



**SENATE OF THE
FEDERAL REPUBLIC OF NIGERIA
ORDER PAPER**

Tuesday, 21st November, 2017

1. Prayers
2. Approval of the Votes and Proceedings
3. Oaths
4. Announcements (if any)
5. Petitions

ORDERS OF THE DAY

MOTIONS

1. The plight of retired Judges of state High Courts and the need to harmonize the process of paying the retirement benefits of all Judges of Superior Courts of record in Nigeria.

Sponsor: Senator Chukwuka Utazi (*Enugu North*)

The Senate:

Recalls that sometime around December 2016, Hon. Justice Godwin Ononiba, retired Chief Judge of Anambra State leading 31 other retired Judges, sued the Governor of Anambra State, the National Industrial Court for non-payment of their severance gratuities, their pension and arrears of pension;

Worried that the suit above is indicative and a reflection of the depressing plight of retired Judicial Officers, especially Judges of the State High Courts in Nigeria;

Aware that the appointment of Judges of the State High Courts passes through the intermediary of the National Judicial Council, NJC whose recommendation the Governor of a State considers and forwards to the House of Assembly for confirmation;

Aware that the Constitution deliberately placed the salaries of federal and State judicial officers as a first line charge on the Consolidated Revenue Fund as a way to secure the independence of the Judiciary and such are paid by or transmitted through the NJC to the necessary sub-authorities;

Aware that the retirement benefits of Federal Judicial Officers are paid by the NJC, except for a few hiccups, the Council has discharged this role quite promptly;

Curious that while their salaries are routed through the NJC, the retirement benefits of States Judicial Officers of Superior Courts of Record as recognized by Section 6 of the Constitution were left to the States to be paid on their retirement;

Disturbed that this state of affairs has created an anomalous situation where retired State High Court Judges have been left to their fate as State Governments hardly make these payments to the Judges as and when due;

Further disturbed that this situation leaves much to be desired as these Honourable men and women, who have invested their youth and strength in the hallowed responsibility of judicial service, are left to eat crumbs at

their retirement, and having lost the right to practice law, the result being that many of them are dying out of misery and hopelessness;

Worried that the bleak life in retirement of Judicial Officers would tend to nudge serving Judges to make hay while the sun shines and prepare for the rainy day by using their active service period to corruptly secure their retirement as the States do not seem to care for them in retirement;

Convinced that with the emphasis on anti-corruption trending in the polity now, addressing the issue of non-payment of retirement benefits of retired Judicial Officers of States will profit the society and the polity more whereby the causal factors of corruption are identified and addressed than allowing a manageable situation get out of control before solutions are proffered,

Accordingly resolves to:

- i. Urge the National Judicial Council, NJC, to harmonize the payment, as it has done with salaries and emoluments, of retirement benefits of Judicial Officers listed in Section 6 of the Constitution of the Federal Republic of Nigeria in such a way that the Council shall take up the responsibility of effecting the payments;
 - ii. Direct the Senate Committee on Judiciary, Human Rights and Legal Matters to conduct an Investigative Hearing on the issues surrounding the non-payment of severance gratuity, pensions and arrears of other entitlements to retired State Judicial Officers by State Governments in Nigeria and report back to the Senate within four weeks; and
 - iii. Direct the Senate Committee on Judiciary, Human Rights and Legal Matters to review the laws impeding the harmonization of the processes and prompt payment of retirement benefits of all Judicial Officers in the Country.
2. Funds accruing to the Hydroelectric Power Producing Areas Development Commission.

Sponsor: Senator David Umaru (*Niger East*)

The Senate:

Notes that section 1 of the Hydroelectric Power Producing Areas Development Commission (HYPPADEC) Act, 2010 established the Hydroelectric Power Producing Areas (Commission) to among other reasons conceive, plan and implement projects for the physical development of hydroelectric power producing areas; implement all measures approved by the Federal Government for development of hydroelectric power producing areas ; and tackle ecological problems associated with operation of hydroelectric dams in the Members States of Niger, Kebbi, Kogi, Kwara, and Plateau;

Aware that section 14 of the Hydroelectric Power Producing Areas Development Commission Act, 2010 established the Fund of the Commission and also stipulates that a certain percentage of the total revenue generated by any company or authority from the operation of any hydroelectric dams in the member states of Commission shall be remitted to the Fund of the Commission;

Aware also that by virtue of section 15 of the Hydroelectric Power Producing Areas Development Commission Act, 2010, the proceeds of the Fund is to be used to defray the expenses of the Commission including infrastructural development projects to be executed for the direct benefit of the people of hydroelectric power producing areas in Nigeria;

Notes that the Nigerian Electricity Regulatory Commission (NERC), established under section 31 of the Electric Power Sector Reform Act (EPSRA) , 2005 is the regulator of the electricity industry including the licensing and regulation of Electricity Generation Companies (GENCOs), Electricity Distribution Companies (DISCOs), system operators, transmission companies and other persons involved in electricity trading in Nigeria;

Observes that due to the delayed take off of HYPPADEC, NERC in exercise of its function under section 32(2) (d) of EPSRA directed different government agencies including the Market Operator (MO), one of the two special entities created to ensure efficient and transparent electricity market in Nigeria; the Nigerian Bulk Electricity Trading Company Plc (NBET), etc., to deduct and retain in revenue yielding accounts, 30 per cent of the total revenue of affected companies which was later reduced to 10 percent;

Notes that between 2013 through 2015 to date, the Market Operator, NBET Plc and the DISCOs in compliance with NERC directive reportedly assumed responsibility for the collection of revenue meant for HYPPADEC and these funds so collected has accumulated into huge sums running into billions of naira;

Observes that since the commencement of remittances by GENCOs and DISCOs, dispute has arisen among electricity market participants as to who has custody of the accumulated funds and the total amount that has so far been remitted to these government agencies to keep on behalf the HYPPADEC;

Recalls that the Senate on Tuesday, 11th August, 2015, adopted resolution S/Res/016/01/15 urging NERC to comply with the provisions of section 32(1) (g) of the EPSRA by submitting its accrued quarterly report to the National Assembly which resolution has not been complied with by NERC;

Aware that funds were earmarked by the Federal Government in the 2016 and 2017 Appropriation Acts as takeoff grant for the final inauguration of HYPPADEC. Specifically, the sum of N150, 000,000 (one hundred and fifty million) naira out of which N18, 000,000 (eighteen million) naira has been released to the Ministry of Power, Works and Housing;

Convinced that there is an urgent need for the Market Operator, the Nigerian Electricity Bulk Trading Company Plc, the Nigerian Electricity Regulatory Commission, relevant GENCOs, DISCOs, including the Ministry of Power, Works and Housing, to render account regarding the total collections so far received on behalf of the HYPPADEC and the actual custodians of these funds;

Notes that the accumulated funds now reportedly in the custody of different entities will be much needed by the Commission once it comes into operation hopefully after the constitution and inauguration of the Governing Council of HYPPADEC,

Accordingly resolves to:

- i. *Mandate* the Senate Committees on Power, Steel Development & Metallurgy and Public Accounts; to invite NERC, the Market Operator, NBET Plc, and the relevant DISCOs and GENCOs to render a detailed account of the total amount (including interest on the accrued amount) collected on behalf of HYPPADEC;
- ii. *Mandate* the Senate Committees on Power Steel Development & Metallurgy and Public Accounts; to investigate and consider summoning the Nigerian Electricity Regulatory Commission; the Electricity Market Operator; all the relevant GENCOs and DISCOs, including the Ministry of Power, Works and Housing to generally establish the status of the Commission's Fund, and report back to the Senate within two (2) weeks;
- iii. *Direct* the Nigerian Electricity regulatory Commission (NERC) to comply with the resolution of this Distinguished Senate- S/Res/016/01/15 of Tuesday, 11th August, 2015 wherein NERC was urged to comply with the provisions section 32(1) (g) of ESPRA regarding the submission of quarterly reports to the National Assembly;
- iv. *Commend* the Legislative and Executive arms of Government for the renewed effort towards the takeoff of the Hydroelectric Power Producing Areas Development Commission and urge the President to approve the Constitution and inauguration of the Governing Council of the Commission; and
- v. *Urge* the Legislative and Executive arms of Government to sustain the present synergy aimed at ensuring the immediate takeoff of the Commission in the interest of affected communities.

CONSIDERATION OF REPORTS

1. Report of the Committee on Ethics, Privileges and Public Petitions

Sen. Samuel Anyanwu (*Imo East*)

-That the Senate do consider the reports of the Committee on Ethics, Privileges and Public Petitions in respect of:

- a. Petition from Mr. Jolomi Arenyeka and Two Others Against Petroleum Technology Development Fund (PTDF) for Wrongful Disengagement from the Service of the Fund;
- b. Petition from Colonel Chidi Kalu Ukoha Against the Nigerian Army for His Wrongful Retirement from the Army;
- c. Petition from Dr. Isah Mohammed Ahmed Against Kano Electricity Distribution Company (KEDCO) For Alleged Victimization, Intimidation and Refusal to Pay His Retirement Benefits; and
- d. Petition From Njemanze & Njemanze & Co. on Behalf of Senior Staff of National Health Insurance Scheme (NHIS) Against National Health Insurance Scheme for Cancellation of Their 2016 Promotion Examination.

CONSIDERATION OF BILLS

1. A Bill for an Act to establish a regulatory framework for the Water Resources Sector in Nigeria, provide for the Equitable and Sustainable Development, Management, Use and Conservation of Nigeria's Surface water and Ground water Resources and for related matters, 2017 (SB.479) - *Second Reading*
Sen. Ahmad Lawan (*Senate Leader*)
2. A Bill for an Act to establish the Solid Minerals producing Areas Development Commission in the Federal Republic of Nigeria to address the Environmental Devastation and for other connected matters, 2017 (SB.61) - *Second Reading*
Sen. T. Y. Kaura (*Zamfara North*).
3. A Bill for an Act to provide for the Amendment of the National Institute of Sports Act CAP N52 LFN 2004 to provide for the decentralization of the Institute and for other related matters, 2017 (SB. 75) - *Second Reading*
Sen. Shehu Sani (*Kaduna Central*).
4. A Bill for an Act to provide for the establishment of the Special Funds Accounts Commission and vest it with the responsibility for the operation, control and management of the Special Accounts and for other related matters, 2017 (SB. 34) - *Second Reading*
Sen. Mohammed Shaába Lafiagi (*Kwara North*).
5. A Bill for an Act to give effect in accordance with section 34 (1) of the 1999 Constitution of the Federal Republic of Nigeria (As amended) to respect of Human Dignity and Protection from inhuman treatment by prohibiting and preventing any from torture or cruel, inhuman or degrading treatment or punishment, to provide for the crime of torture, to give effect to obligations of Nigeria as a State Party to the United Nation's Convention against torture and other cruel inhuman degrading treatment or punishment and for other related matters, 2017 (SB. 47) - *Second Reading*
Sen. Biodun Olujimi (*Ekiti South*).

COMMITTEE MEETINGS

No.	Committee	Date	Time	Venue
1.	Joint Committee on Medium Term Expenditure Framework (MTEF) and Fiscal Strategy Paper (FSP)	Tuesday, 21 st November, 2017 (Interactive Session)	12.00noon	Conference Hall 231 Senate New Building
2.	Land Transport	Tuesday, 21 st November, 2017 (Meeting with Hon. Minister)	3.00pm	Committee Room 305 Senate New Building

3.	Joint Committee on Diaspora & Non- Governmental Organizations, Foreign Affairs and Special Duties.	Tuesday, 21 st November, 2017	2.00pm	Committee Room 117 Senate New Building
4.	Joint Committee on Drugs & Narcotics and Health	Tuesday, 21 st November, 2017	2.00pm	Committee Room 327 Senate New Building
5.	Ad-hoc Committee on Nigeria Immigration Service Internally Generated Revenue	Tuesday, 21 st November, 2017	2.00pm	Committee Room 327 Senate New Building
6.	Local Content	Tuesday, 21 st November, 2017	2.00pm	Committee Room 224 Senate New Building
7.	Nigerian Navy	Tuesday, 21 st November, 2017	2.00pm	Committee Room 3.04 Senate New Building
8.	Ethics, Privileges and Public Petitions	Tuesday, 21 st November, 2017	3.00pm	Committee Room 120 Senate New Building
9.	Agriculture and Rural Development	Tuesday, 21 st November, 2017	2.00pm	Committee Room 211 Senate New Building
10.	Diaspora and Non-Governmental Organizations	Tuesday, 21 st November, 2017 (Investigative Hearing)	2.00pm	Committee Room 117 Senate New Building
11.	Federal Character and Inter-Governmental Affairs	Tue. 21 st – Wed. 22 nd November, 2017	2.00pm	Committee Room 348 Senate New Building
12.	Ad-Hoc Committee on Alleged Mis-use, Under-Remittance and other fraudulent Activities.	Tue. 21 st – Thu. 23 rd November, 2017 (Public Hearing)	12.00noon	Committee Room 204 Senate New Building