SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 9th February, 2012

1. The Senate met at 10:34 a.m. The Deputy Senate President read prayers.

2. **Votes and Proceedings:**
The Deputy Senate President announced that he had examined the Votes and Proceedings of Wednesday, 8th February, 2012 and approved same.

By unanimous consent, the Votes and Proceedings were approved.

3. **Announcement:**
Lifetime Achievement Award:
The Deputy Senate President read a letter from Senator Mohammed Magoro (*Kebbi South*) as follows:

Senator Maj. Gen. M. Magoro (Rtd), **OFR, PSC,USAWC, FSS**
(GALADIMAN ZURU)
Kebbi South Senatorial District
Chairman: Senate Committee on National Security & Intelligence
Member: National Identity & National Population Committee, Member: Employment, Labour & Productivity Committee

8th February, 2012

His Excellency
Distinguished Senator David Mark GCON
The President of the Senate
Federal Republic of Nigeria
National Assembly
Abuja

Your Excellency,

NOTIFICATION OF MY SELECTION AS A "LIFETIME ACHIEVEMENT AWARD WINNERS" THE 17TH ANNUAL THISDAY AWARDS 2012.

Mr President, Distinguished Colleagues, it is with humility I write to inform you of my selection as one of the Award winners as a "Lifetime Achiever" of the 17th Annual Thisday Awards 2012.

The 2012 Awards ceremony will be celebrated in the presence of the 42nd US President, Bill Clinton, Mrs. Cherie Blair, QC wife of the former Prime Minister of Great Britain and Northern Ireland, Queen Noor of Jordan and other eminent Statesmen, political and business leaders from Nigeria and around the world. The ceremony will take place on Monday, 13th February, 2012 at Eko Convention Centre, Lagos.

While counting on your support and usual solidarity, please accept the assurances of my best regards.

Yours sincerely
(Signed)
Sen. Maj. Gen. M. Magoro (rtd) OFR
Galadiman Zuru
Chairman, Senate Committee on
National Security & Intelligence.

4. Petition:

Rising on Rule 41, Senator Simeon S. Ajibola (*Kwara South*) drew the attention of the Senate to a petition from Thirty-Nine (39) Staff of the National Judicial Institute, Abuja on wrongful and indiscriminate termination of their appointments. He urged the Senate to look into the matter.

Petition Laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions to report within four (4) weeks [Rule 41 (3)].

5. Matter of Urgent Public Importance:

Rising on Rule 42, Senator Anthony A. Adeniyi (*Ekiti South*) drew the attention of the Senate to the demise of Professor Sam Aluko. He sought and obtained the leave of the Senate to present the matter.

Matter to stand over till next Legislative Day [Rule 42(2)].

6. Committee on Power, Steel Development and Metallurgy:

Report on the Hydro-Electric Power Producing Areas Development Commission Act 2010 (Amendment) Bill 2012(SB. 76):

Motion made: That the Senate do consider the Report of the Committee on Power, Steel Development and Metallurgy on the Hydro-Electric Power Producing Areas Development Commission Act 2010 (Amendment) Bill 2012 (*Senator Phillip A. Tanimu — FCT).*

Question put and agreed to.

Report presented.

Motion made: That the Senate do resolve into the Committee of the Whole to consider the Report of the Committee *(Deputy Senate Leader).*

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL TO AMEND THE HYDRO-ELECTRIC POWER PRODUCING AREAS DEVELOPMENT COMMISSION ACT 2010 (AMENDMENT) BILL 2012.

Clause 1: The provision of the Hydroelectric Power Producing Areas Development Commission (Establishment, etc.) Act 2010 (in this referred to as "The Principal Act") is amended as set out in this Bill.

Committee's Recommendation:
That the provision in Clause 1 be retained (*Senator Philip A. Tanimu — FCT*) — *Agreed to.*

Question that Clause 1 *do stand part of the Bill, put and agreed to.*

Clause 2: **Amendment of Section 3.**
Establishment, Membership and Powers of the Governing Council.
(1) (*b*) One person each who shall be from the affected communities to represent—
(*i*) Benue;
(*ii*) Kebbi;
(*iii*) Kogi;
(*iv*) Kwara;
(*v*) Niger;
(*vi*) Plateau; and
(*vii*) Any other State where hydroelectric power is generated.

(3) The office of the Chairman shall rotate among the member States of the Commission in the following alphabetical order—
(*i*) Benue;
(*ii*) Kebbi;
(*iii*) Kogi;
(*iv*) Kwara;
(*v*) Niger;
(*vi*) Plateau; and
(*vii*) Any other State where hydroelectric power is generated.

Committee's Recommendation:
That the provision in Clause 2 be retained (*Senator Philip A. Tanimu — FCT*) — *Agreed to.*

Question that Clause 2 *do stand part of the Bill, put and agreed to.*

Clause 3: **Amendment of Section 14.**
Fund of the Commission.
(2) (*a*) 10 percent of the total Federal Government's revenue derived from concessioning of the hydro plants and royalties paid to the Federal Government.

Committee's Recommendation:
That the provision in Clause 3 be retained (*Senator Philip A. Tanimu — FCT*) — *Agreed to.*

Question that Clause 3 *do stand part of the Bill, put and agreed to.*

Clause 4: **Citation.**
The bill may be cited as Hydroelectric Power Producing Areas Development Commission Act (Amendment) Bill 2012.

Committee's Recommendation:
That the provision in Clause 4 be retained (*Senator Philip A. Tanimu — FCT*) — *Agreed to.*

Question that Clause 4 *do stand part of the Bill, put and agreed to.*

Chairman to report Bill.

(SENATE IN PLENARY)

The Deputy Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Power, Steel Development and Metallurgy on the Hydro-Electric Power Producing Areas Development Commission Act 2010 (Amendment) Bill 2012 and approved as follows:

Clauses 1 - 4 — As Recommended.

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Motion made: That the Bill be now read the Third Time *(Deputy Senate Leader).*

Question put and agreed to.

Bill accordingly read the Third Time and Passed.

7. **Committee on Education:**
Report on the Investigation on Post UTME and JAMB Examinations:
Motion made: That the Senate do consider the Report of the Committee on Education, on the Investigation of the Illegality of Post UTME and the failure of JAMB to Conduct Examinations Acceptable by Universities (*Senator Uche Chukwumerije — Abia North*).

Question put and agreed to.

Report presented.

Debate:

Proposed Resolution (1):
Question: Illegality of Post UTME:

- The Committee could not sustain any charge of illegality against Post UTME; and

- The Committee also believes that the inclusion of written tests in screening by Universities is legal and legitimate — *Agreed to.*

Proposed Resolution (2):
Question: Duplication:
The allegation of duplication of examination could not be sustained. We therefore recommend one composite examination template as follows—

(*a*) Post-UTME in the Universities should be standardized on issues of venue(s), date and contents of screening (aptitude tests, verbal or written, essay writing, etc). The standardized mode should respect the peculiar sensitivities of each University to the character and competence of a candidate and should as much as possible be faculty-based;

(*b*) A Post-UTME standardized syllabus should be jointly designed by NUC and Committee of Vice - Chancellors under the general supervision of JAMB;

(*c*) The defining score for a candidate shall be the average of the JAMB and standardized Post-UTME scores, in the ratio of 50-50. The composite score card should contain record of the three scores –JAMB, Post-UTME, and the aggregate; and

(*d*) This composite examination for admission - a combination of the standardized post-UTME and the JAMB examination - should have the support and authority of a law — *Negatived.*

Proposed Resolution (3):
Question: Representation at the JAMB Board:
The mode of representation (selection or election of University representatives) on the Board of JAMB should be the sole responsibility of the Committee of Vice-Chancellors through NUC (since Committee of Vice Chancellors is non-statutory). NBTE and NCCE should carry out similar exercise for Polytechnics and Colleges of Education. The exercise of this function by any other organ outside the tertiary institutions violates the essence of representation — *Agreed to.*

Proposed Resolution (4):
Question: Cost:
Examinations-for-Admission Fee:

- Examinations-for-admission fee to tertiary institutions should be a unified and one-stop (but composite) charge. We recommend a gross charge of ₦6,000.00 per candidate - ₦4000.00 to JAMB and ₦2,000.00 to a University;

- IGR should be an integral component of an institution's yearly budget statement. Admission fees should be a cost item in the budget;

- A species of hidden charges namely, extra levies on most valued courses (e.g ₦350,000.00-₦300,000.00 for MBBS Programme, and ₦200,000.00 - ₦150,000.00 for Engineering or Law Programme) allegedly flourishing in some Universities should be banned;

- State and Private Universities should be persuaded to accept the proposal for ₦6,000.00 admission ceiling;

- Disregard of the ceiling on a composite examination charge should attract reprimand, suspension or termination of appointment of an erring Head of Tertiary Institution — *Agreed to.*

Proposed Resolution (5):
Question: The contest over the legality and relevance of Post-UTME should be situated in the central challenge of the necessity of high-quality education in Nigeria. Tertiary Institution admission, a pointer to one of several weak links in the chain, underlines the over-riding importance of adequate funding of the Education Sector. We therefore suggest an increased budgetary allocation to the Education Sector — *Agreed to.*

Proposed Resolution (6):
Question: The device of 'Awaiting Results' requires serious review. We therefore suggest a modification of the time-table of examinations to achieve express release of results to enable candidates apply to JAMB and other tertiary institutions within the same year.

The problem of awaiting result could be successfully tackled through:

- adjustment of the examination schedules of relevant Secondary School Examinations and JAMB and

- fast-tracking of the examination processes with the help of modem technology. The following time table is hereby suggested:
  (*a*) Secondary-School Examinations - May-June

(*b*) Release of secondary-school examination results (4-5 weeks) - on or before August 10

(A gap of 4 weeks before matriculation examination, is designed to allow students enough time to get their results and apply to JAMB)

(*c*) UTME (JAMB) - on or before September 10
(The proposed date means that only candidates who obtain the basic requirement for admission should actually sit for the examinations.)

(*d*) Release of JAMB results (2 wks) - on or before September 20

(*e*) Post-UTME (10 days) - on or before September 30

- All written examinations should be on-line, in both secondary and tertiary institutions.

- An adjustment period of one year should be allowed to the institutions to change to the new time table and update their examination-processing equipment — *Agreed to.*

Proposed Resolution (7):
Question: Failure of JAMB:

(*i*) JAMB has serious challenges in conducting fool-proof matriculation examinations but she ably performs her other equally crucial function of equitable placement of candidates from all parts of Nigeria and evenly in all the Universities in the Federation. We therefore do not see the institution as a failure.

(*ii*) However, to further accelerate the pace of sanitization which JAMB is already undertaking, the following measures are ,suggested—

- Ban all 'Miracle Centres' : There should be immediate ban on 'Miracle Centres' or what in market-place language are called 'JAMB special Centres';

- The day of sitting of JAMB should be transferred from Saturday or any weekend day to a week day - Monday or Tuesday, because it is found that Saturday offers a free rein to impersonators who are mainly recruited from the ranks of public and private-sector workers who should be busy in their offices on week-days;

- Post-UTME examinations should be open to candidates who have made a tertiary institution their 1st or 2nd choice to facilitate the recommendation for JAMB interconnectivity in section 8c of this report;

- NECO, NABTEB and WAEC examinations should take place in college halls not in class rooms to enhance efficiency in invigilation; and

- The crime of collusion and impersonation should attract much higher penalties than hitherto — *Agreed to.*

Proposed Resolution (8):
Question: Placement and Admission:

(*i*) A candidate's application for tertiary education should be regarded as application to ALL tertiary institutions, irrespective of indication of preferences. This means that:

(*a*) A university should not limit her responsibility only to candidates who make her a first choice and disregard all others as afterthoughts;

(*b*) Candidates who are not absorbed after the first wave of admissions should be returned by tertiary institutions to JAMB which should immediately conduct the second round of placements;

(*c*) A candidate who fails to score a departmental cut-off mark but has made the defining score of the composite examination is entitled to a substitute placement in a course most closely related to his/her first choice or any other institution especially the institution of 2nd Choice. JAMB should assist in this inter-connectivity exercise with a second round of placements but the final decision on admission remains the responsibility of the university;

(*d*) Compliance with the admission formula in tertiary institutions should be strictly enforced - both in terms of guidelines on Admission quota and the guidelines on 60-40 courses ratio in favour of science and technology; and

(*e*) Universities and other tertiary institutions should make efforts to rescue themselves from degenerating from universal and genuinely national/federal seats of learning to local in-breeding enclaves.

(*ii*) Admission in a tertiary institution should not exceed the carrying capacity of the institution or officially allocated admission quota in order not to overstretch her facilities and resources.

(*iii*) The monitoring mechanism on full-proof implementation of admission guidelines should be intensified as follows:

- An independent monitoring body, comprising FME, NUC, NBTE/NCCE and JAMB, should undertake yearly check of number of candidates admitted and compliance with admission procedures and course guidelines; and

- Report of the monitoring exercise should be sent to the National Assembly to facilitate her oversight functions — *Agreed to*.

Proposed Resolution (9):
Question: Streamlining of the Statutes:
Three statutes - JAMB Act, The Universities (Miscellaneous Provision) (Amendment) Act 2003 and the statutes of the universities should be streamlined, especially in areas of lack of clarity in allocation of responsibilities and powers such as control of matriculation requirements — *Agreed to*.

Proposed Resolution (10):
Question: Commendation:
Continual improvements already being recorded by JAMB and Universities/Polytechnics/Colleges of Education in evolving a system of full-proof administration of admission examinations should be commended and encouraged — *Agreed to*.

Proposed Resolution (11):
Question: Increased Penalties for Infractions:
Penalties stipulated in existing laws for malpractices and irregularities in conduct of admission examinations and screening especially by staff should be substantially increased — *Agreed to*.

Resolved:
(1) Illegality of Post UTME:

- The Committee could not sustain any charge of illegality against Post UTME; and

- The Committee also believes that the inclusion of written tests in screening by Universities is legal and legitimate;

(2) Representation at the JAMB Board:
The mode of representation (selection or election of University representatives) on the Board of JAMB should be the sole responsibility of the Committee of Vice-Chancellors through NUC (since Committee of Vice Chancellors is non-statutory). NBTE and NCCE should carry out similar exercise for Polytechnics and Colleges of Education. The exercise of this function by any other organ outside the tertiary institutions violates the essence of representation;

(3) Cost:
Examinations-for-Admission Fee:

- Examinations-for-admission fee to tertiary institutions should be a unified and one-stop (but composite) charge. We recommend a gross charge of ₦6,000.00 per candidate - ₦4000.00 to JAMB and ₦2,000.00 to a University;

- IGR should be an integral component of an institution's yearly budget statement. Admission fees should be a cost item in the budget;

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(9) Commendation:
Continual improvements already being recorded by JAMB and Universities/Polytechnics/Colleges of Education in evolving a system of full-proof administration of admission examinations should be commended and encouraged; and

(10) Increased Penalties for Infractions:
Penalties stipulated in existing laws for malpractices and irregularities in conduct of admission examinations and screening especially by staff should be substantially increased (***S/Res/033/01/12***).

8. **National Agency for the Promotion and Preservation of Local Languages in Nigeria Bill 2012 (SB.55):**

Consideration of Bill deferred to another Legislative Day.

9. **Measures Aimed against Trade in Counterfeit Goods Bill 2012 (SB.53):**

Consideration of Bill deferred to another Legislative Day.

10. **National Youth Service Corps Act Cap N84 LFN 2004 (Amendment)Bill 2012 (SB.70):**

Consideration of Bill deferred to another Legislative Day.

11. **Adjournment:**
Motion made: That the Senate do now adjourn till Tuesday, 14th February, 2012 at 10.00 a.m. (Deputy *Senate Leader*).

Adjourned accordingly at 12:55 *p.m.*

Ike Ekweremadu, CON
Deputy President,
Senate of the Federal Republic of Nigeria.