

# A BILL

## FOR

AN ACT TO ESTABLISH THE INSTITUTE OF INFORMATION AND COMMUNICATIONS TECHNOLOGY AZARE LOCAL GOVERNMENT AREA, BORNO STATE, TO AID IN THE EDUCATIONAL DEVELOPMENT AND IMPROVEMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY IN NIGERIA AND FOR RELATED MATTERS

*Sponsored by Hon. Usman Midala Balami*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria:

1 PART I - ESTABLISHMENT OF THE INSTITUTE OF INFORMATION AND  
2 COMMUNICATIONS TECHNOLOGY AZARE, BORNO STATE.

3 1.-(1) There is hereby established the Institute of Information and  
4 Communication Technology Azare Local Government Area, Borno State  
5 (in this Bill referred to as "the Institute").

Establishment of the Institute of Information and Communications Technology

6 (2) The Institute:

7 (a) shall be a body corporate with perpetual succession and a  
8 common seal and may sue and be sued in its corporate name; and

9 (b) may acquire, hold mortgage, purchase and deal with property,  
10 whether movable or immovable.

11 2. The objectives of the Institute shall be:

Objectives of the Institute

12 (a) to encourage the advancement of learning and to hold out to all  
13 persons without distinction of race, creed, sex or political conviction the  
14 opportunity of acquiring a higher education in Information and  
15 Communications technology:

16 (b) establish training facility with modern infrastructure and  
17 technology for training engineers, ICT professionals, policy makers, and  
18 regulators in the relevant and related sectors of the economy;

1 (c) to act as agents and catalysts, through post-graduate Training,  
2 research and innovation for the effective and economic utilisation, exploitation  
3 and conservation of the country's natural, economic and human resources;

4 (d) to offer to the general population, as a form of public service, the  
5 results of training and research and to foster the practical applications of these  
6 results;

7 (e) support and develop policy and technology conferences and  
8 workshops in conjunction with other tertiary institutions, the government, and  
9 the industry, as well as other meetings and events which will create learning  
10 opportunities to exchange ideas;

11 (f) develop and distribute proceedings and other written content  
12 through appropriate publications and electronic media, such as the publication  
13 of group research and individual projects;

14 (g) maintain a Centre of Excellence in Nigeria and Africa as the  
15 original and leading professional institution in ICT education;

16 (h) to identify the technological problems and needs of the society and  
17 to find solutions to them within the context of overall national development;

18 (i) to provide and promote sound basic scientific training as a  
19 foundation for the development of Information and Communications  
20 technology;

21 (j) provide global consultancy services to both the private sector and  
22 the public sector;

23 (l) promote basic and applied research; and

24 (k) to undertake any other activities appropriate for a Institute of  
25 Information and Communications Technology of the highest standard.

26 PART II - ESTABLISHMENT OF THE GOVERNING BOARD OF THE INSTITUTE

Establishment  
and Constitution  
of Governing  
Board of the  
Institute

27 3.-(1) There is established for the management of the affairs of the  
28 Institute a Governing Board (in this Bill referred to as "the Board").

29 (2) The Board shall consist of:

30 (a) a Chairman, who shall be a person with requisite knowledge in

1 Information and Communication Technology, with not less than fifteen  
2 years of cognate experience;

3 (b) 2 representatives, not below the rank of a Director, of the  
4 Ministries responsible for:

5 (i) Communication and Digital Economy;

6 (ii) Information and Orientation,

7 (ii) Science and Technology, and

8 (iv) Finance;

9 (c) one representative from the:

10 (i) Host Community i.e, where the Institute want to situated

11 (d) the Director General who shall serve as the Secretary to the  
12 Board.

13 (3) The Chairman and other members of the Board, other than ex-  
14 officio, shall be appointed by the President subject to confirmation by the  
15 Senate.

16 (4) A person shall not be appointed as a member of the Board if the  
17 person:

18 (a) is an undischarged bankrupt;

19 (b) fails to comply or is not capable of fully complying with a  
20 judgment or order, including an order for costs, given against the person by a  
21 court of law in a civil case; and

22 (c) in the preceding 10 years has been convicted of an offence of  
23 which fraud, violence, dishonesty, extortion or intimidation is an element.

24 (5) Other members of the Board shall:

25 (a) have at least 10 years cognate experience in information and  
26 communications technology or related area;

27 (b) be a person of unquestionable character and proven integrity.

28 (6) The supplementary provision set out in the Schedule to this Bill Schedule  
29 shall have effect with respect to the proceeding of the Board and other  
30 related matters.

Tenure of office of members of Board	1	<b>4.</b> Members of the Board shall hold office for a term of four years
	2	renewable for another term of four years only.
Resignation, cessation or removal from membership of the Board	3	<b>5.</b> -(1) A member of the Board may resign the appointment by notice in
	4	writing addressed to the Chairman of the Board while the Chairman may resign
	5	the appointment by notice in writing addressed to the President of the Federal
	6	Republic of Nigeria through the Minister.
	7	(2) A member of the Board shall vacate office, if the member:
	8	(a) becomes subject to disqualification under clause 3(4) of this Bill;
	9	(b) lacks physical or mental capacity to perform the functions of the
	10	office;
	11	(c) becomes of unsound mind;
	12	(d) is convicted of a felony, gross misconduct or of any offence
	13	involving dishonesty or fraud;
	14	(e) is disqualified or suspended from professional practice in any part
	15	of the world, by an order of a competent Authority made in respect of that
	16	member;
	17	(f) in the case of an ex - officio member, ceases to hold the office on
	18	the basis of which the member became a member of the Board; or
	19	(g) is absent without the leave of the Secretary for more than two
	20	consecutive meetings of the Board.
	21	(3) A member of the Board may be removed from office by the
	22	President, if the President is satisfied that it is not in the interest of the public
	23	that the members should continue in that office.
Allowance of Members of Board	24	<b>6.</b> There shall be paid to every member of the Board such allowances
	25	as the Institute may from time to time determine in line with the extant policy of
	26	Salaries and Wages Commission
Functions of the Board t	27	<b>7.</b> The Board shall:
	28	(a) manage and superintend the affairs of the Institute;
	29	(b) approve the policies, guidelines and programmes of the Institute;
	30	(c) facilitate teaching leading to an award of certificates and research

1 in the information and communications technology and other related fields;

2 (d) facilitate the formation and development of national and  
3 international partnerships or collaboration for the purpose of implementing  
4 the objectives of the Bill;

5 (e) review quarterly and annual reports of the Institute on the extent  
6 of the implementation of the policy framework for the promotion of  
7 research, the information and communication technology;

8 (f) approve the appointment of senior staff of the Institute either on  
9 permanent or temporary appointment or through secondment of service;

10 (g) make rules and regulations relating generally to the  
11 appointment, promotion, discipline and conditions of service of employees  
12 of the Institute;

13 (h) do such other things which in the opinion of the Board and  
14 directives of the Minister are necessary and expedient to ensure the efficient  
15 discharge of the functions of the Institute.

16 PART III - GOVERNMENT AND PRIVATE PARTICIPATION

17 **8.** Any government or private sector may, subject to any  
18 requirement under this Bill, participate in the research, technology, data  
19 processing and communication and software developing exportation in the  
20 manner provided for in this Bill. Government and  
Private Sector  
involvement and  
participation

21 **9.**-(1) In furtherance of the objectives of this Bill, the Institute may  
22 accredit public and private organisations or laboratory for the research, in  
23 the information and communications technology. Accreditation of  
Organizations

24 (2) An action or claim shall not lie against the Institute for any  
25 refusal to accredit any organization under this Bill.

26 **10.** The accreditation by the Institute of any organization under this  
27 Bill may be withdrawn where such organizations: Withdrawal of  
Accreditation

28 (a) does not satisfactorily perform its functions assigned to it by the  
29 Institute under this Bill;

30 (b) has become affected by any of the disqualifications from

1 accreditation under this Bill or was not qualified for accreditation under this  
2 Bill at the time it was accredited;

3 (c) diverts to its private use or is found to be unfair in the  
4 administration of any material or any part thereof made available or donated to  
5 it;

6 (d) is in breach of or acts contrary to any clear provisions of this Bill or  
7 any of the terms of its accreditation under this Bill, or

8 (e) is in breach of any of its functions, duties or the terms of any  
9 specific or special functions assigned to it by the Institute under this Bill.

10 **PART IV - STRUCTURE AND STAFF OF THE INSTITUTE**

Structure of the  
Institute

11 **11.**-(1) Subject to this Bill, the Institute may be structured into any  
12 number of departments and divisions as the Board may deem appropriate for  
13 the effective administration of the Institute.

14 (2) The Board may create additional Departments and Committees  
15 based on management recommendation and prevailing circumstances.

16 (3) Each department shall be managed by a Director who will be  
17 responsible for coordinating the functions of such department.

The Director-  
General of the  
Institute

18 **12.**-(1) There shall be a Director-General for the Institute who shall be  
19 appointed by the President on the recommendation of the Minister, subject to  
20 the confirmation of the Senate of the National Assembly.

21 (2) The Director General shall:

22 (a) be the Chief Executive and Accounting Officer of the Institute and  
23 responsible for the general administration of the Institute;

24 (b) be a fit and proper person with at least 12 years post qualification  
25 experience in the information and communications technology and of proven  
26 integrity and ability;

27 (c) keep the records of proceedings and decisions of the Board and  
28 such other functions as the Board may from time to time direct; and

29 (d) be appointed for a term of 4 years in the first instance and may be  
30 re-appointed for a further term of 4 years and no more.



Expenditure of the Institute	1	<b>16.</b> The Institute shall apply the funds established pursuant to clause
	2	15 of this Bill to-
	3	(a) cost of administration of the Institute;
	4	(b) payment of salaries, fees, remuneration, bills, rents of the
	5	Institute;
	6	(c) cost of maintenance of any property acquired or vested in the
	7	Institute;
	8	(d) capital expenditure approved by the Institute for research and
	9	development of the information and communication technology;
	10	(e) allowances, salaries, remuneration, pensions and gratuities
	11	payable to the staff and members of the Board;
	12	(f) the payment for all contracts, including mobilization, fluctuations,
	13	variations, legal fees and cost on contract administration;
	14	(g) to the payment for all purchases; and
	15	(h) payment of such other expenses and activities as are connected
	16	with all or any of the functions of the Institute under this Bill.
Donations to the Institute	17	<b>17.</b> The Institute may, subject to the provisions of this Bill, receive
	18	donations from persons, organizations, bodies or governments for the purpose
	19	of the Bill.
Restriction on Donations	20	<b>18.</b> The Institute shall not accept any donation or gift if the conditions
	21	attached by the person or organization making the gift are inconsistent with the
	22	functions of the Institute under this Bill.
Power to borrow	23	<b>19.</b> The Institute may, with the approval of the Minister, borrow, on
	24	such terms and conditions as the Institute may require in the exercise of its
	25	functions under this Bill.
Annual Estimates and Expenditure	26	<b>20.</b> -(1) The Board shall, not later than 30th September of each year,
	27	submit to the Minister, an estimate of the expenditure and income, including
	28	payments to the Institute' Fund, for the next succeeding year.
	29	(2) The Board shall cause to be kept proper accounts of the Institute in
	30	respect of each year and proper records in relation thereto and shall cause the

1 accounts to be audited not later than 6 months after the end of each year by  
2 auditors appointed from the list in accordance with the guidelines supplied  
3 by the Auditor-General of the Federation.

4 **21.**-(1) The Board shall prepare and submit to the Minister, not Annual Report  
5 later than 30th June in each year, a report in such form as the President may  
6 direct on the activities of the Institute during the immediately preceding  
7 year, and shall include in the report a copy of the audited accounts of the  
8 Institute for that year and auditor's report thereon.

9 (2) The Minister shall, upon receipt of the report referred to in sub  
10 clause (1) of this clause, cause a copy of the report and the audited accounts  
11 of the Institute and the auditor's report thereon to be submitted to the  
12 National Assembly.

13 PART VI - MISCELLANEOUS PROVISIONS

14 **22.** The President may give directives of a general nature to matters Directives by the  
15 of policy with regard to functions of the Institute and it shall be the duty of President, etc.  
16 the Institute to comply with the directives.

17 **23.** The Minister may make regulations as may be necessary or Powers of the  
18 expedient for giving full effect to the provisions of this Bill. Minister to make  
Regulations

19 **24.**-(1) For the purposes of providing offices and premises Offices and  
20 necessary for the performance of its functions under this Bill, the Institute Premises of the  
21 may, subject to the Land Use Act: Institute

22 (a) purchase or take on lease any interest land, or other property;  
23 and

24 (b) construct offices and premises and equip and maintain same.

25 (2) The Institute may, subject to the land use Act and the approval  
26 of the Minister, sell or lease out any office or premises held by it, which  
27 office or premises is no longer required for the performance of its functions  
28 under this Bill.

29 **25.**-(1) Subject to the provisions of this Bill, the provisions of the Limitation of suits  
30 Public Officers Protection Act shall apply in relation to any suit against any against the Institute

1 member or Officer or employee of the Institute.

2 (2) Notwithstanding anything contained in any other law, no suit shall  
3 lie against any member of the Board, the chairman or any other officer or  
4 employee of the Institute for anything done in pursuance or execution of this  
5 Bill or any other law, or any alleged neglect or default in the execution of this  
6 Bill, duty or authority, shall lie or be Institute in any court unless-

7 (a) it is commenced within three months after the act, neglect or  
8 default complained of; or

9 (b) in the case of a continuation of damage or injury, within six  
10 months next after the leasing thereof.

Services of  
document

11 **26.** A notice, summons or other document required or authorized to be  
12 served upon the Institute under the provisions of this Bill or any other law may  
13 be served by delivering it to the office of the Director General.

Restriction of  
execution against  
property of the  
Institute

14 **27.** In any action or suit against the Institute, no execution or  
15 attachment of process shall be made against the Institute, unless not less than  
16 three months' notice of the intention to execute or attach has been given to the  
17 Institute.

Interpretation

18 **28.** In this Bill:

19 "Board" means the Governing Board of the Institute;

20 "Institute" means the Institute of Information and Communications  
21 Technology Azare Local Government Area, Borno State;

22 "Member" means a member of the Board and includes the Chairman;

23 "Minister" means the Minister responsible for Communication and Digital  
24 Economy;

25 "President" means the President of the Federal Republic of Nigeria;

Citation

26 **29.** This Bill may be cited as Institute of Information and  
27 Communications Technology Azare Local Government, Borno State (Est.)  
28 Bill, 2024.

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SCHEDULE

*[Clause 3(6)]*

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

*Proceedings of the Board*

1. Subject to this Bill the Board may regulate its proceedings including the proceedings of its committees and sub-committees.
2. The quorum of the Board shall be the Chairman and six other members and the quorum of any committee of the Board shall be determined by the Board.
3. The Board shall meet not less than four times in each year and subject thereto, the Board shall meet whenever it is summoned by the Chairman; and if the chairman is required to do so by notice given to him by not less than four other members, he shall summon a meeting of the Board to be held within fourteen days from the date on which the notice is given.
4. At any meeting of the Board, the Chairman shall preside, but if he is absent, the Vice Chairman shall preside, in the absence of the Chairman and Vice Chairman, the members present at the meeting shall appoint one of their numbers to preside at that meeting.
5. Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt such a person to the Board for such period as it thinks fit; but a person who is in attendance by virtue of this subparagraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

*Committees*

6. The Board may appoint one or more committees to carry out, on behalf of the Board, such of its functions as the Board may determine.
7. A committee appointed under this paragraph shall consist of such number of persons not necessarily members of the Board) as may be determined by the Board; and a person other than a member of the Board

1 shall hold office in the committee in accordance with the terms of his  
2 appointment.

3 8. A decision of a committee of the Board shall be of no effect until it is  
4 confirmed by the Board.

5 *Miscellaneous*

6 9. The fixing of the Seal of the Institute shall be authenticated by the  
7 signature of the Chairman and the Secretary to the Board.

8 10. Any contract or instrument which, if made or executed by a person  
9 not being a body corporate, would not be required to be under seal may be made  
10 or executed on behalf of the Institute by any person generally or specially  
11 authorised by the Institute for that purpose.

12 11. A document purporting to be a document duly executed under the  
13 Seal of the Institute shall be received in evidence and shall, unless the contrary  
14 is proved, be presumed to be so executed.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Institute of Information and Communication Technology, Azare Local Government Area, Borno State, to be saddled with the responsibilities of teaching and conducting research on Information and Communications Technology in Nigeria and to issue certificates.