



THE SENATE
FEDERAL REPUBLIC OF NIGERIA

**REPORT OF THE SENATE JOINT COMMITTEES ON POVERTY
ALLEVIATION & SOCIAL WELFARE AND NATIONAL PLANNING AND
ECONOMIC AFFAIRS**

ON

**A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE
NATIONAL POVERTY ERADICATION COMMISSION AND FOR OTHER
MATTERS CONNECTED THEREWITH (ESTABLISHMENT ETC) BILL, 2016
(SB. 23)**

OCTOBER, 2016

REPORT OF THE JOINT COMMITTEE ON POVERTY ALLEVIATION & SOCIAL WELFARE AND NATIONAL PLANNING & ECONOMIC AFFAIRS ON A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL POVERTY ERADICATION COMMISSION AND FOR OTHER MATTERS CONNECTED THEREWITH (ESTABLISHMENT, ETC) BILL, 2016 (SB. 23)

1.0 BACKGROUND

(i) Mr. President, Distinguished Colleagues, you may wish to recall that the Senate of the Federal Republic of Nigeria, at its plenary sitting on Thursday 21st April, 2016, read a Bill for an Act to establish the National Poverty Eradication Commission and for matters connected therewith (Establishment, etc.) Bill, 2016 the **Second Time** and referred same to the Joint Committee on Poverty Alleviation and Social Welfare and National Planning and Economic Affairs, for further legislative action.

(ii) Poverty is one of the greatest challenges today in Nigeria because it is the root cause of all the major threats to peace and insecurity in the Country.

This is one of the main reasons that the present administration deemed it necessary to have taken the giant strides at diversifying the economy, fighting corruption and also creating the Social Investment Programme among other laudable initiatives aimed at eradicating poverty in the Country.

(iii) It should be noted that this is the first time that such a very important Bill targeting poverty eradication in Nigeria is being introduced in the National Assembly and it is more particularly to the credit of the Senate.

(iv) It should also be noted that this is the first time in the history of the Nigerian Federal Legislature that an attempt is boldly being made in passing into law, a Bill that will put to test the **justifiability** of economic and social provisions as contained in both **Sections 16 (Economic Objectives) and 17 (Social Objectives) contained in Chapter II on the Directive Principles of State Policy** expressly stated in the Constitution of the Federal Republic of Nigeria, 1999 (as amended).

(v) These provisions were generally viewed or seen as containing some non-justiciable matters, despite the bold and positive pronouncements made by

the Supreme Court of Nigeria in some decided cases which emphasized that the justifiability of such Constitutional provisions.

(vi) You may also recall that previous administrations in Nigeria had made several efforts through policies and programmes aimed at eradicating poverty in the Country. One of those moves was first started in the year 1976 and followed by subsequent efforts successively to date.

Some of those poverty intervention measures include Operation Feed the Nation (**OFN**), Green Revolution (**GR**), Back to Land (**BTL**), Directorate of Foods, Roads and Rural Infrastructure (**DIFRI**), Family Economic Advancement Programme (**FEAP**), National Poverty Eradication Programme (**NAPEP**), National Economic Empowerment Development Strategy (**NEEDS**), Subsidy Re-investment and Empowerment Programme (**SURE-P**) and the recently launched Social Investment Programme by the present administration.

There is no any doubt that most of the above mentioned poverty intervention measures failed woefully simply because they were not fully backed up by effective legal and regulatory frameworks.

2.0 OBJECTIVE OF THE BILL

It should further be noted that over seventy percent (70%) of the Nigerian population is living in abject poverty according to a World Bank report.

It is therefore the primary responsibility of the government to eradicate such high level of poverty or at least bring it to a minimum level and that can only be achieved with the needed support from the Legislature.

Therefore, this Bill, in the considered opinion of the Joint Committee Members, seeks to enact a law that will strengthen the execution of the poverty eradication programmes in Nigeria.

The Joint Committee strongly believe that through this particular effort, the above stated objective of the Bill as expressly captured in both the long title and the explanatory memorandum, will be achieved if it is passed into law.

3.0 METHODOLOGY

(a) In exercising its legislative mandate, the Joint Committee, met on Thursday, 26th May, 2016, and unanimously agreed and resolved to conduct a two-day Public Hearing which took place on Tuesday, 7th and Wednesday 8th June, 2016.

(b) Apart from the Constitution of the Federal Republic of Nigeria 1999 (as amended) as a working document, the Joint Committee considered the Provisions of other relevant Laws which include the following:

(c) the *Family Economic Advancement Programme FEAP Act, Cap.F3*;

(d) the *Raw Materials, Research and Development Council Act, Cap.R3*;

(e) the *National Biosafety Management Agency Act, LFN, 2015*;

(g) the *Debt Management office Act Cap. D12 LFN 2004*;

(h) the *Small and Medium Scale Enterprises Development Agency of Nigeria Act LFN, 2015*;

(i) *Revenue Mobilization Allocation and Fiscal Commission Act, LFN, 2004*;

(j) *Some national policies and Programmes on poverty intervention measures; and*

(k) *Some policies and programmes on poverty intervention measures initiated by some foreign Countries such as India, Brazil and Bangladesh among others.*

4.0 LEGISLATIVE SUMMARY

After a careful scrutiny of the long title, clauses, sub-clauses, schedules and supplementary provisions as contained in the Bill, the Joint Committee unanimously resolved that some of the clauses and sub-clauses that are very explicit be retained while those that are ambiguous be amended in order to avoid any ambiguity.

THE CLAUSES OF THE BILL THAT ARE RETAINED BY THE JOINT COMMITTEE *INCLUDE THE FOLLOWING:*

- **Clauses: 1. PART I. ESTABLISHMENT OF NATIONAL POVERTY ERADICATION COMMISSION (NPEC);**
- **Clause 3: *APPOINTMENT OF MEMBERS OF THE COUNCIL;***
- **Clause 4. TENURE OF OFFICE;**
- **Clause 12: *PART IV – STAFF OF THE COMMISSION***
- **CLAUSE 13: FUNCTIONS OF THE DIRECTOR-GENERAL;**
- **Clause. 14 TENURE OF OFFICE, ETC**
- **Clause 15. OTHER STAFF OF THE COMMISSION;**
- **CLAUSE 16. *STAFF REGULATION***
- **Clause 27. EXPENDITURE OF THE COMMISSION;**
- **Clause 30. ANNUAL ESTIMATES AND AUDIT;**
- **CLAUSE 31. *ANNUAL REPORTS***
- **Clause 35. INDEMNITY OF OFFICER;**
- **CLAUSE 37. *REGULATION***
- **Clause 38. POWER TO INTERVENE SCHEDULE ; AND**
- **Clause 40. INTERPRETATION;**
- **COMMITTEES;**
- **MISCELLANEOUS;**
- **SECOND SCHEDULE – CLAUSE 7, POVERTY ERADICATION SCHEMES;**
- **EXPLANATORY MEMORANDUM**

THE OTHER CLAUSES OF THE BILL THAT ARE REDRAFTED ARE ALSO LISTED AS FOLLOWS:

- **Clause 2:** ESTABLISHMENT AND COMPOSITION OF THE NATIONAL COORDINATION COUNCIL;
- **Clause 3.** APPOINTMENT OF MEMBERS OF COUNCIL;
- **Clause 5.** REMOVAL FROM OFFICE;
- **Clause 6.** EMOLUMENTS, ETC;
- **Clause 7.** PART II. FUNCTION OF THE COMMISSION;
- **Clause 8 (b)** POWER OF THE COUNCIL
- **Clause 9.** *NEW PART III-* NATIONAL COORDINATION COMMITTEE;
- **Clause 9(2)** FUNCTION OF THE COORDINATION COMMITTEE;
- **Clause 10.** APPLICATION TO STATES AND LOCAL GOVERNMENTS;
- **Clause 11.** PART-IV STRUCTURE OF THE COMMISSION (DIRECTORATES OF THE COMMISSION);
- **Clause 12.** FUNCTIONS OF THE DIRECTOR-GENERAL;
- **Clause 17.** STAFF PENSION ACT
- **Clause 18.** -(1) PART VI -FINANCIAL PROVISION (ESTABLISHMENT OF NPEC FUND OF THE COMMISSION);
- **Clause 28:** POWER TO ACCEPT DONATIONS;
- **Clause 29:** POWER TO BORROW;
- **Clause 30:** ANNUAL ESTIMATES AND AUDIT;
- **Clause 31:** ANNUAL REPORTS;
- **Clause 32.** PART VII -LEGAL PROCEEDING- LIMITATION AGAINST THE COMMISSION;

- **CLAUSE 34.** RESTRICTION AGAINST PROPERTY OF THE COMMISSION.
DELETED.
- **Clause 35:**INDEMNITY OF OFFICER;
- **Clause 25:** RESTRICTION ON EXECUTION AGAINST PROPERTY OF THE COMMISSION, **DELETED;**
- **Clause 36:** DIRECTIVES BY THE PRESIDENT,ETC;
- **Clause 40.** SHORT TITLE; AND
- **CLAUSE 41.** FIRST SCHEDULE (SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC) PROCEEDINGS OF THE COUNCIL;
- **THIRD SCHEDULE**

5.0 RECOMMENDATION

The Joint Committee have satisfactorily concluded its legislative assignment and it hereby recommends that the Senate do give a favourable consideration to the Bill attached to this report.

6.0 CONCLUSION

Mr. President, Distinguished colleagues, on behalf of the Joint Committee Members, I wish to sincerely thank you for the opportunity given to us to serve in this regard.

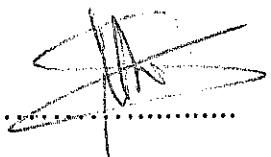
I respectfully recommend this Bill, for as smooth and expeditious passage.

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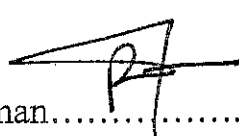
ENDORSEMENT PAGE

MEMBERS OF THE SENATE JOINT COMMITTEE

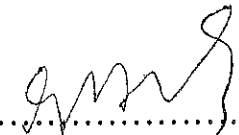
1. Sen. Malam Ali Wakili, *mni*

- Chairman.....

2. Sen Rabiw Musa Kwankwaso

- Co-Chairman.....

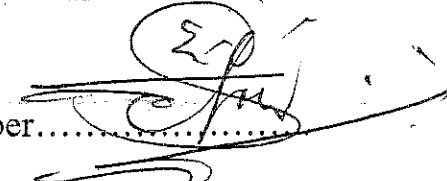
3. Sen. Omogunwa Yele

- Member.....

4. Sen. Danjuma Tella La'ah

- Member.....

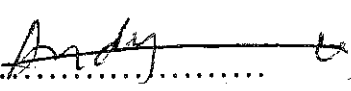
5. Sen. Abdullahi Ibrahim. Gobir

- Member.....

6. Sen. Ahmad Lawan

- Member.....

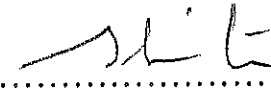
7. Sen. Emmanuel Andy Ubah

-Member.....

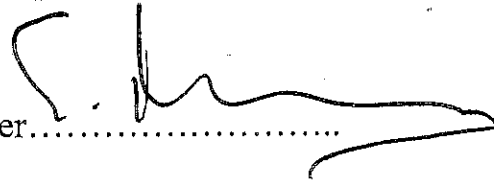
8. Sen. Mustapha Bukar

- Member.....

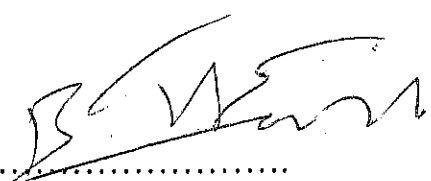
9. Sen. Mohammed Ubali Shittu

-Member.....

10. Sen. Gershom H. Bassey

- Member.....

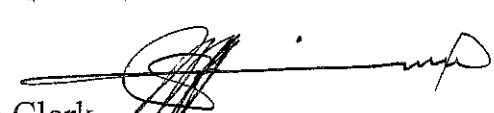
11.Sen. Buhari Abdulfatai

- Member.....

12.Sen. Sunny O. Ogbuoji

- Member.....

Barr. B.S. Maina

- C'ttee Clerk.....

Lawal Omolade

- C'ttee Clerk.....