FOURTH REPUBLIC
7TH NATIONAL ASSEMBLY
SECOND SESSION
NO. 72



# HOUSE OF REPRESENTATIVES
# FEDERAL REPUBLIC OF NIGERIA

## VOTES AND PROCEEDINGS

Thursday, 14 March, 2013

1. The House met at 11.52 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 Wednesday, 13 March, 2013.

*By unanimous consent, the Votes and Proceedings was adopted.*

3. **Message:**
Mr Speaker read the following Message from the President of the Federal Republic of Nigeria:

**PRESIDENT,**
FEDERAL REPUBLIC OF NIGERIA

*March* 4, 2013

*Rt. Hon. Aminu Waziri Tambuwal, CFR*
*Speaker of the House of Representatives,*
*National Assembly Complex,*
*Three Arms Zone,*
*Abuja.*

*Your Excellency,*

***BILL FOR AN ACT TO ESTABLISH THE NIGERIA POLICE ACADEMY (ESTABLISHMENT, ETC.) BILL, 2013***

*I hereby introduce for formal consideration and enactment into law, a Bill for an Act to Establish the Nigeria Police Academy (Establishment, etc.) Bill*, 2013.

*While I hope that the Bill will receive the usual prompt attention of the Honourable Members of the House of Representatives of the Federal Republic of Nigeria" please accept, Honourable Speaker, the assurances of my highest consideration.*

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*Yours Sincerely,*

*(Signed)*

***GOODLUCK EBELE JONATHAN***

**4. Petitions:**

The following petitions were presented and laid by:

(*i*) Hon. Eddie Mbadiwe (*Ideato North/Ideato South Federal Constituency*) on behalf of Dr C. S. Nwizu, protesting the scarcity of lower denominations of the Naira and praying the House to investigate same to ensure that they have not been surreptitiously withdrawn by the Central Bank of Nigeria (CBN);

(*ii*) Hon. Simon Yakubu Arabo (*Kauru Federal Constituency*) on behalf of Elder Melford Agada and 2 Others for retirees of Rivers State Media Parastatals, praying the House to redress the non-payment of their outstanding pensions and to include them in the current pension scheme for parastatals to enable them draw their pensions and other outstanding entitlements;

(*iii*) Hon. Kenneth Edet Archibong (*Itu/Ibiono Ibom Federal Constituency*) on behalf of Bassey Akpan, praying the House to intervene in his incarceration since 1991 with a view to securing his release from prison on companionate grounds in the next programme of amnesty for prisoners in Nigeria;

(*iv*) Hon Samson Osagie (*Orhinmwon/Uhunmwode Federal Constituency*) on behalf of Staff Sergeant Sunday Agbogun, praying the House to redress his dismissal from the Nigerian Army, with a view to reinstating him.

*Petitions referred to the Committee on Public Petitions.*

**5. The Election of a new Pontiff:**

Hon. Friday Itulah (*Esan North East/South East Federal Constituency*) drew the attention of the House to the election of Jorge Mario Bergogloi as the 266th Pope of the Catholic Church on Wednesday, 13 March, 2013. He underscored the importance of the event to the world especially the Catholic faithful and noted that governments and Leaders around the world are sending congratulatory messages to the new Pope. He therefore sought leave of the House to present a motion without notice on the matter pursuant to Order VIII, Rule 56.

*Question that the House do dispense with notice to enable it entertain a motion without notice on the matter, put and agreed to.*

**Congratulatory Massage to the Newly Elected Pontiff of the Roman Catholic Church:**

The House:

*Notes* that Cardinals of the Roman Catholic Church on Wednesday, 13 March, 2013 in a conclave in the ancient city of Rome elected a new Pope to lead the Church;

*Further notes* that the new Pope, Jorge Mario Bergoglio who hails from Argentina was born in 1936, ordained a Priest of the Catholic Church in 1969 and served as the Bishop of Buenos Aires and was a Runner-up 8 years ago to Pope Emeritus, Benedict XVI who recently resigned as a Pontiff of the Church;

*Aware* that the new Pope is the 1st Jesuit Priest and also the First Latin American Catholic Cardinal to be elected a Pope;

*Further aware* that the new Pontiff Jorge Mario Bergoglio has taken a spiritual title to be known as Pope Francis I.

*Resolves to*:

Congratulate Pope Francis I on his election as the new Pope and Pontiff of the Roman Catholic Church and pray to the Almighty God to grant him the grace to lead the Church and ensure world peace (*Hon. Friday Itulah — Esan North East/South East Federal Constituency*).

*Question put and agreed to.*

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

(*i*) Citing Standing Order VIII, Rule 46, Hon. Hassan Saleh (*Ado/Ogbadibo/Okpokwu Federal Constituency*) drew the attention of the House to the urgent need to investigate the report that 197 people convicted under the National Drugs Law Enforcement Agency (NDLEA) Act are not serving their prison terms in Nigerian Prisons as required by law. He noted that the development portends grave danger for the nation's criminal justice system 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.*

**Urgent Need to Investigate 197 National Drug Law Enforcement Agency's Convicts who are not Serving Their Prison Terms in the Prison:**

The House:

*Notes* that over the years, the National Drug Law Enforcement Agency has, in the course of the discharge of its responsibility, prosecuted some suspected drug traffickers in court and who were convicted and sentenced to serve various terms in the nation's prisons;

*Aware* that it has been alleged that about 197 persons convicted for drug trafficking related offences are said not to be serving their prison terms in the prisons and this allegation was substantiated in the report of a Committee set up by former President Olusegun Obasanjo, which was headed by Justice Gilbert Obayan (*rtd*) in 2006;

*Observes* that the Committee's Report noted that out of the 143 people convicted for drug related offences in year 2006, 96 of them were never sent to the prisons while another set of 101 people convicted of the same offences in year 2005 were also not taken to the prisons, thereby bringing the total of drug convicts who were not taken to the prisons to 197;

*Worried* that persons who were alleged to have been lawfully prosecuted by the National Drug Law Enforcement Agency and convicted by a court of law have been unlawfully released from prison thereby undermining the nation's criminal justice system;

*Disturbed* that it has become a common practice for many high profile detainees and convicts to pretend that they are ill so that they could be allowed to be taken to hospitals outside the prisons whereas in most cases they are in the comfort of their homes or in tastefully furnished hospital wards;

*Concerned* that the Federal Ministry of Justice has failed, neglected and/or refused to implement the findings of the Report of the Committee headed by Justice Gilbert Obayan on this serious infraction on our criminal justice system.

*Resolves to*:

(*i*) Mandate the Committees on Justice, Interior, Drug, Narcotics and Financial Crimes to determine the statistics of all those prosecuted and convicted by the National Drug Law Enforcement Agency from its inception to date and determine where they served their terms;

(*ii*) determine the circumstances leading to the unlawful release from lawful custody of the prisons, those persons who were lawfully convicted and all those who were behind these unlawful and shameful act as contained in the Justice Gilbert Obayan's Committee Report and recommend appropriate sanctions for them (*Hon. Hassan Saleh — Ado/Ogbadibo/Okpokwu Federal Constituency*).

*Debate*:

*Question put and agreed to.*

The House:

*Noted* that over the years, the National Drug Law Enforcement Agency has in the course of the discharge of its responsibility prosecuted some suspected drug traffickers in court and who were convicted to serve various terms in our nation's prisons;

*Aware* that it has been alleged that about 197 persons convicted for drug trafficking related offences are said not to be serving their prison terms in the prisons and this allegation was substantiated in the report of a Committee set up by former President Olusegun Obasanjo, which was headed by Justice Gilbert Obayan (*rtd*) in 2006;

*Observed* that the Committee's Report noted that out of the 143 people convicted for drug related offences in year 2006, 96 of them were never sent to the prisons while another set of 101 people convicted of the same offences in year 2005 were also not taken to the prisons, thereby bringing the total of drug convicts who were not taken to the prisons to 197;

*Worried* that persons who were alleged to have been lawfully prosecuted by the National Drug Law Enforcement Agency and convicted by a court of law have been unlawfully released from prison thereby undermining the nation's criminal justice system;

*Disturbed* that it has become a common practice for many high profile detainees and convicts to pretend that they are ill so that they could be allowed to be taken to hospitals outside the prisons whereas in most cases they are in the comfort of their homes or in tastefully furnished hospital wards;

*Concerned* that the Federal Ministry of Justice has failed, neglected and/or refused to implement the findings of the Report of the Committee headed by Justice Gilbert Obayan on this serious infraction on our criminal justice system.

*Resolved to*:

(*i*) Mandate the Committees on Justice, Interior, Drug, Narcotics and Financial Crimes to determine the statistics of all those prosecuted and convicted by the National Drug Law Enforcement Agency from its inception to date and determine where they served their terms;

(*ii*) determine the circumstances leading to the unlawful release from lawful custody of the prisons, those persons who were lawfully convicted and all those who were behind these unlawful and shameful act as contained in the Justice Gilbert Obayan's Committee Report and recommend appropriate sanctions for them (**HR. 68/2013**).

(*ii*) Also citing Standing Order VIII, Rule 46, Hon. Aiyedun Akeem Olayinka (*Ekiti/Isin/Irepodun/Oke-Ero Federal Constituency*) invited the attention of the House to the health hazards posed by the hawking of sachet water in Nigeria. He noted that most times, the method of handling, distribution and sale of sachet water, especially under the scorching sun on the streets of Nigeria, poses great health hazards to the citizenry. He therefore urged the House to consider the matter as one of urgent public importance.

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

(*iii*) Also citing Standing Order VIII, Rule 46, Hon. Samson Raphael Osagie (*Orhionmwon/Uhunmwode Federal Constituency*) called the attention of the House to a recent circular letter purportedly issued to Ministries, Departments and Agencies (MDAs) by the Director General of Budget Office, Dr Bright Okogwu on the implementation of Appropriations Act, 2013. He stated that the circular reportedly indicated that the MDAs should only concern themselves with the implementation of the amendment to the Appropriations Act and stressed that compliance with the circular will amount to flagrant violation of the Appropriations Act, 2013 as passed by the National Assembly and assented to by Mr. President. He underscored the setback that the development portends to the rule of law 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.*

**Threat of Breach of the 2013 Appropriations Act by Functionries of the Executive Arm of the Federal Government:**

The House:

*Recalls* that the 2013 Budget which was submitted by Mr President in October 2012 was passed by the National Assembly in December 2012, thereby making it historic in terms of timely submission and passage;

*Notes* that though there were initial delay by Mr President in assenting to the Bill, this apparent impasse was resolved following intense dialogue between the Legislature and the Executive;

*Alarmed* that shortly after the President assented to the Bill which is now an extant Act of the National Assembly, there is in circulation a letter from the Office of the Director General Budget addressed to all Ministries, Departments and Agencies instructing them to ignore the contents of the Appropriations Act and to implement what is referred to as Amended Budget which infact is only being purposed to be laid before the National Assembly;

*Surprised* that an official of the same Executive arm that complained of movement of funds from the recurrent budget of the MDAs by the National Assembly is now seeking to compel the same MDAs to implement a purported annual budget that reflects gross deductions from the recurrent budgets as approved in the 2013 Appropriations Act;

*Disturbed* that a senior functionary of the Executive arm of Government would engage in the blatant breach of an extant Act only recently assented to by his employer;

*Worried* that the action of the Director General Budget is capable of destroying the growing rapport and spirit of cooperation between the Legislature and the Executive.

*Resolves to*:

(*i*) direct all Committees of the House to be vigilant in their oversight duties to ensure that Miniseries, Departments and Agencies implement only the content of the 2013 Appropriations Act;

(*ii*) urge the Executive to the call the Director General Budget to order so that the existing rapport between the Legislature and the Executive is not jeopardized (*Hon. Samson Raphael Osagie — Orhionmwon/Uhunmwode Federal Constituency*).

*Debate*:

**Amendment Proposed:**
*Leave out* all the Prayers and *insert* the following instead thereof:
"Mandate the Committees on Appropriations, and Finance to invite the Director General, Budget Office to throw more light on his document of Wednesday, 13 March, 2013 titled "Preparation of 2013 amendment budget" (*Hon. Friday Itula — Esan North East/South East Federal Constituency*).

*Question that the amendment be made, put and agreed to.*

**Further Amendment Proposed:**
In the Prayer as amended, line 2, immediately after the words "amendment budget" insert the words "and report back to the House within 1 week" (*Hon. Abike Dabiri Erewa — Ikorodu Federal Constituency*).

*Question that the amendment be made, put and agreed to.*

*Main question as amended, put and agreed to.*

The House:

*Recalled* that the 2013 Budget which was submitted by Mr President in October 2012 was passed by the National Assembly in December 2012, thereby making it historic in terms of timely submission and passage;

*Noted* that though there were initial delay by Mr President in assenting to the Bill, this apparent impasse was resolved following intense dialogue between the Legislature and the Executive;

*Alarmed* that shortly after the President assented to the Bill which is now an extant Act of the National Assembly, there is in circulation a letter from the Office of the Director General Budget addressed to all Ministries, Departments and Agencies instructing them to ignore the contents of the Appropriations Act and to implement what is referred to as Amended Budget which infact is only being purposed to be laid before the National Assembly;

*Surprised* that an official of the same Executive arm that complained of movement of funds from the recurrent budget of the MDAs by the National Assembly is now seeking to compel the same MDAs to implement a purported annual budget that reflects gross deductions from the recurrent budgets as approved in the 2013 Appropriations Act;

*Disturbed* that a senior functionary of the Executive arm of Government would engage in the blatant breach of an extant Act only recently assented to by his employer;

*Worried* that the action of the Director General Budget is capable of destroying the growing rapport and spirit of cooperation between the Legislature and the Executive.

*Resolved to*:

Mandate the Committees on Appropriations, and Finance to invite the Director General, Budget Office to throw more light on his document of Wednesday, 13 March, 2013 titled "Preparation of 2013 amendment budget" and report back to the House within 1 week (**HR. 69/2013**).

**7. Presentation of Bills:**

The following Bills were presented and read the *First Time*:

(*i*) Nigerian Institute of Advance Legal Studies Act (Amendment) Bill, 2013 (HB. 416).

(*ii*) Criminal Justice (Release from Custody, Special Provisions) (Amendment) Bill, 2013 (HB. 417).

(*iii*) Nigeria Agro-Processing and Food Safety Service Commission (Establishment, etc.) Bill, 2013 (HB. 449).

(*iv*) Rights and Obligations under Tenancy Agreement Bill, 2013 (HB. 451).

(*iv*) National Directorate for Employment (Amendment) Bill, 2013 (HB. 443).

**8. Presentation of Reports:**

(*i*) ***Committee on Public Petitions*:**

**Report of the Petition by C. O. Edezie:**

*Motion made and Question proposed*, "That this House do receive the Report of the Committee on Public Petitions on the Petition by C. O. Edezie on behalf of Occupants at No. 41 Kingsway Road and 25 Illabere Street, Ikoyi, Lagos against the Federal Government on Alleged Re-Development and Threat of Ejection of Occupants therein" (*Hon. Uzo Azubuike — Abia North/Abia South Federal Constituency*).

*Question put and agreed to.*

*Report laid.*

(*ii*) ***Committee on Public Petitions*:**
**Report of the Petition by Mr Tamuno Inabiebu Taylor:**
*Motion made and Question proposed*, "That this House do receive the Report of the Committee on Public Petitions on the Petition by Mr Tamuno Inabiebu Taylor (a Distance Learning Student) on his Alleged Expulsion by the University of Abuja Authorities" (*Hon. Uzo Azubuike — Abia North/Abia South Federal Constituency*).

*Question put and agreed to.*

*Report laid.*

9. **A Bill for an Act to Eliminate Violence in Private and Public life, Prohibit all forms of Violence including Physical, Sexual, Psychological, Domestic, Harmful Traditional Practices; Discrimination against Persons and to Provide Maximum Protection and effective Remedies for Victims and Punishment of Offenders (HB. 191) — *Third Reading*:**
*Motion made and Question proposed*, "That a Bill for an Act to Eliminate Violence in Private and Public life, Prohibit all forms of Violence including Physical, Sexual, Psychological, Domestic, Harmful Traditional Practices; Discrimination against Persons and to Provide Maximum Protection and effective Remedies for Victims and Punishment of Offenders (HB. 191) be now read the Third Time" (*Hon. Leo Ogor — Deputy House Leader*).

*Question put and agreed to.*

*Bill read the Third Time and Passed.*

10. **A Bill for an Act to Authorize the Issue from the Federal Capital Territory Administration Statutory Revenue Fund of the Federal Capital Territory Administration Account, the Total Sum of ₦259,697,591,075 (Two Hundred and Fifty-Nine Billion, Six Hundred and Ninety-Seven Million, Five Hundred and Ninety-One Thousand, and Seventy-Five Naira) only, of Which the Sum of ₦48,034,818,410 (Forty-Eight Billion, Thirty-Four Million, Eight Hundred and Eighteen Thousand, Four Hundred and Ten Naira) only, is for Personnel Costs and the Sum of ₦55,902,373,024 (Fifty-Five Billion, Nine Hundred and Two Million, Three Hundred and Seventy-Three Thousand, and Twenty-Four Naira) only, is for Overhead Costs While the Balance of ₦155,760,399,641 (One Hundred and Fifty-Five Billion, Seven Hundred and Sixty Million, Three Hundred and Ninety-Nine Thousand, Six Hundred and Forty-One Naira) only, is for Capital Projects for the Service of the Federal Capital Territory, Abuja, for the Financial Year Commencing from 1st January and Ending on 31st December, 2013 (HB. 428) — *Second Reading*:**

*Order deferred by leave of the House.*

11. **A Bill for an Act to Repeal the Criminal Procedure Act, Cap. C41 LFN, 2004, the Administration of Justice Commission Act, Cap. A3 LFN 2004 and Enact the Administration of Criminal Justice Act Applicable in Federal Courts and Courts of the Federal Capital Territory; to Make Provision for Speedy and Efficient Administration of Criminal Justice and to Provide for Other Matters Related Thereto (HB. 433) — *Second Reading*:**
*Motion made and Question proposed*, "That a Bill for an Act to Repeal the Criminal Procedure Act, Cap. C41 LFN, 2004, the Administration of Justice Commission Act, Cap. A3 LFN 2004 and Enact the Administration of Criminal Justice Act Applicable in Federal Courts and Courts of the Federal Capital Territory; to Make Provision for Speedy and Efficient Administration of Criminal Justice and to Provide for Other Matters Related Thereto (HB. 433) be now read a Second Time" (*Hon. Ali Ahmad — Ilorin East/Ilorin South 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 Justice.*

12. **A Bill for an Act to Alter the Constitution of the Federal Republic of Nigeria to place the Office of the Auditor-General for the Federation on the first line charge of the Consolidated Revenue Fund and to Empower the Auditor-General of the Federation and the Auditor-General of State Governments to Audit the Accounts of Statutory Corporations, Commissions, Authorities, Agencies in Nigeria and Related Matters (HB. 442) — *Second Reading*:**
*Motion made and Question proposed*, "That a Bill for an Act to Alter the Constitution of the Federal Republic of Nigeria to place the Office of the Auditor-General for the Federation on the first line charge of the Consolidated Revenue Fund and to Empower the Auditor-General of the Federation and the Auditor-General of State Governments to Audit the Accounts of Statutory Corporations, Commissions, Authorities, Agencies in Nigeria and Related Matters (HB. 442) be now read a Second Time" (*Hon. Adeola Olamilekan Solomon — Alimosho 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 Ad-hoc Committee on Constitution Review.*

13. **Adjournment:**
*That the House do now adjourn till Tuesday*, 19 *March*, 2013 *at* 11.00 *a.m.* (*Hon. Leo Ogor — Deputy House Leader*).

*The House adjourned accordingly at* 2.18 *p.m.*

**Aminu Waziri Tambuwal**
*Speaker*

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## CORRIGENDUM

In the *Votes and Proceedings* of Tuesday, 12 March, 2013, item 6, immediately after the words "be now read a Second Time", *leave out* all the words in brackets and *insert* instead thereof the words "Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency.