chairman: That is all right.

Hon. Chile W. Igbawua (Kwande/Ushongo): Mr. Chairman, the only solution to Clause 59 is that it should be deleted. This is because it is a general principle of law that the law cannot require the doing of

an impossible act. For instance, if we say everybody should be allowed to be pregnant and we are making a law against the discrimination against men and you are saying that everybody should be free to be pregnant, however that law is made, a man cannot be pregnant. So it means that you are making the law in vain.

The Chairman: No, some men can be pregnant but that is not possible in Nigeria for now.

Hon. Chile Igbawua: If they can, fine; but we are saying that the provision in Clause 59 is simply superfluous and cannot be applied. For instance, the only qualification for employment as a cleaner is able-bodied man. This is not discrimination because the nature of the work requires that for you to be a cleaner, you must be able-bodied. That does not amount to discrimination.

The proper thing to do is to delete Clause 59 because the Constitution has already taken care of the issue of discrimination. If the person ordinarily has the skills and the nature of job is such that he can perform, then he is covered by the Constitution. I do not see how a lesser law made under the Constitution can be superior to the Constitution.

On this note, I move that Clause 59 be deleted.

The Chairman: Is there any seconder?

Hon. Betty Apiafi: No, the analogy he made supports our position that that Section should be retained. If the men want to be pregnant nothing stops them but the issue here is that we want to really emphasize the fact that we do not have to discriminate against disabled people.

If you look further in this Bill, you will discover that at one point, you are trying to discourage disabled people from begging. Anything we can do to make it easier for them to get employment, I think it is not too much. We should retain the Clause since another section of this Bill specifies working conditions. I do not think that it is too much to leave it. We should leave it the way it is.

Hon. Isah Idris Umaru (Igabi): Mr. Chairman, I just wish to second the proposal moved by Hon. Chile. In all sincerity, we want the disabled people to have certain basic rights but if we push it too much, it will get to the extent that it will create problems regarding the implementation of the entire Bill. There are rights given by the Constitution as he mentioned, which this law cannot actually add any value to.

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I, therefore, second his Amendment.

Hon. Aminu S. Shagari: Mr. Chairman, I wish to oppose the last speaker.

The Chairman: If it is about opposition, you can just say nay when I put the question.

Hon. Aminu S. Shagari: It is all right, but they are saying that this provision should be removed because there is a provision in the Constitution safeguarding your rights. The rights in the Constitution are neither enforceable nor actionable but this is giving teeth to the law.

Hon. Chile Igbawua: Mr. Chairman, Point of Order?

The Chairman: Which order?

Hon. Chile Igbawua: A Member shall not misinform the House but I cannot quote the number, but it is there.

The Chairman: Sit down. When you are ready with your Order, you will cite it.

Hon. Ita S. J. Enang: Mr. Chairman, this Bill has 109 Sections. Of the entire 109 Sections, the central theme of this Bill is Section 59, that is: *The Right to Work*. The greatest problem of the disabled or a challenged person, is earning a living. Therefore, this Section should be retained and whatever is inelegant about it should be redrafted but having read through it thrice I have come to a conclusion that there is nothing inelegant about it. Therefore, we should retain it as it is.

Question put and agreed to.

Part XVII – (WORK AND EMPLOYMENT) – ordered to stand part of the Bill.

Part XVIII – (ADEQUATE STANDARD OF LIVING AND SOCIAL PROTECTION) – ordered to stand part of the Bill.

PART XVIII - (ADEQUATE STANDARD OF LIVING AND SOCIAL PROTECTION) – deleted.

PART XIX (PARTICIPATION IN POLITICS AND PUBLIC LIFE)

Question proposed.

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Hon. Abdullahi Shuaibu Hashimu (Awe/Doma/Keana): Mr. Chairman, I want to refer this House to Section 64 on page 25.

The Chairman: It has been deleted.

Hon. Abdullahi Hashimu: It is all right.

Hon. Ita Enang: I am very sorry, Sir, if I have to take you back. There is an unconstitutional provision that we have made.

The Chairman: Which Section?

Hon. Ita Enang: It is Section 67, which we retained.

The Chairman: Hon. Ita Enang, it has been deleted.

Hon. Ita S. J. Enang: It is all right.

PART XIX – (PARTICIPATION IN POLITICS AND PUBLIC LIVES) – ordered to stand part of the Bill.

Hon. Abdullahi Shuaibu Hashimu: I want to draw your attention and seek further clarifications on Clause 66 – Tax Waiver.

The Chairman: That is not Part XIX.

Hon. Abdullahi Shuaibu Hashimu: No, we were still on Part XVIII when I raised my hand.

The Chairman: We are now on Part XIX. Anyway, what is your problem?

Hon. Abdullahi Shuaibu Hashimu: On a serious note, Clause 66 says that the law should grant tax waiver to persons with disability. It says:

Every taxable person with disability shall have tax exemption on half of his earning.

I want justification for that because it is possible for somebody with disability to earn more income than somebody with ability. So why should we give exemption simply on account of disability?

Hon. Beni Lar: Mr. Chairman, it says *only half*. Most disabled people have a very hard time securing work and employment or any type of income; many of them live on very little. They are very few.

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The Chairman: But we are trying to equate them with those who are able.

Hon. Beni Lar: Exactly.

The Chairman: And if you are giving them half is it reasonable?

Hon. Beni Lar: I believe half is reasonable. In fact, the disabled have requested for waivers completely from taxes.

The Chairman: They will request for waiver and ask for gift from the government but is it right to allow them pay half? Again, it may be another form of discrimination.

Hon. Soli Sada Jibia (Jibia/Kaita): If we allow this provision, this legislation is most unfair to the able persons. We have billionaires in this country and around the world as well that are disabled. I can name one.

The Chairman: Do not mention any name. The implication of this Clause, Hon. Beni, is that somebody will just come with only one finger missing and claim to be disabled and that person may have a profit of maybe ₦20 billion instead of paying ₦5 billion as tax, he will end up paying ₦2.5 billion. That is another form of discrimination.

It is on account of that disadvantage that we are taking all these steps to make him equal with any other person. So if you are doing that and at the same time you are giving them another relief, that is unfair.

Hon. Abubakar Garba Shehu (Matazu/Musawa): To support what an hon. member has just said, the whole essence of the Bill is to fight the injustice against disabled persons arising from disabilities and if we say we should give them this waiver, we are also trying to do injustice to the able people like myself.

I suggest that we should forget about that because we are trying to strike a balance between disabled and able persons. So if we agree that we should give them the waiver, what that automatically means is that we are now doing injustice also to the able people and somebody will bring a Bill here and also ask us to protect the able persons.

The Chairman: Hon. Beni, do you want the disabled to look inferior?

Hon. Beni Lar: No, Mr. Chairman I do not think it makes them look inferior. I believe it is hard enough for him because he is missing a part of his body.

The Chairman: If you do not want them to look inferior, why are you giving them tax waiver?

Hon. Betty O. Apiafi: Mr. Chairman, please, we are talking about numbers here; we are not talking about picking out one disabled person who does not have one finger; we are talking about the millions of disabled people out there.

The Chairman: If you are talking about the numbers, Hon. Betty, I want to say that the millions of them that you have mentioned will not even have that money that you are talking about to pay tax.

Hon. Betty .O Apiafi: Having gone to pay half of their earnings, it is just the least we can do.

The Chairman: Which earnings are you talking about?

Hon. Betty O. Apiafi: We are trying to encourage them to earn a living. Therefore, we are trying to give them that incentive.

The Chairman: Can you tell us which type of tax you are referring to?

Hon. Betty Apiafi: It is the Pay-As-You-Earn Tax.

The Chairman: You have already given him the right of employment and you are giving him waiver again.

Hon. Betty .O Apiafi: Yes, because if a disabled person is getting a job today the able person has been doing this job for several years. Therefore, the disabled people need to meet up with us. Honestly speaking, it is not too much to ask.

Hon. Aminu Shehu Shagari: Mr. Chairman, this tax waiver envisages the fact that people living with disability have to go an extra mile to live a normal life. This is because they have to buy devices like wheelchairs, hearing aids and so on. It is all these that we have considered to reduce their expenses.

With the kind of lives they are living, they spend a lot to go to work unlike some of us. Maybe they have to make some modifications, for example, on their

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means of transport. That is why we thought of reducing their tax and that is what obtains in other developed countries. In fact, in some countries they do not even pay anything for transportation. That is why we think it is good to reduce their tax.

The Chairman: Hon. Shagari, take a situation of somebody who has no legs; that means he cannot drive.

Hon. Shagari: No, he can.

The Chairman: He cannot.

Hon. Shagari: By this Bill, he can.

The Chairman: How? It is only when you have one leg that you can drive.

Hon. Shagari: He has the right to drive subject to modifications being made to the vehicle he is allowed to drive.

The Chairman: Then he does not need extra money.

Hon. Shagari: He has to make extra modifications on that vehicle. Maybe it has to be custom made for him.

The Chairman: Is he the one who will make that extra modification on the vehicle or the manufacturer?

Hon. Shagari: In most cases he has to in order to suit his own special disability. With respect to what you said about losing a finger, a certificate has to be obtained from the Commission on the advice of a doctor that this person is physically challenged or disabled and then on the recommendation of a doctor, he gets a certificate of disability and that is the benefit of this Bill.

Hon. Mohammed Sama'ila Abdullahi (Bassa/Jos North): There is a reason this provision cannot stand. The issue of taxation of persons is governed by Personal Income Tax Act and personal income taxes are assessed by State Governments. Therefore, you cannot have a law at the Federal level talking about exemption to apply to States. That will be unconstitutional.

The Chairman: Hon. Sama'ila, it may not be unconstitutional. We are passing this law at the Federal level; it is not a State law.

Hon. Mohammed Sama'ila: Mr. Chairman, this law is for the Federal so it cannot have operative effect

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in States. They are the ones who assess individuals to income taxes. The Federal Government is responsible for assessing companies under the Corporate Income Tax Act. Therefore, you cannot pass a law in this National Assembly and expect that law, with respect to assessment of individuals, which is constitutionally the responsibility of the State Governments, to have effect there.

The Chairman: That may be only one example. Maybe they have a lot of that.

Hon. Mohammed Sama'ila: No.

The Chairman: May be she only mentioned one, that is, Pay-As-You-Earn.

Hon. Mohammed Sama'ila: We are talking of Personal Income Tax.

The Chairman: It has not been mentioned there.

Hon. Mohammed Sama'ila: No, it is written. It reads: *every taxable person with disability*. You do not expect corporations to have disabilities. It has to be natural persons, not artificial persons. So personal income tax is assessed by State Governments and you cannot sit down here and make law to reduce the income tax assessed by State Government with respect to individuals.

The Chairman: That is enough. We do need to debate on this thing again. It is just to delete that one. Hon. Beni Lar, is it your wish that we delete that portion?

Hon Beni Lar: No.

The Chairman: Now the law of the land is saying that we delete it. Therefore, it stands deleted.

Clause 66 – (TAX WAIVER) – deleted.

Clause 67 – (SPECIAL CONSIDERATION) - deleted.

PART XIX – (PARTICIPATION IN POLITICS AND PUBLIC LIFE) – deleted.

Hon. Shuaibu Abdullahi Hashimu (Awe/Doma/Keana): I do not know why the Committee is deleting the entire Section 70.

The Chairman: Section 70?

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Hon. Shuaibu Abdullahi Hashimu: That is where we are. Is that not Part XIX?

The Chairman: I understand that it has been deleted because it is part of the Electoral Act.

Hon. Colleagues, I understand that some of our Colleagues did not pray and some want to go to the gym. When I was a teacher, I remember the saying that all work and no play make Jack a dull boy. Therefore, we need to relax and refresh our brains for tomorrow.

For that reason, I call on the Acting Leader of the House to move a Motion on behalf of the Leader of the House.

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

Hon. Aminu Waziri Tambuwal (Tambuwal/Kebbe): I second the motion that the House do revert to Plenary.

Question put and agreed to.

Resolved: That this House do revert to Plenary.

(The Deputy Speaker resumed the Chair)

The Deputy Speaker: The House in the Committee of Whole considered the Report of the Joint Committee on Human Rights and Women Affairs on the Disability Bill and took the following decisions:

Approved Clause 1;
Amended Clause 2;
Approved Clauses 3 to 8;
Amended Clause 9;
Approved Clauses 10 to 65;
Deleted Clause 66;
Approved Clause 67; and deferred further consideration of the rest of the Bill.

Adoption of Report

Hon. Tunde Akogun (Akoko Edo): I move that this House do adopt the consideration of the Committee of Whole as approved, deleted and amended.

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

Question put and agreed to.

Resolved: That the House do adopt the Report of the Committee of the Whole as presented by the Acting House Leader.

ANNOUNCEMENT

Listing of the Land Use Act (Amendment) Bill, 2009 of the Constitution (First Amendment) Bill, 2009

The Deputy Speaker: *Hon. Members are, please, informed that the Bill on the Land Use Act (Amendment) Bill, 2009 of the Constitution (First Amendment) Bill, 2009 will be listed for Second Reading tomorrow, Thursday 30th April, 2009.*

Members are advised to come to the Chambers with copies of the Bill.

(Signed)

*Hon. Ita Solomon J. Enang
Chairman, House Committee on Rules and
Business*

ADJOURNMENT

Hon. Tunde Akogun: Mr. Speaker, I move that this House do stand adjourned till tomorrow, Thursday, 30th April, 2009 at 10.00 a.m.

Hon. Abdul Ahmed Ningi (Ningi/Warji): I second the Motion moved by the Acting House Leader that this House do stand adjourned till tomorrow, Thursday, 30th April, 2009 at 10.00 a.m.

Question put and agreed to.

Resolved: That the House do stand adjourned till tomorrow, Thursday 30th April, 2009 at 10.00 a.m.

The House adjourned accordingly at 5.30 p.m.