FOURTH REPUBLIC
7TH NATIONAL ASSEMBLY
SECOND SESSION
NO. 68

HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 6 March, 2013

1. The House met at 11.35 a.m. Mr Speaker read the Prayers.

2. **Votes and Proceedings:**
Mr Speaker announced that he had examined and approved the *Votes and Proceedings* of Tuesday, 5 March, 2013.

By unanimous consent, the Votes and Proceedings was adopted.

3. **Announcement:**
(*i*) ***Visitors in the Gallery*:**
Mr Speaker recognized the presence of the following visitors:

(*a*) Staff and Students of God's Anointed Schools, Nyanya, Abuja;

(*b*) Staff and Students of Great Best Brains International Nursery, Primary and Secondary School, Akwanga, Nasarawa State.

4. **Petitions:**
The following petitions were presented and laid by:

(*i*) Hon. Udo Oluchi Ibeji (*Umuahia North/South Ikwunano Federal Constituency*) from Davitzu Oguaduma Associates on behalf of Lovina N. Ozoemelam, praying the House to redress the sale of House No. 15, Ibrahim Taiwo Road GRA, Jos by Alhaji Idris Adamu;

(*ii*) Hon. Ndudi Godwin Elumelu (*Aniocha North/Aniocha South/Oshimili North/Oshimili South Federal Constituency*) from Odiase Lawyers Consulting on behalf of Odili Charles, praying the House to investigate his dismissal by the Federal Road Safety Commission from the service of the Commission, with a view to reinstating him;

(*iii*) Hon. Samson Osagie (*Orhionmwon Uhunmwode Federal Constituency*) from Olayiwola Afolabi & Co., on behalf of S. P. A. Osayomore, praying the House to intervene in his dismissal by the Nigerian Prisons Service, Oko Prison, Benin City, with a view to reinstating him;

(*iv*) Hon. Irona Alphonsus Gerald (*Ohaji/Egbema/Oguta/Oru West Federal Constituency*) from Onyenakazi Onyinyechi and Etumnu Meshack and 601 Others, praying the House to redress the failure of the Nigeria Security and Civil Defence Corps to absorb them into the services of the organisation.

Petitions referred to the Committee on Public Petitions.

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5. **Matters of Urgent Public Importance:**

(*i*) Citing Standing Order VIII, Rule 46, Hon. Ossai Nicholas Ossai (*Ndokwa/Ukwuani Federal Constituency*) drew the attention of the House to the crisis which occurred in the Ogun State House of Assembly on Thursday, 28 February, 2013, resulting, in the destruction of the Mace and the emergence of two Speakers. He recalled that the Assembly had experienced similar disturbance in recent past as a result of which it was closed for many months. He stressed that the latest crisis is dysfunctional to the development of democracy in Nigeria and thus urged the House to consider the matter as one of urgent public importance and to suspend Order VIII, Rule 46 (3) to enable it debate the matter immediately.

Question that the matter be considered as one of urgent public importance, put and agreed to.

Question that the House do suspend Order VIII, Rule 46 (3) *to enable it debate the matter forthwith, put and agreed to.*

Arresting the Fracas in the Ogun State House of Assembly:

The House:

Notes the reported crisis that engulfed the Ogun State House of Assembly, since Thursday, 28 February, 2013, which culminated in the commotion that led to the destruction of the mace and counter suspensions, and the purported removal of the Speaker and some Principal Officers of the House;

Recalls that the sad development was a re-enactment of the crisis that emasculated that House in the Sixth Assembly, in which the House was paralysed for 15 months;

Further recalls that last year, there was a similar occurrence in the Kogi State House of Assembly in which this Honourable House, in exercise of its constitutional mandate had cause to intervene and restore order;

Aware that the combined effect of item 68 of the Exclusive Legislative List and Section 11 (4) of the Constitution intends the National Assembly to take all necessary pre-emptive measures towards preventing the inability of a State House of Assembly from performing its functions under the Constitution;

Further aware that the present situation in the Ogun State House of Assembly promptly requires the National Assembly to rise to duty.

Resolves to:

(*i*) Urge all political leaders and well meaning individuals in Ogun State to promptly nip the emerging crisis in Ogun State in the bud;

(*ii*) call on the Inspector-General of Police (IGP) to maintain peace and order in the Institution (*Hon. Ossai Nicholas Ossai — Ndokwa/Ukwuani Federal Constituency*).

Debate:

Amendment Proposed:
Insert a new Prayer (*iii*) as follows:
"Urge the House to constitute an *Ad-hoc* Committee to interface with the parties to the crisis at the Ogun State House of Assembly, with a view to resolving the issue amicably" (*Hon. Friday Itulah — Esan North East/South East Federal Constituency*).

Question that the amendment be made, put and negatived.

Main Question put and agreed to.

The House:

Noted the reported crisis that engulfed the Ogun State House of Assembly, since Thursday, 28 February, 2013, which culminated in the commotion that led to the destruction of the mace and counter suspensions, and the purported removal of the Speaker and some Principal Officers of the House;

Recalled that the sad development was a re-enactment of the crisis that emasculated that House in the Sixth Assembly, in which the House was paralysed for 15 months;

Further recalled that last year, there was a similar occurrence in the Kogi State House of Assembly in which this Honourable House, in exercise of its constitutional mandate had cause to intervene and restore order;

Aware that the combined effect of item 68 of the Exclusive Legislative List and Section 11 (4) of the Constitution intends the National Assembly to take all necessary pre-emptive measures towards preventing the inability of a State House of Assembly from performing its functions under the Constitution;

Further aware that the present situation in the Ogun State House of Assembly promptly requires the National Assembly to rise to duty.

Resolved to:

(*i*) Urge all political leaders and well meaning individuals in Ogun State to promptly nip the emerging crisis in Ogun State in the bud;

(*ii*) call on the Inspector-General of Police (IGP) to maintain peace and order in the Institution **(HR. 56/2013)**.

(*ii*) Further citing Standing Order VIII, Rule 46, Hon. Yacoob Bush-Alebiosu (*Lagos Island II Federal Constituency*) drew the attention of the House to the failure of Dana Airline to fully compensate the families of the victims of its ill-fated Aircraft that crashed on Sunday, 3 June, 2012. He lamented that the action of Dana Airline was in contravention of the Montreal Convention on Aviation Liability and unfair to the families of the victims of the crash. He therefore urged the House to consider the matter as one of urgent public importance and to suspend Order VIII, Rule 46 (3) to enable it debate the matter immediately.

Question that the matter be considered as one of urgent public importance, put and negatived.

6. **Presentation of Bill:**
Tobacco Smoking (Control) Bill, 2013 (HB. 455) — *Read the First Time.*

7. **Devastating Gully Erosion Threatening some Communities in Umuahia North/Umuahia South and Ikwuano Federal Constituencies of Abia State:**
Motion made and Question proposed:

The House:

Notes that due to torrential rain experienced recently in the communities of Amuzu Oro, Amuzukwu, Nkata Afarata Ibeku in Umuahia North Local Government Area, Amibo and Mgbarakuma Ubakala in Umuahia South Local Government Area and Ibere in Ikwuano Local Government Area of Abia State have been negatively affected by erosion;

Aware that some buildings were submerged, destroyed and some collapsed or completely wiped out due to erosion and the road linking several communities have been cut off or eroded, especially Ubakala, Umuahia section of Enugu-Port Harcourt Expressway;

Worried that lives and properties of Nigerians living in the affected areas are in danger and that the rainy season for the year 2013 is a few months away and will worsen the already bad situation;

Disturbed that the failure or delay to control this dangerous situation would further destroy lives and properties of the people in the area;

Further worried that if an urgent action is not taken to arrest this situation, loss of lives will occur and the economic and social security of the people in these communities will be adversely affected.

Resolves to:

Urge the Federal Ministry of Environment to carry-out ecological survey and assessment in these communities with a view to addressing the issues (*Hon. Udo Oluchi Ibeji — Umuahia North/South Ikwunano Federal Constituency*).

Question put and agreed to.

Resolution referred to the Committee on Committee on Environment pursuant to Standing Order VIII, Rule 51 (5) (**HR. 57/2013**).

7. **Need for the Establishment of Additional Borstal Institutions and Remand Centres inline with the Provisions of the Borstal Institutions and Remand Centres Act:**
Motion made and Question proposed:

The House:

Notes that under the Borstal Institutions and Remand Centres Act, accused persons and convicts who are aged between 16 and 21 years are not to be detained or imprisoned, as the case may be, in regular prisons but in Borstal institutions and Remand Centres established across the Federation where they are to be given training and instruction conducive to their reformation and the prevention of crime;

Aware that the few Borstal institutions in the country — which are run like schools — are genuine success stories having trained and instructed young persons who have become useful citizens and better integrated into the society, many of them not only excelling in their vocations but also passing their senior school examinations and going on to pursue academic studies at various tertiary institutions in the country;

Disturbed that further establishment of Borstal Institutions has been forestalled due to insufficient funding by government, lack of proximity of the institutions to the homes of students inmates, wrongfully demand of subject, and illegal admission of unqualified persons into the institutions;

Further disturbed that the present state of affairs is frustrating the realization of the noble intendment of the Borstal Institutions and Remand Centres Act and, if left unchecked, could lead to the emergence of recidivists or 'career prisoners', as well as young convicts who have picked up negative lessons from the more hardened elements in prison, emerging from prison worse that when they went in — with serious security implications for the society.

Resolves to:

Urge the Minister of the Interior, in the exercise of his powers under the Act, to:

(*i*) establish properly fund Borstal Institutions and Remand Centres in the country in such a way that each geopolitical zone has at least one Borstal Institution and Remand Centre, taking into account the number and states of origin of prisoners that fall within the purview of the Act and the proximity of courts to a Borstal or Remand facility;

(*ii*) carry-out forthwith an audit of Borstal Institutions with a view to weeding-out illegal students and prosecuting their collaborators;

(*iii*) call on all Nigerian courts exercising criminal jurisdiction to determine the ages of young accused persons standing trial before them and, in making orders compelling the remand or imprisonment of accused persons or convicts aged between 16 and 21 years, specify the proper Borstal or Remand facility where the accused persons or convicts may be detained or imprisoned, as the case may be;

(*iv*) mandate the Committee on Interior to follow up on the Minister's establishment of additional Borstal institutions and Remand Centres and their funding, as well as the audit of Borstal and Remand facilities (*Hon. Daniel Asuquo — Akamkpa/Biase Federal Constituency*).

Debate:

Question put and agreed to.

The House:

Noted that under the Borstal Institutions and Remand Centres Act, accused persons and convicts who are aged between 16 and 21 years are not to be detained or imprisoned, as the case may be, in regular prisons but in Borstal institutions and Remand Centres established across the Federation where they are to be given training and instruction conducive to their reformation and the prevention of crime;

Aware that the few Borstal institutions in the country - which are run like schools - are genuine success stories having trained and instructed young persons who have become useful citizens and better integrated into the society, many of them not only excelling in their vocations but also passing their senior school examinations and going on to pursue academic studies at various tertiary institutions in the country;

Disturbed that further establishment of Borstal Institutions has been forestalled due to insufficient funding by government, lack of proximity of the institutions to the homes of students inmates, wrongfully demand of subject, and illegal admission of unqualified persons into the institutions;

Further disturbed that the present state of affairs is frustrating the realization of the noble intendment of the Borstal Institutions and Remand Centres Act and, if left unchecked, could lead to the emergence of recidivists or 'career prisoners', as well as young convicts who have picked up negative lessons from the more hardened elements in prison, emerging from prison worse that when they went in - with serious security implications for the society.

Resolved to:

Urged the Minister of the Interior, in the exercise of his powers under the Act, to:

(*i*) establish properly fund Borstal Institutions and Remand Centres in the country in such a way that each geopolitical zone has at least one Borstal Institution and Remand Centre, taking into account the number and states of origin of prisoners that fall within the purview of the Act and the proximity of courts to a Borstal or Remand facility;

(*ii*) carry-out forthwith an audit of Borstal Institutions with a view to weeding-out illegal students and prosecuting their collaborators;

(*iii*) call on all Nigerian courts exercising criminal jurisdiction to determine the ages of young accused persons standing trial before them and, in making orders compelling the remand or imprisonment of accused persons or convicts aged between 16 and 21 years, specify the proper Borstal or Remand facility where the accused persons or convicts may be detained or imprisoned, as the case may be;

(*iv*) mandate the Committee on Interior to follow up on the Minister's establishment of additional Borstal institutions and Remand Centres and their funding, as well as the audit of Borstal and Remand facilities (**HR. 58/2013**).

8. **A Bill for an Act to provide easy Access to Higher Education for Nigerians through Interest free Loan with a view to Providing Education for all Nigerians and Other Purposes Connected Thereto (HB. 411) — *Second Reading*:**

Order read; by leave of the House, deferred.

9. **A Bill for an Act to Amend the Niger-Delta Development Commission Act, Cap. N86 LFN 2004, for the Purposes of improving Legislative oversight on the Commission and enhancing the delivery of Public Goods and Services to the Niger-Delta and for Other Matters Related Thereto (HB. 110) — *Second Reading*:**

Order read; by leave of the House, deferred.

10. **A Bill for an Act to Provide for the Regulations of Franchising in Nigeria and for Other Related Matters (HB. 140) — *Second Reading*:**
Motion made and Question proposed, "That a Bill for an Act to Provide for the Regulations of Franchising in Nigeria and for Other Related Matters (HB. 140) be now read a Second Time" (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

Debate:

Question that the Bill be now read a Second Time, put and agreed to.

Bill read the Second Time and referred to the Committee on Commerce.

11. **Adjournment:**
That the House do now adjourn till Thursday, 7 *March*, 2013 *at* 11.00 *a.m.* (*Hon. Leo Ogor — Deputy House Leader*).

The House adjourned accordingly at 2.17 *p.m.*

Aminu Waziri Tambuwal
Speaker