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**SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA**

Thursday 17th March, 2016

The Senate met at 11:58a.m.

PRAYERS

(The President in the Chair)

VOTES AND PROCEEDINGS

The President: Distinguished Senators, the Votes and Proceedings of Wednesday, 16th March, 2016 is before us for approval. We will start consideration from page 575 to 576.

Senator Tijjani Yahaya Kaura (Zamfara North): Mr. President, page 576 item (c); my name is spelt *Tijjani* and not *Tijani*, thank you Sir.

The President: Secretariat, take note. Page 577 – 579.

Senator Ahmadu Abubakar (Adamawa South): Mr. President, I hereby move that the Votes and Proceedings of Wednesday, 16th March, 2016 be approved.

Senator Mao A. Ohuabunwa (Abia North): Mr. President, I second the Motion that the Votes and Proceedings of Wednesday, 16th March, 2016 be approved.

Question put and agreed to.

Resolved: That the Votes and Proceedings of Wednesday, 16th March, 2016 be approved as amended.

ANNOUNCEMENTS

Conference of Sunni Muslims on Peaceful Co-existence

The President: All Distinguished Senators are invited to the opening ceremony of the Conference of the Sunni Muslims all over the world and the theme of the Conference is Peaceful Co-existence in a multi-religious and multi-ethnic society in the world.

His Excellency, Muhammadu Buhari would be the Guest of Honour and will deliver a Key-note address, all Senators are invited. The venue for the Conference is Shehu Musa Yar'Adua Centre and the time is 2:00 p.m.

(Signed)

Senator Mohammed A. Aliero

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Letter from Senator Bukar Abba Ibrahim

17th March, 2016

The Senate President,
Senate Chamber,
National Assembly Complex
Abuja.

My dear President, Sir,

**POSTPONEMENT OF THE ROYAL
AMBASSADOR OF NIGERIA GOES GREEN IN
HONOUR OF SENATOR (DR.) BUKAR ABBA
IBRAHIM**

I regret to inform you and other distinguished senators that the above event scheduled for Friday, 18th March, 2016 at Abuja has been postponed due to the state burial of the Late Hon. Minister of State, Federal Ministry of Employment, Labour and Productivity.

A further date will be communicated to you soon.

I regret any inconveniences this change might have caused.

Please accept the assurances of my highest regards.

(Signed)

Senator (Dr.) Bukar Abba Ibrahim

Chairman, Senate Committee on Ecology and Climate
Change

Letter from Senator Mao Ohuabunwa

17th March, 2016

Dr. Bukola Saraki, CON
The Senate President,
(All Senators),
National Assembly,
Abuja.

**Re: Invitation to attend my Thanks-Giving Service
Ceremony, Holding at Arochukwu, Abia State**

Following from the recently concluded re-run election for the Senatorial Seat of Abia North, resulting in my declaration as the winner by INEC, and subsequent re-inauguration as a Senator of the 8th National Assembly of the Federal Republic of Nigeria, I wish to take this opportunity to appreciate the Almighty God - whose invisible directions, inspirations and blessings - made my electoral projects a reality.

I therefore wish to invite you and my Colleagues to find time to join me, my family, our political friends in a Thanks-Giving Service to commemorate our victory and appreciate God.

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The event is scheduled to hold as follows:

1. Date: 28th March, 2016 (Easter Monday, 11a.m.)
2. Venue: All Saints Cathedral, Ugwu-Avo, Arochukwu, Abia State.

Thank you and God bless you as you come.

(Signed)

Senator Mao Oluabunwa, FNIST, NPOM, KSC

Visitors in the Gallery

I wish to acknowledge the presence of Staff and Students of Kings Academy, Lugbe Abuja; Staff and Students of Golden Egg Private School, Kubwa, Abuja; and Staff and Students of Silence Spring Nursery and Primary School, Aso Pada, Nasarawa State, who are in the Gallery to observe the Senate Proceedings.

I wish you fruitful observation of the Senate Proceedings.

(Visitors stood for recognition.)

PRESENTATION OF BILLS

Senator Mohammed Ali Ndume (Borno South): Mr. President, the first Business of the Day is presentation of six (6) Bills. You may wish to invite the Clerk of the Senate to read the Short Titles of the Bills.

Labour Institutions Bill, 2016

The Labour Institution Bill, 2016 (SB. 161) – presented by Senator Suleiman Nazif (Bauchi North); *read the First Time.*

National Farm Settlement and Youth Empowerment Bill, 2016

National Farm Settlement and Youth Empowerment Bill, 2016 (SB. 165) – presented by Senator Matthew Urhoghide (Edo South); *read the First Time.*

Consumer Protection Council Act (Amendment) Bill, 2016

Consumer Protection Council Act CAP C25 LFN 2004 (Amendment) Bill, 2016 – presented by Senator Clifford Ordia (Edo Central); *read the First Time.*

Occupational Safety and Health Bill, 2016

Occupational Safety and Health Bill, 2016 (SB. 200) – presented by Senator Duro Faseyi (Ekiti North); *read the First Time.*

National Lottery Act 2015 (Amendment) Bill, 2016

National Lottery Act 2005 (Amendment) Bill, 2016 (SB. 227) – presented by Senator Dino Melaye (Kogi West) and Obinna Ogba (Ebonyi Central); *read the First Time.*

Chartered Institute of Management Accountant Bill, 2016

Chartered Institute of Management Accountant Bill, 2016 (SB. 236) – presented by Senator Barnabas Gemade (Benue North East); *read the First Time.*

ORDER OF THE DAY

CONSIDERATION OF REPORT

Report on the High Court of Federal Capital Territory

Senator Mohammed Ali Ndume: Mr. President, the first Order of the Day is the presentation and consideration of the Report of the Committee on Judiciary, Human Rights and Legal Matters on the High Court of Federal Capital Territory, Number of Judges Act No. 15 of 2003 (Amendment) Bill, 2016 (SB. 176). You will recall that the Report of the Committee was laid yesterday, Wednesday, 16th March, 2016.

You may wish to invite Distinguished Senator David Umaru to move the Motion for the presentation and consideration of the Report.

Senator David Umaru (Niger East): Mr. President, I move that the Senate do consider the Report on a Bill for an Act to amend the High Court of the Federal Capital Territory, Abuja (Number of Judges) Act No. 15 of 2003 to make provision for increase from Thirty-seven (37) to seventy-five (75) and for related matters.

Senator Andy Emmanuel Uba (Anambra South): Mr. President, I second motion moved by Senator David Umaru.

Question put and agreed to.

Resolved: That the Senate do consider the Report on a Bill for an Act to amend the High Court of the Federal Capital Territory Abuja (Number of Judges) Act No. 15 of 2003 to make provision for increase from Thirty-seven (37) to seventy-five (75) and for related matters.

The President: Senator David Umaru, you may present the Report.

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Senator David Umaru: Mr. President, this Bill which is a Bill for an Act to amend the High Court of the Federal Capital Territory, Abuja (Number of Judges) Act No. 15 2003 to make provision for increase in the number of Judges and for other related matters 2015 was sponsored by Distinguished Senator Joshua M. Lidani of (Gombe South Senatorial District, Distinguished Andy Uba (Anambra South) and my humble self as co-sponsors. The Bill was read for the first time on Wednesday, 9th December, 2015.

On Tuesday, 23rd February, 2016, the Senate deliberated on the general principles of the Bill and after extensive deliberations on its merits by Distinguished Senators, it was read the Second Time, and was referred to the Senate Committee on Judiciary, Human Rights and Legal Matters for further legislative action (Vide Order of Referral dated 24th February, 2016, which was to report back with its recommendations.

Objective of the Bill:

The main objective of this Bill, in the Committee's view, is to increase the number of Judges of the High Court of the Federal Capital Territory, Abuja from Thirty-seven (37) to Seventy-five (75) due to the increase in the number of cases in the Courts docket and creation of new divisions of the Court.

This request has become necessary, as exposed during debates on the general principles of the bill because there are no enough Judges in the Court. A situation whereby a Judge has to contend with about 1,600 cases in his Court is not only worrisome but it poses a great deal of health hazards on them.

In order to address these issues and other related matters that constitute delays in the administration and dispensation of justice in the Federal Capital Territory, we commend the passage of this Bill into law.

In the Federal Capital Territory; we recommend the passage of this Bill into law.

Methodology:

The methodology adopted is as follows; after the referral of the Bill, the Committee held several meetings and resolved as follows:

- (i) To hold a Committee Public Hearing;
- (ii) To consult with stakeholders such as the Supreme Court of Nigeria; the National Judicial Council; the Federal Ministry of Justice; the Federal High Court; the High Court of the Federal Capital Territory, Abuja, the National Industrial Court; the Nigerian Law Reform Commission; the National Judicial Institute;

- (iii) the Nigerian Bar Association; among others, ahead of the Committee Hearing; and To consider any other matter that would assist the Committee in the discharge of its assignment.

Committee's Activities:

Mr. President, it should be stated that in furtherance of the above, and after wide consultation with the stakeholders, the Committee organised and conducted hearing with stakeholders and members of the public, with a view to eliciting their inputs on the merits of the proposed amendment. The Committee Public Hearing took place on Tuesday, 8th March, 2016.

The following stakeholders submitted their memoranda and made presentations at the hearing: the Supreme Court of Nigeria; the Federal Ministry of Justice; the Nigerian Law Reform Commission; the Federal High Court; the High Court of the Federal Capital Territory, Abuja, the National Industrial Court; the National Judicial Institute; The Legislative Lawyers Association of Nigeria.

Highlights of Presentations at the Committee's Hearing:

The highlight of the Report is as follows:

It is important to state that the stakeholders at the hearing made far reaching contributions on the justification for the increase in the number of Judges of the High Court of the Federal Capital territory, Abuja. They were unanimous in their support for the passage of this Bill. Their views as well as contributions (*interruption*)

Senator Andy Emmanuel Uba: Point of Order, Mr President!

The President: What is your Point of order, Senator Andy Uba?

Senator Andy Uba: I come under Order 56 (9) (10); can I read?

The President: Yes, read it.

Senator Andy Uba: Mr. President, Order 56 (9) (10) read as follows; (9) *when a Senator is speaking, no Senator may converse aloud or make any noise or disturbance to interrupt him.* (10) *During a sitting, all senators shall be silent or shall confer only in undertones.*

The President: Senator Andy Uba, you are right, the noise is too much, Distinguished Colleagues, let us comport ourselves in line with our rules so that we can listen to Senator David Umaru on this very important Bill. Your order is sustained.

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Senator David Umaru: Thank you Mr. President, I will take the highlight of the presentation again, that is item 4.1. It is important to state that the stakeholders at the hearing made far reaching contributions on the justification for the increase in the number of Judges of the High Court of the Federal Capital territory, Abuja.

They were unanimous in their support for the passage of this Bill. Their views as well as contributions of Distinguished Senators during the debate on the general principles of the Bill have been reflected in this Report. In our view, the contributions are far reaching and will enrich the dispensation of Justice in the Federal Capital territory. We commend it to this Distinguished Senate.

Before I highlight the key areas of the presentation, let me quickly state for the record that the last amendment to this Act was carried out in 2003 by the National Assembly, that is about 13 years ago. We are aware of the population growth in the Federal Capital Territory, increase in the number of prosecutorial agencies, creation of additional divisions of the Court, emerging trends in criminal activities among others, which have made this amendment very appropriate.

Flowing from the above, the introduction of this Bill in the Committee's Bills is desirable and it is a welcome development and could not have come at a better time than now. This Committee knows as a matter of law that pursuant to Section 255 (2) (b) of the Constitution of the Federal Republic of Nigeria 1999, as amended, that it is within the legislative powers of the National Assembly to prescribe the number of Judges of the High Court of the Federal Capital territory, Abuja.

The Highlights of the presentations at the Public hearing are as follows; firstly, stakeholders canvassed the view that the passage of this Bill will substantially reduce delays in the dispensation of Justice in the High Court of the Federal Capital Territory, Abuja. This position in the Committee's view is plausible and we commend Distinguished Senators to uphold it.

Secondly, speedy dispensation of Justice is central to the justice Sector Reform which envisages the judicial system that is vibrant and prompt in the dispensation of Justice.

Therefore, increase in the number of Judges of the High Court of the Federal Capital territory, Abuja is necessary taking into consideration the work load of the Court. Also in our view, thirteen years ago from the last amendment, which was carried out in 2003, a lot of political, social and economic activities have taken place in the Federal Capital Territory. This indeed, translates to the urgent need to make provisions for the increase on the number of Judges.

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Thirdly, the spate of increase in the number of cases before the Court makes it imperative that more Judges are appointed to address manpower problems, which will among other things enhance speedy determination of cases which is the hallmark of the Justice Sector Reform. The whole idea of Justice Sector Reform is to significantly reduce or eliminate delays in trials by reforming the civil and criminal procedure system and to also strengthen judicial integrity and capacity.

Furthermore, it is to be noted that basically, apart from the exponential increase in the number of cases in the preceding legal years coupled with the creation of additional specialised divisions to accommodate the increase in number of prosecutorial agencies, the attendant increase on the number of cases they filed has made this request imperative. To corroborate the above assertion, in the 2015 Legal Year alone, two new Divisions were commissioned at Bwari and Gwagwalada due to increase litigation of cases arising from those areas. Similarly, two Divisions will be established in the year 2016 Legal Year for Nyanya and Karu, thus representing the population growth in the FCT generally.

On the whole, it is the stakeholders' respective position and submission that the increase, when granted by the Senate, and indeed the National Assembly, would provide respite to already overworked Judges of the Court and ensure credibility and speedy dispensation of Justice.

Finally, Distinguished Senators are enjoined to exercise their constitutional duty to legislate diligently and increase the number of Judges of the High Court of the Federal Capital Territory, Abuja.

Observations:

Based on the facts and views canvassed to justify the passage of this Bill, we hereby observe as follows:

- (i) That this amendment in the Committee's view, is in consonance with the arguments of Distinguished Senators during the debate on the general principles of the Bill and it is supported by the provisions of section 255 (2) (b) of the Constitution of the Federal Republic of Nigeria 1999 (as amended), which states that the Court shall consist of: "such number of judges of the High Court, as may be prescribed by an Act of the National Assembly".
- (ii) That as a result of the dearth of Judges in the court in the last three preceding legal years, the Court workload in its docket has increase exponentially.
- (iii) That available statistics show that the Court has to contend with over 60,000 cases in its dockets in the last two years.

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- (iv) That the increase in the Court docket does not only slow the dispensation of justice but also the workload on Judges is becoming unbearable and it is taking its toll on their health.

Findings:

Taking into consideration, the above-stated observations and having regard to the fact that the court needs to be repositioned in line with the justice sector reforms, to enable it dispense justice speedily, we hereby make the following findings:

- (i) That appointment of more Judges is imperative as a result of the increasing number of cases the Court has to contend with;
- (ii) That with the creation of specialized divisions in the Federal Capital Territory High Court, it is obligatory that more Judges are appointed to preside over them;
- (iii) That the provisions of section 255 (2) (b) of the Constitution of the Federal Republic of Nigeria 1999, as amended, envisages this amendment and that is why it does not expressly make provision for the maximum number of Judges to be appointed by the Court; and
- (iv) That this amendment is opposite as it will decongest the court's docket as well as a counter measure against delay in the dispensation of justice.

Recommendation:

The Senate Committee on Judiciary, Human Rights and Legal Matters to which the High Court of the Federal Capital Territory Abuja Act No. 15 of 2003 (Amendment) Bill, 2016 was referred and having favourably considered same, recommends as follows:

That the Senate do consider and pass the Bill for an Act to amend the high Court of the Federal Capital Territory Abuja (Number of Judges) Act no. 15 of 2003 to make Provision for Increase from Thirty –Seven (37) to Seventy-Five (75), and for Related Matters, 2016.

I so move.

Conclusion:

Finally, we wish to use this opportunity to thank the President of the Senate and our Distinguished Colleagues for the opportunity to serve in this capacity and to respectfully commend the passage of this Bill by the Senate.

The President: Is there any comment?

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Senator Kabiru Ibrahim Gaya (Kano South): Mr. President, this Bill has a good intention and I commend the author of the Bill, but we are just passing the National Budget and this Bill is coming at the time when virtually the budget is almost completed and if you look at our Standing Order 77, it clearly states, if I may read –

The President: You may read it.

Senator Kabiru Ibrahim Gaya: Order 77 reads:

- (1) *Notice of the presentation of a Government Bill shall be given by publication of the provisions proposed to be embodied in such bill in an issue of the Official Gazette to National Assembly Journal of which a copy shall have been sent to every Senator. And if I go to (3):*
- (3) *A compendium of the background information and financial implications shall accompany every Bill.*

Mr. President, there is no issues of finances to this Bill.

The President: Senator Kabiru Gaya, as you know, we have dealt with that at the second Reading. It came along with the compendium on the background, so we have already certified that aspect; it is included.

Senator Philip Tanimu Aduda (FCT): Mr. President, this amendment came just as Senator Kabiru Gaya said, at the right time and it is very important that this amendment is immediately passed. My only comment is that sometimes, you will find that original inhabitants and settlers who are from within the FCT after working as Magistrate are not promoted to High Court as Judges.

It is in my opinion that we should also look at that and once this is passed, those who are the appointing authority should also look at the catchment within which some of these people are from to ensure that they are equally promoted.

This will enhance growth on various careers as Judges so that we in the FCT can solemnly and proudly say we have somebody at the Court of Appeal or at the Supreme Court. These are my submissions.

Senator Muhammad Adamu Aliero (Kebbi Central): Mr. President, I give support to this amendment, it is very timely in the sense that we have very serious congestion of cases at the High Court of FCT. The Judges are certainly overworked to the extent that a case that is supposed to take only two to three weeks end up taking more than one year. Justice delayed is justice denied, I therefore support the amendment as proposed in this Bill and I urge all my Colleagues to do the same.

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The President: Distinguished Colleagues, as regards comments on the Report, our comments should be specific, if not, we will move to the Committee of Whole to take the Bill Clause by Clause.

Senator Ike Ekweremadu (Enugu West): Mr. President, just to correct his impression, the increase from 37 to 75 does not mean that they are going to appoint 75 tomorrow. They can appoint 38, 39 or 40; it is going to be a gradual process as money is available over the years. The most important thing is that at no point will it exceed 75. Presently, they cannot exceed 37 because that is what is in the Law, what we are doing now is just to increase the scope to 75 and that does not mean that we are going to appoint 75 Judges tomorrow.

Senator Ibrahim Abdullahi Gobir (Sokoto East): Mr. President, yes it is a noble idea to increase from 37 to 75, but there is need for the Committee on Human Right to follow this carefully so that the Judges are not overloaded because the idea is to make sure that each State is represented. It is important to ensure that these people are not recruited at once. The Senate Committee on Judiciary, Human Rights should look at the issue.

Senator Ndume Mohammed Ali: Mr. President, I move that this Senate do resolve into the Committee of Whole to consider the Report.

Senator Emmanuel Bwacha (Taraba South): Mr. President, I second the Motion that the Senate do resolve into the Committee of the Whole to consider the report.

Question put and agreed to.

High Court of Federal Capital Territory Act No. 15 of 2003 (Amendment) Bill, 2016 – CONSIDERED IN THE COMMITTEE OF THE WHOLE.

(The Chairman in the Chair)

The Chairman: Distinguished Colleagues, this is a straightforward Bill that seeks to amend the High Court of the Federal Capital Territory, Abuja, 2003 to increase the number of Judges from current Thirty Seven to Seventy Five to provide for the increase number of Judges in view of the increase number of cases.

We will go straight to the Clauses.

Clause 1 – (NUMBER OF JUDGES OF THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY) –

Amendment proposed.

Clause 1 of the Principal Act is amended in subsection 1 (b) by substituting for the word *Thirty-Seven* with the word *Seventy-Five*.

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The high Court of the Federal Capital Territory, Abuja shall consist of:

- (a) A Chief Judge of the High Court of the Federal Capital Territory, Abuja; and
- (b) A maximum number of seventy five Judges of the Court.

Senator Ike Ekweremadu: Mr. Chairman, the Committee's recommendation of Section 1 of the Principal Act is amended in subsection 1 (b) by substituting the word *Thirty-Seven* with the word *Seventy-Five*.

Clause 1 – (NUMBER OF JUDGES OF THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY) – as amended ordered to stand part of the Bill.

Clause 2 – (FEDERAL CHARACTER IN THE APPOINTMENT OF JUDGES, ETC) –

Amendment proposed.

The Chairman: Clause 2, under the Committee's recommendation is also to be amended.

Senator Ike Ekweremadu: Yes.

The Chairman: So, Section 2 of the Principal Act is amended by substituting the word *Thirty-Seven* in line 4, with the word *Seventy-Five*. The principle of Federal Character of Nigeria shall be applied in the appointment of Judges of the Court provided that nothing in this Act shall affect or negate the proceeding of the Court by reason only that the number of Judges of the Court remains at any time below *seventy-five*.

Senator Ike Ekweremadu: Mr. Chairman, the last word you read, I will ask the Chairman for further explanation because it does not appear to me that the proviso makes sense. Clause 1 (1) (b), we said that the maximum number is seventy five, add a proviso that nothing will affect anything below Seventy Five, it does not make sense to me because at each time, it shall always below seventy five, to add that whatever happens even when it is below seventy five, it does not affect it, to me it is over legislation. That particular Clause should end with the word court.

The Chairman: Chairman of the Committee, do you want any explanation on that.

Senator David Umaru: Mr. Chairman, I do agree that it is mere surplusage.

Senator James Manager Ebiowou (Delta South): Mr. Chairman, if what we have is retained, that means it is not what we are seeking for. This is not what we are seeking for an amendment and that is why we are retaining it.

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Senator Ndume Mohammed Ali: Mr. Chairman, with respect and it is a guide, what we are doing now is consideration of the report on amendment. If there is anything that this Committee of the Whole sees that need to be amended, it will be amended at this time and it will be put to vote.

Senator Bala Ibn Na'allah (Kebbi South): Mr. Chairman, Distinguished Colleague, let us clearly understand what Senator James Manager is saying; the Clause provides for the Principal Act and then the amendment. In this Clause, you had already said it exist as a Clause in the old Bill prescribing 75 Judges, then, you say you are retaining it in the amendment. What Senator James Manager is saying is that it could not have been possible that there is a provision that makes provision for 75 Judges and we are still amending to 75; that is the argument.

That is the argument and I think that is where the problem is. Here, this Clause that we are retaining –

The Chairman: Let me just go through for guidance then you can all contribute. My understanding of what the Deputy Senate President is saying is that the Act as it is now by that Section 2 is superfluous. It says that *the principle of Federal Character shall be applied in the appointment of the Judges of the Court provided that nothing in that Act shall affect or negate the proceedings of the Court by the reason only that the number of Judges of the Court remains at any time below thirty-seven.*

That is what is in the Act. At this point of consideration where we are doing the amendment, there is now an amendment that we should amend that Clause to read: *The principle of Federal Character shall be applied in the appointment of the Judges of the Court.* Please let us make progress and put the Question.

Clause 2 – (FEDERAL CHARACTER IN THE APPOINTMENT OF JUDGES, ETC.) – as amended ordered to stand part of the Bill.

SHORT TITLE – as amended ordered to stand part of the Bill.

LONG TITLE – as amended ordered to stand part of the Bill.

Senator Mohammed Ali Ndume: Mr. Chairman, I move that the Senate do revert to Plenary to report progress.

Senator Emmanuel Bwacha: Mr. Chairman I second that the Senate do report progress.

Question put and agreed to.

(The President resumed the Chair)

The President: The Senate in the Committee of the Whole considered the Report of the Committee on Judiciary, Human Rights and Legal Matters on the High Court of the Federal Capital Territory Act No. 15, 2003 (Amendment) Bill, 2016 (SB. 176) and approved as follows:

Clause 1 – as amended;

Clause 2 – as amended;

Short Title – as recommended;

Long Title – as recommended;

Is this a true reflection of what transpired in the Committee of the Whole?

Several Distinguished Senators: Yes.

Senator Mohammed Ali Ndume: Mr. President, I move that the Bill be read the Third Time.

Senator Emmanuel Bwacha: I second the Motion that the Bill be read the Third Time.

Question put and agreed to.

Bill read the Third Time and passed.

The President: We thank the Chairman of the Committee on Judiciary and all the members for this Bill that we have now passed into law. It is very important in the observation made in ensuring that the Judiciary is given the necessary support to dispense justice as quick as possible in the FCT area.

MOTION

Concurrence with the House of Representatives

Senator Mohammed Ali Ndume: Mr. President, the second Order of the Day is a Motion requesting for the Senate's concurrence on the House of Representatives Resolutions on the Report of the House delegation to Kogi State on the illegal removal of the Speaker of the State House of Assembly.

Mr. President, with your permission, I wish to move the motion for the Senate to concur with the House of Representatives resolutions.

Senator Emmanuel Bwacha: Mr. President, I rise to second the motion that the Senate do adopt this motion for a concurrence with the resolution of the House of Representatives.

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Question put and agreed to.

(With the Leave of the Senate, the Senate do concur with the House of Representatives)

Senator Mohammed Ali Ndume: Mr. President, Distinguished Colleagues, as listed on the order paper, this is a motion that requires Senate's concurrence and that motion as provided in our order paper is a motion that was adopted and a delegation sent to Kogi State and the report submitted; that the Senate is now required to concur with the House of Representatives' resolutions to concur with the House of Representatives Resolution on the report of the delegation to Kogi State on the illegal removal of the Speaker of the Kogi State House of Assembly and approve the resolutions therein. The resolutions are:

- (i) In view of the fact that the Kogi State House of Assembly cannot perform its legislative functions due to intractable crises and volatile security situation in the State, National Assembly hereby invoke the powers conferred on it by Section 11 (4) of the Constitution of the Federal Republic of Nigeria to take over the legislative functions of the State House of Assembly pending the restoration of normalcy to the Assembly.
- (ii) Declare that the impeachment proceedings embarked upon by five (5) members of the Kogi State House of Assembly is null and void.
- (iii) Condemn the role played by the Nigerian Police in subverting the provisions of the constitution by providing cover for only five (5) members out of the twenty (20) members of the Kogi State House of Assembly to commit illegalities, and
- (iv) Direct the Inspector-General of Police (IGP) to seal the Kogi State House of Assembly Complex until the matter is resolved.

These are the prayers and I move that this Senate do concur with the prayers as submitted by the House of Representatives.

Senator Dino Melaye (Kogi West): Point of Order!

The President: What point of Order, Senator Dino Melaye?

Senator Dino Melaye: Mr. President, I draw inspiration from Order 41 (6) & (7)

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(6) *The Senate will not receive a petition which asks for a grant public funds unless the recommendation of the President of the Federal Republic of Nigeria has been signified thereto: Provided that Petition for legislation to this effect may be received.*

(7) *The Senate shall not receive any petition on any matter for which there is a judicial remedy.*

Mr. President, what we are discussing and the recommendation of the House of Representative is as a result of a petition read in the House of Representatives and that led to the resolution of the House of Representatives. As I speak to you Mr. President, I am empowered with a copy of the court proceeding in respect of the Kogi State House of Assembly. The National Assembly has been joined in this matter and the Office of the Senate President has been duly served. I have a copy of the notice of service of this matter here with me.

Since it is a conventional practice that any matter that is waiting judicial remedy will not be discussed on the Floor of the Senate, as a responsible Senate, we should hold onto that.

The President: Senator Dino, I appreciate your spirited effort but this is not a petition, this is a report coming from the House of Representatives, so I have to rule you out of Order.

Senator Emmanuel Bwacha (Taraba South): Mr. President, I want to appreciate our colleagues from the other Chamber for rising to the challenge. As a country that operates a Bi-cameral legislature, we are doing exactly what we are supposed to do. This matter is in the public domain and it is simply an embarrassment to our democracy.

For a government that God has granted the grace to come with a mantra of change cannot afford to allow this kind of brigandage to happen under its watch. In the Fifth Assembly, we witnessed this kind of Executive rascality that four or five members will sit and impeach a governor. That incident has remained with us and it dented our image as a nation.

I want to say that our concurrence is very timely, it is apt and nothing could have been better because if we encourage this kind of voodoo democracy, one day in this Chamber, some few members will rise to do the same. Therefore, we must discourage it; we must make sure that it does not happen. Our democracy is no longer a nursing democracy, we have come of age and we must act and act timely too.

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The President: Distinguished colleagues, just a piece of information so that we do not try to bring partisan into it; even the report from the House of Representatives stated categorically the division in the Kogi State Assembly as it cuts across party line. So we should not be partisan here, the issue of Change or no Change is out of it. This is what we find in the Kogi State House of Assembly. I think we should go to prayers.

Senator James Manager: Mr. President, my contribution is just limited to what is before me. In my view, my first observation is that since this is concurrence, in the spirit of working together in a Bi-cameral Parliament like this, a concurrence is something that once it is referred to you, you concur in the spirit of the two Chambers working together.

Otherwise, there are one or two issues that naturally supposed to arise from the Motion that is before us. In the first place, we have read quite a lot about the happenings in Kogi State House of Assembly, but whatever we read on the pages of the Newspapers and whatever we have heard it is not enough. Once a matter is before you, you will look at it objectively based on the facts that adduced before you. But this is just too brief, the details are not there but just for concurrence; that is the first observation.

The other observation is that if indeed it is true as reflected in this Motion, the resolutions from the House of Representatives for which we have been invited to concur, if only five (5) members sat in the House of Assembly to sack the Speaker, the natural thing that supposed to flow from there is to reinstate the man who was wrongfully and illegally impeached. But you are now saying that you want to take over the functions of the House of Assembly invoking a Constitutional provision. Well, this is concurrence, they have already resolved by the House of Representatives and since it is referred to us to concur, let us concur.

Senator Dino Melaye: Mr. President, if we read resolution (ii) of the House of Representatives, it says:

Declare that the impeachment Proceedings embarked upon by five (5) members of the Kogi State House of Assembly is null and void.

If the whole exercise has been declared as null and void, what will be the rationale, the logic and the reason in taking over the House of Assembly while you have declared what has taken place there already as null and void. Mr. President, in the spirit of one National Assembly, it is good for us to concur but as a superior Chamber to House of Representatives, it is also our responsibility to correct the wrongs of the lower Chamber.

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So, in the spirit of justice, equity and even in the spirit of the resolution of the House of Representatives that in doing this, we have to consider this and then do justice in the interest of democracy

The President: All right, distinguished Colleagues, let me read part of the findings and observation which will also guide us.

From the Report of the House of Representatives:

The Kogi House State of Assembly has not been able to perform its legislative function as a result of the lingering crises rocking the House as confirmed by all the stakeholders in the State. The House has been under lock and key since the suspension of Plenary on 15th February, 2016 as none of the groups has held any meeting in the hallowed Chambers. There is palpable tension, apprehension and possible security breach which could lead to further distrust and breakdown in law and order. The division of the Kogi State House of Assembly cuts across party lines and is prone to violence and insecurity.

These are some of the observations. In as much as we all agreed, I think the large principle here is the issue of concurrence. We have major observations and we have noted it. I think it is largely the spate in this Bi-camera legislature and so I will advise that we go to the Prayers.

For Clarity, I will take the Prayers one by one.

- (i) *In view of the fact that Kogi State House of Assembly cannot perform its legislative functions due to intractable crises and volatile security situation in the State, National Assembly hereby invoke the powers conferred on it by Section 11(4) of the Constitution of the Federal Republic of Nigeria to take over the legislative functions of the State House of Assembly pending the restoration of normalcy in the Assembly –*

Question put and agreed to.

- (ii) *Declare that the impeachment proceedings embarked upon by five(5) members of the Kogi State House of Assembly is null and void –*

Question put and agreed to.

- (iii) *Condemn the role played by the Nigeria Police in subverting the provisions of the constitution by providing cover for only five (5) Members out of the twenty (20) Members of the Kogi State House of Assembly to commit illegalities –*

Question put and agreed to.

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- (iv) *Direct the Inspector-General of Police (IGP) to seal the Kogi State House of Assembly complex until the matter is resolved –*

Question put and agreed to.

Resolved: That

- (i) In view of the fact that Kogi State House of Assembly cannot perform its legislative functions due to intractable crises and volatile security situation in the State, National Assembly hereby invoke the powers conferred on it by Section 11(4) of the Constitution of the Federal Republic of Nigeria to take over the legislative functions of the State House of Assembly pending the restoration of normalcy in the Assembly.
- (ii) The Senate do declare that the impeachment proceedings embarked upon by five (5) Members of the Kogi State House of Assembly is null and void;
- (iii) The Senate do condemn the role played by the Nigeria Police in subverting the provisions of the constitution by providing cover for only five (5) Members out of the twenty(20) Members of the Kogi State House of Assembly to commit illegalities; and
- (iv) The Senate do urge the Inspector General of Police (IGP) to seal the Kogi State House of Assembly Complex until the matter is resolved.

The President: Distinguished Colleagues, we have agreed that in this kind of future deliberations, we should ensure that other Chamber present detailed report before us. That would have guided us essentially.

However, there are two issues here. The first is the nullity of the impeachment proceedings and secondly, there is need for us to bring peace and stability into the place. At the same time, it cannot be something indefinitely, we must take action quickly to resolve normalcy and return the Kogi State House of Assembly to their legislative functions and that we do as quickly as possible. It is not in our interest to always rush into issues like this, but we must maintain and ensure that the Constitution is well respected at all times so that these ideas or notions by the minority people would be things of the past in this great country. Thank you for your contributions.

2094

CONSIDERATION OF BILLS

Electoral Act No. 6 2010 (Amendment) Bill, 2016

A Bill for an Act to Amend the Electoral Act No. 6 2010 and for other matters connected therewith, 2016 –

Ordered for Second Reading

Senator Mohammed Ali Ndume: Mr. President, the Third Order of the Day is the Second Reading of the Electoral Act No.6 2010 (Amendment) Bill, 2016. You will recall that the Bill was read the First Time in this Chamber on Thursday, 10th March, 2016.

You may wish to invite distinguished Senator Tijani Kaura to move the Motion for the Bill to be read the Second Time.

Senator Tijjani Yahaya Kaura (Zamfara North): Mr. President, I rise to present a lead debate for the passage of the Bill to further amend the Electoral Act No.6, 2010 and for other matters connected therein with.

It is my pleasure to lead the debate for a Bill to further amends the Electoral Act 2010 No. 6 and for other related matters connected therewith.

It will be recalled that this Bill was read for the First Time in this hallowed Chamber on 10th March, 2016.

I must first of all commend INEC for introducing the Game Changer called Card Reader during the 2015 general elections in Nigeria.

Nevertheless, the recent decisions of our courts on this subject clearly indicate the need to amend the Electoral Act 2010 No. 6, so as to fully accommodate the concept of the Card Reader; it is imperative and it will indeed further strengthen our democracy.

For the benefit of insights, the card reader is a portable electronic voter authentication device configured to only read the permanent voter's card issued by the INEC. The Card Reader was designed specifically for accreditation and authentication process of eligible voters before they go to voting. The machine was configured to only read PVCs of a particular voting unit which has proven to be very effective in reducing various forms of election malpractices especially multiple voting which has characterised elections for many years in this country.

However, due to some legislative oversight while drafting the electoral Act as adduced by the Supreme Court of Nigeria, the usage of the Game Changer is threatened thus the need for a concerted effort by the 8th Senate to salvage this situation.

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You may recall that in the recent judgments of the Supreme Court on the use of the card reader, the opinions expressed during the judgment and the Speech by the Hon. Chief Justice of Nigeria, Hon. Justice Mahmud Mohammed, during the valedictory session in honour of Hon. Justice Saifullahi Muntaka Commassie, CON were to the effect that *the Judiciary interprets law as it is and not what the public critics feel it should be*.

Consequently, it is safe to say that the cases of card reader are unprecedented as the card reader was used for the first time in the 2015 elections based only on the 2015 Electoral Guidelines issued by INEC. However, the Card Reader is not provided for by the Electoral Act 2010 (No.6) despite its novelty and this was the rationale behind the ruling of the Supreme Court of Nigeria. This Bill becomes necessary as amending the law will enable the Supreme Court to reverse itself in future similar cases.

My Esteemed Colleagues, Section 153(1) (f) of the 1999 Constitution (as amended) establishes INEC. It is also within the purview of the National Assembly to legislate on electoral matters.

The Card Reader is indeed a novel innovation by INEC. Certainly, since the Guidelines and Manual, which authorised the use and deployment of the electronic Card Reader Machine, were made in exercise of the powers conferred by the Electoral Act, the said Card Reader cannot, logically, depose or dethrone the Voters' Register whose judicial roots are, firmly, embedded or entrenched in the self-same Electoral Act from which it (the Voters' Register), directly, derives its sustenance and currency.

Among the fundamental basis for the deployment of the technologically based device in the 2015 General Elections by INEC was to prevent electoral fraud; to allow the electorates votes to count; to reduce litigations arising from the elections; to authenticate and verify voters; to protect the integrity and credibility of the election; to audit the result from polling units across the Federation; to audit the result from polling units across the Federation; and to ensure transparency and accountability.

Others are to do a range of statistical analysis of the demographics of voting for the purposes of research and planning; to build public confidence and trust in the election; to reduce electoral conflict; to ensure a free and fair election and to further deepen Nigeria's electoral and democratic process.

INEC, pursuant to its powers under the said Electoral Act, authorised the deployment of the said Card Readers. However, the 7th National Assembly, in its wisdom, did not deem it necessary to amend the said analogue procedure in section 49 of the Electoral Act 2010 (No. 6) so that the Card Reader procedure would be the sole determinant of a valid accreditation process.

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Suffice it to say, this has been a costly oversight on our part. The Legislature must act now to ensure that the lacunas are filled in line with our constitutional responsibility.

The Card Reader machines have been in use in many countries even before Nigeria adopted its usage in the 2015 General Elections, it has been in use in countries such as Ghana, South Africa, Kenya and many other African Countries and most importantly it has deterred electoral fraud, thus all hands must be on deck to make Legislations that will boost the confidence that our citizens have in our democracy.

The object of this Bill will be to enable the 8th Senate to cure the lacuna that exists in our laws by adequately amending the electoral Act of 2010 (No. 6) to properly accommodate the Card Reader in its provisions. Otherwise, the Supreme Court will be unable to reverse itself on the status of the card reader in the forthcoming 2019 General Elections if we have a spate of petition cases going to the Supreme Court of Nigeria.

I respectfully submit that we rise to the challenge by amending our laws to reflect the wishes of the citizenry and enable the judiciary to interpret it properly. I hereby once again, solicit for your support to further amend the Electoral Act 2010.

The Bill seeks to give legal impetus to the use of card reader for the identification and the authentication of prospective votes.

The amendment is at no cost to government.

Senator Ike Ekweremadu: Mr. President, let me commend our colleagues for their thoughtfulness in trying to address some of the lacunas in the last election and in particular, this Bill being proposed by one of us. I am aware that between the last election and now, a lot has happened in relation to our electoral practices, the Electoral Act and, indeed, the overall election management in Nigeria.

While I commend this, I will recommend further that if this Bill scales through the Second Reading, it should be domiciled with the Committee on INEC while they are now being asked to propose a comprehensive amendment to the Electoral Act because this is just isolated. Let me just mention one or few issues.

In the last Senate, we passed an amendment to Electoral Act which was never assented and one of the provisions was meant to address the issue of the application of Electronics in voting because under the present Electoral Act, it was forbidding and so we remove that powers giving INEC a free hand to determine appropriate time to use Electronic Voting. I think this is time for us to re-visit that.

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In Kogi for instance, we saw very unusual situation where a candidate died half way into the election. This was not envisaged either in the Electoral Act or in the Constitution. Therefore, a comprehensive review will address this. In the Constitution where a vacancy occurs in the Parliament, that vacancy ought to be filled by the INEC within 30 days but I have seen a situation where Court give judgement and ordered that election should take place within 90 days outside the 30 days prescribed by the Constitution.

To complicate the matter, INEC sometimes go beyond the 90 days as ordered by the Court and still hold these elections. There are so many issues that need to be resolved in our Electoral Act. If we take them by piecemeal, we are going to miss the point. I believe that this is the time for us to liaise with the INEC, Judiciary, our Appropriate Committees and propose a comprehensive review of our Electoral Act and even those matters relating to the election that have converted in the Constitution. That should be a legacy this new Senate and indeed the National Assembly would be able to deliver to the people of Nigeria.

Senator Bala Ibn Na'allah: Mr. President, while I am tempted to agree with the Deputy Senate President on this matter, but I have found a convenient way of disagreeing with him and the reason is simple. It is not every conceivable lacuna in the electoral process that the Parliament is capable of seeing. Normally in emerging democracies, we rely on the frame work we have provided by way of legislation for courts to interpret, after their interpretation, we look at where we have fallen short of vigour to convey the necessary intendment of the legislature and we come back in piecemeal to continue to address those issues. It is not possible for this Parliament to reasonably foresee all concealable lacunas in the electoral process in our emerging democracy. Aware of that position, for example, this amendment seeks to validate the use of card reader for the purpose of conducting election; very good and noble proposal.

I was discussing with a Colleague, and I said, instead of limiting the amendment to card reader, we could say that the independent National Electoral Commission shall have power to conduct election using Card Reader, or such other equipment of whatever description for the purpose of conducting a free and fair election. We will call it an un-occupied field that gives flexibility to the authority to be able to move left and right solely for the purpose of conducting a free and fair election devoid of selection and allotment of seats that we witnessed in the last 12 years of our democratic development.

Respectively, this is a very noble course and I urge my colleagues to support this Bill to pass the Second Reading for the purpose of determining the issues rose in the amendment.

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Senator Barau Jibrin (Kano North): Mr. President, it is known to all of us that the innovation of Card Reader into our electoral process cannot only be described as a mere innovation but it was revolutionary, it changed everything. It changed an electoral process for being described as unfair to an electoral process that is *in tandem* with what is applicable in the most developed democracies in this world.

A lacuna was created because that innovation was not captured in our Electoral Act, and it has therefore become important that we create a room for the card reader in our electoral law so that there will not be a problem like what came up in electoral cases that we are currently experiencing. The Judges or Courts hands are tied because there are cases where a clear violation of the electoral process was committed, but they could not do anything because the introduction of card reader was not captured in our Electoral Law.

This Bill is very important, it is good for electoral process, and so, we need as a National Assembly in this country to support the passage of this Bill so that we can complete the process of enshrining the Card Reader in our electoral process.

Senator Aliyu Magatakarda Wammako (Sokoto Central): Mr. President, I stand to lend my words to this very important Bill which is simply saying that let us do what is right to avoid getting staked on our way. In the last few weeks when there was the Supreme Court judgment about the card reader issue, many of us were reluctant to make best interpretation of why the Court was saying what it said. But the court was saying that mere electoral guidance cannot overtake the position of law which is the Electoral Act and the Constitution of this country.

This Bill is straight forward and extremely unambiguous, and needs the blessing of this Distinguished Senate.

Last week in Sokoto, we had a local government elections using the same card reader, there is only one thing we discovered, that is the issue of time which the electorates complained about. What we did is; once you get accredited, you are allowed to go and vote and leave. We cannot have five hours accreditation and another five hours of election which many people are against. The truth of the matter is that in our developing nation or our developing democracy, we need to continue to learn, fine-tune, correct where there is obstacle to our sound electoral system that sooner or later will come in line with other developed nations which have already perfected their electoral process, which even in those advanced nations some of them are still grappling with one problem or the other.

I believe the Card Reader has come at the right time and its usage must be encouraged, sustained and be made part of our laws. I appeal to my colleagues to please allow this Bill to pass as presented.

Senator Foster Ogola (Bayelsa West): Mr. President, I am rising to oppose the second reading of this proposed Bill. My reasons are; America where we borrowed card reader from is not having it in their Electoral Act. The use of Electronic Balloting System this Bill seeks to smuggle in an electoral practice that is not in agreement with the Constitution. Our laws says, any law made, that is in contravention of the provisions of our Constitution shall be null and void. We have had several elections and by-elections and card reader has never been an obstacle.

I need to repeat it that, this Bill seeks to smuggle in something strange into our electoral system because the elections have been going smoothly, INEC has even conducted election just last two weeks, and lack of this card reader provision in the Electoral Act have not deterred elections. INEC is improving in elections, and as far as this is contrary to the provisions of the Constitution, I stand to oppose this.

We know the provisions of our grundnorm; we know very well that our Constitution forbids this. So, for you to amend this, you must first amend the Constitution to provide for the use of electronic voting system. I have studied what they have proposed, I am convinced and I believe Nigerians are convinced that this Bill should not go for a second reading until the Constitution is amended.

Therefore, I am urging my colleagues to ensure that this Bill stop at this point; dead on arrival.

Senator Abdullahi Abubakar Gumel (Jigawa North-West): Mr. President, I rise to support this patriotic Bill that stopped the election riggers; the people who do not even agree in voting process. A lot of them came to this Chambers without going through the process of election. I want this Bill to pass for Second Reading in the sense that I agreed with the Deputy Leader that we have to reach the bridge before we cross it. Even if we are to amend our electoral process, the moment we reach an impediment, we will try to clear the impediment and continue. We are proud of 2015 election because of the use of card readers. We will not have to come to this Chambers if we did not use the card readers. The powers of the other government would have written themselves into these electoral victories so to say but as God has it, card readers were used and if we have to strengthen this victory of our democracy, we have to put it into our laws.

Senator Muhammad Adamu Aliero (Kebbi Central): Mr. President, I rise to give my support to this very important Bill to amend the Electoral Act to entrench and accommodate the card reader.

The card reader has been used for 2015 election; it made it possible for the hopeless to have hope. It made it possible for us to see light where there was darkness. It also made it possible to have change of government for the last 15 years of our democratic experience.

The card reader is meant to give credibility to the electoral process. The card reader is a device to authenticate the voter's register and give credibility to the entire electoral process. Anybody that is interested in free, fair and credible election should support this Bill. Nigeria will enter the Comity of Nations if our democracy succeeds and the only way our democracy can succeed is to ensure that we conduct free, fair and credible election that is based on international standard. Situation where we have rigging and violence should not be part of our electoral process and the card reader, as used in 2015, actually minimised rigging and violence particularly, where the card reader was used wisely.

Without any fear of contradiction, anybody who is opposed to the card reader is certainly not a product of free and fair election and he has no business being in this Chambers. The inadequacies as noted by the Deputy Senate President can be cured when we come to the public hearing. There will be very wide consultation. The Judiciary, the Nigerian Bar Association, INEC and all other interested parties are free to come and say their opinion, so that we will have a very robust discussion and we will have a very good document that can be presented to the National Assembly.

The President: Is there anybody that is actually against this Bill? Let me take those that are against.

Senator Bassey Albert Akpan (Akwa-Ibom North-East): Mr. President, we are not against card reader, we are for card reader as a party. I believe very strongly that the bone of contention in this regard is not on the basis of the fact that I am against card reader but I believe very strongly that whatever is worth doing is worth doing well. We understand the challenges that I personally faced in my polling Unit in Akwa-Ibom State. In South-South and South-East, we had issues with the card reader; even the former President of Nigeria, on the day of his election in his own polling Unit stood for over three hours without accreditation because of card reader.

This same Card Reader worked in Northern part of the country. We even have States in the last election where the number of accredited voters was equal to the number of registered voters. But what we are saying is this, in the course of implementing the Card Reader; I believe that once we are trying to bring about change, we must not run into change. We should be able to get the assurances of INEC and we must be able to equally impute it in our Electoral Act that INEC should give us the assurance that Card Reader will work. Assuming we have started on a good note, we need to build on it before we make it into our laws as a concrete term of reference in the electoral process.

2101

We are not against Card Reader, but we are against the perfections of card reader working to the collective interest of all Nigerians and not for a sectional interest.

Senator Sulaiman Hunkuyi Othman (Kaduna North): Mr. President, I truly did not expect this divide as it is appearing to be. Democracy has some very basic principles and those principles of democracy goes along with the human development, technology is key. We all agree at one point of our developmental history in democracy and elections, we strive and so should every society strive to attain perfection so that the extendedness is the sacredness of the vote of the common man for which each representation of Government, Parliament or Chamber is supposed to carry.

If that is the essence of democracy, we must agree that the attempt by INEC to introduce and take after the next level of perfection in our electoral history by introducing the Card Reader, where other countries and other democracies are using Electronic Voting System, I think no one in the sane mind will say he does not support this.

The conclusion to be drawn in this is a strong reminder of the fact that we cannot sit in this Chamber and make the law and then implement the law ourselves. The responsibility of this hallowed Chambers is to try and make up for the law where it is lacking. It is clear that the law is lacking somewhere where the implementation of the Card Reader has been found to be absent in the statute of the law of our nation of which this Chamber has the primary responsibility to amend that Section of the law. Implementation belongs to INEC as a statutory body, it is their own responsibilities to see means and ways of implementing the use of the Card Reader but the law in this Chamber should be amended.

Senator Dino Melaye: Mr. President, Point of Order!

The President: What is your Point of Order, Senator Dino Melaye?

Senator Dino Melaye: My point of Order is Section 21 of the Constitution, with your kind permission, can I read.

The President: Please read.

Senator Melaye Dino: Section 21 (a): *the state shall protect, preserve and promote the Nigeria cultures which enhance human dignity and are in consistence with the fundamental objectives as provided in this chapter.*

- (c) *Encourage development of technological and scientific studies which enhance cultural values.*

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What we are trying to enhance here is our cultural value against corruption, rigging, manipulation and we are promoting technological and scientifically discovery and study by the introduction of card reader. Only those who came to Chambers or got to the political office through vote allocation will be against Card Reader and on card reader we stand.

The President: It is noted.

Senator Joseph Obinna Ogba (Ebonyi Central): Mr. President, some of us are not against the Card Reader, but what I am saying is that this card reader is meant to work against the southern part of Nigeria, against some parts of this country. Whether we like it or not, so many percentages of my people did not vote on this 2015 election and it is as a result of this Card Reader.

Therefore, before we sign such Bill into law, we must take into cognition who is the person in charge of the programme because these are electronic machine. Who programmes these machines? From which State to which State or which political zones to the other? If such things are taken into consideration, why not? Some of us have won elections several times and we are still going to win elections. I am happy that somebody from the other side said that majority of them came through undue process.

I support the Bill but those things have to be taken into consideration.

The President: Distinguished Colleagues, several Senators have stood up to support it. The issue of comments and observations are not against the principle of the Bill, but more on the issue of implementation. At this point, let me put the questions?

Question put and agreed to.

(Bill read a Second Time and referred to the Senate Committee on INEC and to report back within four weeks)

The Senate Committee on INEC will also make some of the observations and contributions at your Public Hearing and other areas of Electoral Act that might require amendment; might have the opportunity to canvass and take views from the stakeholders so that we may have a comprehensive approach while you are doing this process.

The importance of this review is to ensure that this report is back in four weeks. I want to commend Senator Tijjani Kaura for this Bill and all those who have contributed, essentially, observations made by some of our Senators concerning implementations. They are very serious observations, I think it is important, but the key is that we must separate the decision of law from the issue of implementation and that will be a very good one.

2103

I thank you all for your contributions.

Electoral Act 2010 (Amendment) Bill, 2016

A Bill for Act to Amend the Electoral Act No. 6 2010 and for other matters connected therewith, 2016 (SB.231)

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Order for Second Reading.

Senator Bala Ibn Na'allah: Mr. President, the fourth Order of the Day is the Second Reading of Electoral Act No. 6 2010 (Amendment) Bill 2016.

You will recall that the Bill was read the First Time in this Chambers on Thursday, 10th March, 2016.

You may wish to invite distinguished Senator Mohammed Ubali Shittu to move the Motion for the Bill to be read the Second Time.

Senator Muhammad Ubali Shitu (Jigawa North-East): Mr. President, Colleagues, I am pleased with this opportunity to lead a debate on a Bill for an Act to amend the Electoral Act, 2016. I will wish to commence my lead debate with analysis of background of the Bill.

Background:

Election is an important and integral part of the democratic process. The existence of today's proceedings and many other legislative activities are by-product of successful election without which membership of the National Assembly or any legislative House cannot be constituted.

In recognition of significance of election towards a properly constituted government, the National Assembly enacted the Electoral Act in 2002, 2006 and 2010 to empower the Independent National Electoral Commission to conduct elections as further prescribed by the Constitution.

Despite the Electoral Act 2010 which attempts to address the challenges in the 2006 Electoral Act, and introduced new improvements in the conduct of election to enhance its credibility, there are still outstanding challenges in relation to misrepresentation by members of political parties to secure appointment with INEC to commit electoral offence under such guise. Another significant challenge that breeds confusion and injustice is the substitution of a candidate by a political party after death of a winner.

The current provision of the Act is ambiguous and allows political party to manipulate the situation at the discretion of the party leaders which breed crises that torn political parties into pieces.

2104

Another big challenge is a defect in the Act which encourages INEC to postpone elections on the ground that one political party or few others have not submitted their valid nominations even when several others have submitted.

Lastly, it is a challenge which a defect in the Act encourages political parties to alter outcome of primary election duly conducted and attended by the Independent National Electoral Commission (INEC).

The Bill is proposed to provide solutions to the foregoing challenges which have not only made the electoral process unfair and incredible but have also subjected many innocent candidates to unnecessary difficulties.

Objectives of the Bill:

The Bill seeks to:

Amend the Electoral Act to make it dynamic and responsive to existing challenges identified in the Bill and many other emerging challenges related to the issues in the amendment Bill;

Strengthen the Independent National Electoral Commission to properly exercise its powers in relation to substitution of candidates in the event of death;

Address and put to rest the lingering challenge of manipulation, exploitation and abuse of political office by party leaders in altering the outcome of primary elections;

Prevent registration of fraudulent political association to preserve the integrity of INEC; and

Ensure efficiency, diligence and justice in the conduct of elections in Nigeria.

Summary of the Bill:

The Bill has seven clauses.

Clause 1: Amends the Electoral Act.

Clause 2: Amends Section 8 of the Principal Act to address challenge of misrepresentation by members of political party to secure appointment at the Commission.

Clause 3: Amends Section 36 to insert new subsection (3) to address substitution of nominated candidates as a result of death.

Clause 4: Amends Section 38 of the Principal Act to insert new subsection (2) to check manipulation by some parties to cause extension of time for nomination of candidates or conduct of elections.

2105

Clause 5: Amends Section 78 (5) of the Principal Act to make some insertion that addresses the menace of fraud in securing registration by political association.

Clause 6: Inserts a new sub-clause 9 (a) after Section 87 of the Principal Act to uphold the sanctity of primaries duly conducted and witnessed by INEC.

Clause 7: Provides a short title to the Bill.

Conclusion:

I have considered it timely and desirable to conclude my lead debate at this point. I am grateful for the interest demonstrated in listening and nodding by my fellow respected Colleagues. I hope that the Bill will enjoy your usual robust consideration and subsequent passage into law.

Senator Mao A. Oluabunwa: Mr. President, I want to state that in the last debate which was on Electoral Act; this one also an amendment of an Electoral Act. That was actually the issue I wanted to point out. I do not think any right thinking person will be against Card Reader but my idea was that we should make it holistic because when you want to amend an Electoral Act, you do not come in piecemeal.

Senator Shittu has come with another one, somebody will come about the judicial decisions, and somebody will come up with nullification of elections and different powers. My idea was that we should have looked at Electoral Act from the holistic point of view and give INEC power like the Deputy Leader suggested using not only Card Reader but any other device whether electronic or whatever that will lead to a credible electoral process. If we do that, it will be all-encompassing because if we continue this way, we will have more than 10 amendments as far as Electoral Act is concerned.

The President: Senator Mao, you heard in my closing remarks, when I referred that Bill to Committee on INEC; I directed the Committee on INEC that as part of their process, they should have a forum where stakeholders will be able to contribute, so that this holistic approach will be addressed.

So, let us have your contribution on this but if your contribution is on the holistic approach, I had already said that when we were talking to the Chairman of the Committee on INEC that during their public hearing, they would address it holistically because people will come with other areas too and they will address it at that point, so your concern would have been taken care of.

2106

Senator Mao A. Oluabunwa: All I am thinking is that, if we now say any amendment as regards to the Electoral Act should be passed to the Committee on INEC, that will be all right so that at the end of the day, it will come to the Committee of the Whole because if we discuss this in isolation to any other amendment that will come, we will keep taking amendments.

All I am saying is that even without debate, all we need to do is to also move this document straightaway to the Committee on INEC who will now look at it holistically and bring it to the Committee of the Whole; otherwise, we would have more than 20 to 30 Bills coming here. From my experience, the Electoral Act is an Act of 2010 that needs to be amended and that amendment, I still repeat, should be holistic. This is the only time I am seeing Electoral Act being amended in piecemeal, otherwise, all the time you bring Electoral Act, then we amend it because there will be different sections that will bring the insertions. When we talk about Card Reader, it is not just the Card Reader; you are to make sure that the report of the card reader even comes to the collation point. Because that is why we have the *(Interruptions)*

The President: Senator Mao, this we have agreed, when they have their public hearing, you have the opportunity to bring other issues for a wider consultation.

Is there any Senator who is against this Bill? *(No response)*

Question put and agreed to.

(Bill read the Second Time and referred to the Committee on INEC and to be reported back in four weeks).

The Chairman of the Committee on INEC, as we said earlier on, this is another one that has been referred to you. I am sure by the time you have your public hearing, there will be other cases that require amendment that we have discussed so that we can have a comprehensive and holistic approach.

I believe that these are just to jumpstart the whole process and we should use this opportunity now, if there are other members that will participate at the public hearing and also amend their own views that are necessary.

The Chairman INEC, you have that responsibility to address these two Bills and ensure that at your Public Hearing, any other areas of observation are addressed holistically. It is important that we must do it now because the longer we delay it, as you know, once we start getting into the electoral arena, it becomes more and more difficult to review electoral laws and practice. So this is the best opportunity.

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Suspension of consideration of Climate Change and Greenhouse Gas Emissions Reduction Bill, 2016

Senator Bala Ibn Na'allah: Mr. President, the fifth Order of the Day is the Second Reading of the Climate Change and Greenhouse Gas Emissions Reduction Bill, 2016.

You will recall that the Bill was read the First Time in this Chambers on Wednesday, 16th March, 2016. You may wish to invite Senator Isah Misau to move the Motion for the Bill to be read the Second Time.

The President: Senator Isah Misau, are you ready to lead the debate?

Senator Isah Hamma Misau (Bauchi Central): Mr. President, I am reading the mood of the Chambers.

The President: Senator Isah, you have become a very experienced Senator in your first time and you are using Card Reader to read the mood. So you will step it down.

Question put and agreed to.

(With the leave of the Senate, the Bill stood down till the next Legislative Day)

MOTIONS

Demise of Senator Lawrence Adekunle

Senator Bala Ibn Na'allah: Mr. President, the sixth Order of the Day is a Motion standing in the name of Senator Biodun Olujimi on the demise of Senator Lawrence Adekunle. I apply that the sixth Order of the Day be stood down till the next Legislative Day.

Senator Emmanuel Bwacha: Mr. President, in view of the fact that the owner of the Motion is unavoidably absent, I rise to second the Motion that the Bill be stood down till another Legislative Day.

Question put and agreed to.

(With the leave of the Senate, Motion stood down till the next Legislative Day).

Rising cases of Insecurity and Sea Piracy along our nations Water Ways

Senator Bala Ibn Na'allah: Mr. President, the seventh Order of the Day is a Motion standing in the name of Senator Nelson Effiong on the Rising Cases of Insecurity and Sea Piracy along our nation's Water Ways. You may wish to invite Senator Nelson Effiong to move the Motion.

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Senator Nelson Asuquo Effiong (Akwa Ibom South): Mr. President, I rise to move the Motion on the Rising Cases of Insecurity and Sea Piracy along our nation's Water Ways.

The Senate;

Notes with serious concern the level of insecurity that has engulfed our water ways in this country, our water ways and canals have become escape routes for armed robbers after their robbery attack whilst our fishermen daily pass through terrible ordeal in the hands of sea robbers along the water ways in this country;

Aware that our water ways play major role in the sustenance of the economic development of our nation as they serve as economic gateway for traders who engage in maritime trading with counties like Cameroun, Gabon, Equatorial Guinea, Sao Tome and Principe;

Further aware that these water ways are used by various multinationals for their off-shore operations;

Disturbed that traders and fishermen are daily being dispossessed of their wares, money and outboard engines in broad daylight along the water ways without any Federal Security presence to protect them;

Further disturbed that on 2nd July, 2015 the pirates seized five boats loaded with crayfish worth millions of naira, forcefully collected large sums of money from fishermen and raped the women who were on the boat, some in the presence of their husbands in Effiat Community of Mbo Local Government Area in Akwa-Ibom State;

Shocked that in the same month of July, while searching the traders in a boat, the pirates discovered money which a woman had hidden inside her baby's pampers on sighting them, they removed the money from the baby and threw the child into the sea to drown in the presence of the mother;

Concerned that even with the Nigerian Navy's forward operations Base stationed in Ibaka, a coastal town along the water ways, in my senatorial zone the nefarious activities of these criminals have gone unchallenged;

Worried that the current trend now in Lagos State is a situation where dare devil armed robbers make do with our water ways and canals as escape routes after carrying out their dastard and nefarious robbery activities;

Further worried that on the 14th day of October, 2015 in Lagos suburb of Festac Town at a simultaneous raid on two banks, robbers claimed the lives of an infant Baby Nmesoma 14 months old; and her mother Jane, such brazen daylight robbery scenario was repeated at a bank along Admiralty Way, Lekki, Lagos and at the Ikorodu axis of the State;

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Sadly notes that Ogun State is not also spared from the attacks, that on Thursday 19th November, 2015 in Agbara, Ogun State about 40 dare devil armed robbers stormed a new generation bank, carried away millions of naira, killed two police officers and a nursing mother and escaped via the water ways around the areas;

Concerned that even with the Nigerian Navy's forward operations base 1 stationed in Ibaka, a coastal town along these water ways, the nefarious activities of these criminals have gone unchallenged;

Worried that if a strong and urgent action is not taken against these robbers, the economic activities along these water ways will grind to a halt; the consequences of which are better imagined.

Accordingly resolves to:

- (1) Urge the Nigerian Navy, Nigerian Maritime Administration and Safety Agency (NIMASA), Nigeria Police (Maritime Police Command), State governments and all other relevant agencies to collaborate, tighten the security along our water ways and canals to prevent armed robbers from turning our water ways as escape route after robbery incidents; and put in place a practical strategy of tackling Sea Piracy and armed robbery on our water ways, creeks and canals.

I want this Senate to consider this as a Save Our Souls (SOS), my people, 90 *per cent* of my Constituents are fishermen and maritime traders. The activities of these sea pirates have rendered them useless. On daily basis, their engine boats are seized and money collected from them by these sea pirates. Right now in my senatorial district, the people are almost dying because some of them who took money from their contributions, bought boat engines and those engines are seized by sea pirates and are becoming useless because they cannot pay back the contributions since they are no more going on fishing or trading from Cameroun.

So, I want this Senate and my distinguished colleagues to please support this Motion so that something must be done to alleviate the sufferings of my people in my senatorial district.

Senator Ben Murray Bruce (Bayelsa): Mr. President, I want to second the Motion by Senator Nelson Effiong. It is a very important Motion for those of us who live in the Niger Delta which is surrounded by water. My people are suffering, they cannot fish and they cannot do anything because of the robbery and the rape taking place in the area.

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And to those of you who live on land, you may not appreciate what happens in that part of the country. In supporting this Motion, I urge the Military to do whatever it takes to protect the lives and property of people in that area. It is going to be a short debate.

I urge my Colleagues to support this Motion, it is very important, I do not need to express the anger my people go through in dealing with this issue.

The President: We will go straight to the Prayers.

- (1) Urge the Nigeria Navy, Nigeria Maritime Administration and Safety Agency (NIMASA), Nigeria Police (Marine Police Command), State Governments and all other relevant agencies to collaborate, tighten the security along our water ways and canals to prevent armed robbers from turning our water ways as escape route after robbery incidents; and put in place a practice strategy of tackling sea piracy and armed robbery on our water ways, creeks and canals.

Question put and agreed to.

Additional Prayer

Senator Mao Oluabunwa: Mr President, I think the importance of this Bill cannot be overemphasised knowing the economic importance of our waterways in our canals now and the security required. My additional prayer is; there is an Act for Sea Piracy and I think that this Motion should carry the review of that Sea Piracy Act to bring in tandem with the level of criminality on waterways so that the enforcement of that law would be improved upon. So, my additional prayer is to review the Sea Pirate Act to bring it in line with current criminal activities of Sea pirates.

Senator Bassey Akpan: Mr. President, I rise to second the additional prayer ably proposed by distinguished Senator Mao.

Question put and agreed to.

Resolved: That the Senate:

- (i) Urge the Nigerian Navy, Nigerian Maritime Administration and Safety Agency (NIMASA), Nigeria Police (Marine Police Command), State Governments and all other relevant agencies to collaborate, tighten the security along our waterways and canals to prevent armed robbers from turning our waterways into escape routes; and put in place strategy of tracking sea piracy and armed robbery on our waters, creeks and canals;

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- (ii) Review the Sea Piracy Act to bring it in line with the current criminal activities on our waterways and the enforcement of the Act.

The President: I think we all agree that the level of piracy has become very alarming and we must take action to protect our waterways. Apart from getting the Police and NIMASA to play their roles, because this area will affect the livelihood of a lot of our people and most importantly is that we must review our laws to ensure that it addresses some of these issues.

Suspension of Items on the Order Paper

Senator Bala Ibn Na'allah: Mr. President, the eight, the ninth, the tenth and the eleventh Orders of the Day, I apply we stand down these Orders in their order to the next Legislative Day.

Senator Emmanuel Bwacha: Mr. President, I rise to second the Motion moved by the Senate Leader.

Question put and agreed to.

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(With the leave of the Senate, other Items stood down to another legislative day).

ADJOURNMENT

Senator Bala Ibn Na'allah: Mr President, while thanking you for given us your day and having concluded the Orders of the Day for today, I move that this Senate do adjourn till Tuesday, 22nd March, 2016 at 10.00 a.m. prompt.

Senator Emmanuel Bwacha: Mr President, I rise to second the Motion that this Senate do adjourn till Tuesday, 22nd March, 2016 at 10.00 a.m.

Question put and agreed to.

Resolved: That the Senate do stand adjourn till Tuesday, 22nd March, 2016 at 10:00 a.m.

The Senate adjourned accordingly at 1:28p.m.