



FEDERATION OF NIGERIA

PARLIAMENTARY DEBATES

OFFICIAL REPORT

SENATE

Session 1961-62

Comprising Period
25th, 27th—30th November,
and 1st December, 1961

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THE SENATE

PRESIDENT

Senator Chief Dennis C. Osadebay

DEPUTY PRESIDENT

Senator Adeniji Adele II, the Oba of Lagos

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Senator H. O. Abaagu.
Senator Alhaji Abubakar Bale. Madawakin Bida.
Senator Nuhu Bamali.
Senator Malachias Bawa.
Senator Alhaji Abubakar Garba.
Senator Salihu Fulani.
Senator Muhammadu Sanni Dingyadi.
Senator M. Idrisu, Tafidan Adamawa.
Senator Zanna Medalla Sheriff.
Senator Alhaji Sanni Ungogo.
Senator Abdul Salami Yusifu.
Senator Hassan Rafin Dadi.

Representing Lagos :

Senator S. A. Agoro, Chief Ojon (*elected by the White Cap Chiefs and War Chiefs*).
Senator Chief O. A. Fagbenro-Beyioku.
Senator Chief T. A. Doherty.

Representing the Eastern Region :

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Senator Chief Ezeogo Ugwuocha, Uka of Edda.
Senator Chief P. C. Ndu.
Senator J. K. Nzerem.
Senator Chief Z. C. Obi, O.B.E.
Senator Chief Phillip E. Nakoku.
Senator Dr A. A. Nwafor Orizu.
Senator H. N. Udoh.
Senator A. E. Ukattah.
Senator Chief R. A. Umoh.

Representing the Western Region :

Senator Dahlton O. Asemota.
Senator M. G. Ejaife.
Senator Wuraola Esan (Mrs).
Senator Chief J. S. Olayeye.

Senator Chief S. T. Hunponu-Wusu.

Senator L. T. Olamijulo.

Senator Chief S. O. Esangbedo.

Senator T. A. Odutola, O.B.E.

Senator S. Eyitayo.

Senator P. A. Ogundipe

Senator E. A. Lagunju.

Senator Alhaji Y. M. Abudu.

Nominated Senators :

Senator Dr the hon. M. A. Majekodunmi.

Senator Professor Eni Njoku.

Senator L. C. Daldry.

SENATE OF THE FEDERATION
OF NIGERIA

Saturday, 25th November, 1961

The Senate met at 9 a.m.

PRAYERS

(The President in the Chair)

BUSINESS STATEMENT

The Minister of Health (Chief the hon. Dr M. A. Majekodunmi): I rise to make the following Business Statement for the period Monday, 27th November to Friday, 1st December.

Monday, 27th November, 1961, Presentation of the following Bills—

1. Law Reform (Contracts) Bill.
2. Widows and Orphans Pensions Bill.

Second and Third Readings of the following Bills—

1. Supplementary Appropriation (1961-62) (No. 2) Bill.
2. Third Supplementary Appropriation (1960-61) Bill.

Tuesday, 28th November—Private Members' Motions.

Presentation of the following Bills—

1. Law Reform (Torts) Bill.
2. Pensions (Statutory Corporation Service) Bill.
3. Sheriffs and Civil Process Bill.
4. Tafawa Balewa Square Management Bill.

Second and Third Readings of the following Bills—

1. Law Reform (Contracts) Bill.
2. Widows and Orphans (Pensions) Bill.
3. Tafawa Balewa Square Management Bill.

Wednesday, 29th November, Presentation of the following Bills—

1. Defamation Bill.
2. Nigerian Ex-Servicemen's Welfare Association (Amendment) Bill.
3. Agriculture (Control of Proceedings) Bill.
4. Pool Betting (Control) Bill.

Second Reading of the following Bills—

1. Pensions (Statutory Corporation Service) Bill.

2. Sheriffs and Civil Process Bill.

3. Law Reform (Torts) Bill.

Thursday, 30th November, Second and Third Readings of the following Bills—

1. Defamation Bill.
2. Nigerian Ex-Servicemen's Welfare Association (Amendment) Bill.
3. Agriculture (Control of Proceedings) Bill.
4. Pool Betting (Control) Bill.

Friday, 1st December—Presentation, Second and Third Readings of the following Bills—

1. Lagos University Teaching Hospital Bill.
2. Railway Servants' Provident Fund Bill.
3. Finance (Removal of Restrictions) Bill.

It is expected that the Senate will adjourn on Friday, 1st December, 1961.

PRESENTATION OF PUBLIC BILLS

SUPPLEMENTARY APPROPRIATION (1961-62)
(NO. 2) BILL

Bill to make further Supplementary Provision for the service of the year ending on the Thirty-first day of March, One Thousand Nine Hundred and Sixty-Two additionally to that made by the Appropriation (1961-62) Act, 1961 and the Supplementary Appropriation (1961-62) Act, 1961, presented by the Minister of State (*Chief H. Omo-Osagie*); read the First time; to be read a Second time—*Monday, 27th November.*

INDUSTRIAL LOANS (LAGOS AND FEDERATION)
(CHANGE OF TITLE) BILL

Bill to make better provision for Economic Development in Nigeria by change of the title of the Industrial Loans (Lagos and Federation) Ordinance, and by extending the scope of that Ordinance as an Act, presented by the Minister of State (*Chief H. Omo-Osagie*); read the First time; to be read a Second time—*This Day.*

DESIGNATION OF ORDINANCES BILL

Bill to make other provision for the designation of Ordinances in Nigeria, presented by the Minister of State (*Chief H. Omo-Osagie*); read the First time; to be read a Second time—*This Day.*

REPUBLIC OF THE UNION OF SOUTH AFRICA
BILL

Bill to make provision as to the operation of the law in relation to the Union of South Africa and persons and things in any way belonging to or connected with the Union of South Africa in view of the Union of South Africa having become a Republic outside of the Commonwealth, presented by the Minister of State (*Chief H. Omo-Osagie*); read the First time; to be read a Second time—*This Day*.

ORDERS OF THE DAY

INDUSTRIAL LOANS (LAGOS AND FEDERATION)
(CHANGE OF TITLE) BILL

The President : The Second Reading will now be taken on Monday, 27th November, 1961.

Senator Chief A. O. Fagbenro-Beyioku : On a Point of Order, Mr President. On the Order Paper for the Senate this morning, under "Orders of the Day and Notices of Motions" we have, first, the "Industrial Loans (Lagos and Federation) (Change of Title) Bill" the Second Reading of which is supposed to be taken to-day. But it has just been announced for Monday.

I have this observation to make. The Minister of Commerce and Industry is not here. This is one of things that we Members of the Senate have been complaining about: Ministers of State treating the Senate with contempt. If Ministers know that they are not ready to present their Bills, the Senate should not be summoned. We resent all these attitudes from the Ministers—treating Senators as people of no consequence. If the Ministers are not ready to proceed, let us adjourn. In my opinion, the Minister of Commerce and Industry is responsible for this Bill and he should be here to present it and answer Senators' queries.

During the last Session of the Senate, we complained about a Minister who was not here to present his Bill, and the Minister of Health gave us the assurance that he was going to speak to the particular Minister and that our observations would be taken notice of. There is no evidence that this promise has been fulfilled.

If this is what the Ministers of State have for us, I would respectfully suggest that we adjourn until they are ready. The Ministers cannot just be treating us in any way. I feel this must stop.

Senator Chief S. T. Hunponu-Wusu : I think that the time has come to call a spade a spade. Since we were here last year we have been making all efforts to correct these matters, and the time has now come when the situation should be faced. After all, we are now in our second year as Senators. It is but true that if the Lower House have not completed their work, there is no need to summon us to come here and sit down, and we find that the Minister responsible for a certain Bill will not be here. Why? I think we are competent enough to know what we are doing. If it will take the Lower House a month to complete their section, we can come here after; we can be here a week or two after they have completed their work, so we know that we shall have all our Ministers present with us. We know at the same time that we cannot get 100 per cent of them to be present, but of necessity we should get at least 99 per cent of them. The time has come when all this should be done, and in supporting the hon. Senator who has just spoken, I would say that if our Ministers responsible for these things cannot be present here, the House should adjourn.

Senator Chief P. E. Nakoku : In supporting the two former speakers, I should think that the *onus* lies on us here—the Members of the Senate. We have been doing our work and have been doing it excellently, but I would say that if Ministers find that Bills have to be stopped or something like that has to be done, then they should make sure they are present here. I think it is only because we concur in many of the Bills that are passed to us that we are disrespected.

Senator Dahlton O. Asemota : I just want to say that times without number here we have been calling the attention of Ministers to the fact that at any meeting of the Senate, we expect them to be present here to be able to answer the queries and points raised in the Senate, but it so happens that Ministers think that there is no point in coming here when Bills have been passed by the Lower House. That is the attitude of the Lower House—nobody considers that this is really the Upper House and that it deserves the respect that should really be given to the Senate. The House of Representatives does not take any notice of it at all—they do not mind what happens in the Senate. I am happy now that Senators know and can see for themselves this state of affairs which is developing through nobody's fault but theirs.

The Minister of Health (Senator Chief the hon. M. A. Majekodunmi): I would crave the indulgence of the Members of the Senate on behalf of the Government on this occasion. We have in fact taken very great care to arrange the Sittings of the Senate so that they will not overlap very much with the Sittings of the Lower House, but unfortunately it is not possible to avoid that completely. What has happened this morning is that the Minister of Commerce and Industry, who should have presented this Bill is unfortunately not here, but that, I assure you, is not because he is not interested—it is just due to one of those things which are unavoidable. I therefore crave the indulgence of the House on this occasion to go on with this, and allow us to proceed with the next item, as the Minister of Justice is here.

DESIGNATION OF ORDINANCES BILL

Order for Second Reading read.

The Attorney-General and Minister of Justice (Dr the hon. T. O. Elias): There is a very short Bill which is designed to regularise the existing position in regard to our legislation on Designation of Ordinances.

We consider it inappropriate that the legislation of an independent Sovereign Nigeria should continue to be designated as Ordinances. This is a term in English Colonial talk which is usually applied to legislated measures of subordinate legislatures. So this Bill will regularise that legal position and enable us to call certain Ordinances that have been passed even before independence, Acts of Parliament, with the exception of those that are listed in section 2 of that Ordinance.

I do not think that there is very much in it, as hon. Senators will notice, and I commend the Bill to the House.

I beg to move that the Bill be read a Second time.

The Minister of State (Chief the hon. H. Omo-Osagie): I beg to second.

Senator T. Olamijulo: Actually, we have nothing to quarrel about in this Bill now before the House. The only observation that I personally would make is that it has come a bit late. We should have had this Amendment long before now, since we became independent, and our Acts would become our

Acts, and not Ordinances which are only colonial in every reflection. We only have to support this because it is one of those things we have been calling for and I would say that it is not controversial at all.

The Attorney-General and Minister of Justice: If I may say, by way of explanation, that we have started calling all our legislation Acts as from 1st October. So if hon. Senators would note that it is in order to bring this particular Ordinance into line with other acts that I use the word "regularise".

Senator Chief Z. C. Obi: I have to thank the Federal Government for their vigilance in such an issue, and I think that we are happy over it. I support the Bill.

Question put and agreed to.

Bill read a Second time and immediately considered in Committee.

DESIGNATION OF ORDINANCES BILL:
CONSIDERED IN COMMITTEE

Clauses 1 and 2 ordered to stand part of the Bill.

Bill reported, without Amendment, read the Third time and passed.

The President: Order! order! The next Bill that ought to come before hon. Senators is the Republic of the Union of South Africa Bill. Hon. Senators are aware that the Constitution requires that the Bill be passed with a two-thirds majority. As it does not appear that there is a two-thirds majority of Senators here now, I will suspend the sitting for 15 minutes. Will hon. Senators please, at the expiration of that time, be in their seats.

Sitting suspended : 9.35 a.m.

Sitting resumed : 9.45 a.m.

REPUBLIC OF THE UNION OF SOUTH
AFRICA BILL

Order for Second Reading read.

The Attorney-General and Minister of Justice (Dr the hon. T. O. Elias): I rise to move,

That a Bill to make provision as to the operation of the law in relation to the Union of South Africa, and persons and things in any way belonging to or connected with the Union of South Africa, in view of the Union of South Africa having become a Republic outside of the Commonwealth, be read a Second time.

[THE MINISTER OF JUSTICE]

As hon. Senators must be aware, the Union of South Africa became the Independent Sovereign Republic of South Africa on the 31st of May this year.

This Bill seeks to recognise the new status of the Union of South Africa as that of a foreign country. In certain sections of our Constitution hon. Senators will find references and one or two definitions of the expression "Commonwealth" which tend to include the Union of South Africa as one of the Members of the Commonwealth. In particular, sections 106, 117 and 154 refer specifically to South Africa as a Member of the Commonwealth.

In some cases, some of the Judges of South Africa could sit on certain matters, if so appointed by the Governor-General.

It is to remove these difficulties that we have brought forward this Bill. The sole purpose of it is, not only to make South Africa a foreign country, but all persons and things belonging to South Africa will become foreign to us from the 31st May, 1961. This will include South African ships and aircrafts, as well as South African nationals. It is not possible to differentiate between African South African and South African of some other origins. Therefore, this Bill has to treat all nationals of South Africa as foreigners.

I commend the Bill to the House.

Senator A. E. Ukattah : This Bill does not require any long debate. I just want to say that it is indeed welcome.

I wish we could do something to show how bitter we are against the *apartheid* policy of the Government of South Africa. One remembers that about seventy-nine *per cent* of the population of South Africa is non-white, and that these people are subjected to all sorts of nonsense by the whites in that Union. I suggest that if anything could be done here in Nigeria to the South Africans living in our country, it should be done now. We Nigerians are Africans and the Africans in South Africa are regarded as idiots and monkeys.

I wonder why South African nationals should be allowed to work, enjoy privileged positions and earn fabulous salaries in this country. If there is anything we can do to show our resentment to the treatment being

given to our fellow Africans in South Africa, I suggest that we should do it immediately. We do not like the attitude of the South African Government.

I beg to support.

Senator Dahlton O. Asemota : I welcome this Bill whole-heartedly. I do not think that there is anything we can do here to the Government of South Africa to show sufficiently that we resent their *apartheid* policy. But at least, the people of this country will feel happier to know that stronger measures are taken to show our resentment against the South African Government.

Unfortunately, the only snag in this Bill is that the black South Africans that are at present suffering as a result of the *apartheid* policy of the white South Africans are going to be ill-treated too. The fact is that we have many of these people here in Nigeria at the moment. They are in the teaching field and other establishments also. This Bill does not exonerate them from its implications.

I hope that the Government will make some reservations for the black South Africans so that they will not suffer with the guilty people. This is my fear. We have very many of them. Therefore, if we treat them as aliens, it will certainly defeat our policy of trying to do all we possibly can to plead their cause. I do not know what arrangements the Government will make about this, but it should see to it that those people are not regarded strictly as aliens. They are black South Africans and somehow they should be brought within the fold of the African race.

Senator Chief O. A. Fagbenro-Beyioku : We have to welcome this Bill. At the same time, we have to congratulate the Government for (1) succeeding to kick South Africa out of the Commonwealth; (2) for succeeding to kick South Africa out of the International Labour Organisation and (3) for the excellent performance of our Minister of Foreign Affairs at the last Session of the United Nations which led to some decisions, however modified, being taken in respect of a proposal to impose some sanctions or restrictions on South Africa.

We still have a lot to do because the question of the redemption of South Africa will have to devolve upon us. We must have to dictate the pace that other African territories will have to follow. In fact, we are very much embittered against South Africa.

The actual function of this Bill is to let us know that South Africa is no more a member of the Commonwealth. It is now a foreign country. Yes, it is a foreign country. But, at the same time, as an hon. Senator had mentioned, we must be positive in our approach to this matter. We have to do something which will make South Africa actually start to think that the world, particularly the black world, is against her.

We have black South African refugees who are finding shelter everywhere. And just for one strategic reason or just to make themselves look very important or to let the world think that they are the friends of Africa, some of our neighbours accommodate them and give them necessary conveniences. But we do not want to play the part of the Englishman and be unduly unconventional.

What we say is that these people do not approach us even though they know that they are suffering. It is their internal affairs, and we do not want to interfere. But that is the unconventional attitude of the British people which sometimes makes it impossible for other people to understand them. Rather than do that, we should exercise the African mind of sympathy and interest. Knowing fully well that the black South Africans are really suffering, let our Government, in fact our nation, take some initiative to give practical assistance, support and encouragement to these refugees who may be hanging within our territory.

Again, even though the United Nations have not actually approved of a sanction in its real sense, and now that South Africa will be a foreign country as far as our own law is concerned, we must have to re-consider our practice of placing orders for South African goods and of recruiting staff from South Africa. Also, we must have to think of the positions of the white South Africans who are still in this country and see whether or not it is desirable that they should be here in the interest of the black African solidarity.

I support and welcome this Bill and, at the same time, I am looking forward to the day when the Government will produce a bill entitled 'South African Refugees Assistance Bill' or something like that. And that will be a great day in this country.

Senator H. O. Abaagu : I personally have been a victim of the *apartheid* policy. Therefore, I just want to tell the House a very short story.

In 1936, I attended one of the schools run by a white South African in Northern Nigeria.

An hon. Senator : What part of the Northern Region ?

Senator Abaagu : This is in the Tiv Division. Five years later, I became a teacher in that same school. One thing that we learnt in that school was that we Africans were nothing compared with the whitemen in South Africa. That is to say that we should know that in all ways we are inferior to any whiteman.

In the school the first teachers were whites and we must not stand very near them. When we sat on benches they brought their benches right in front of us. Even when we became teachers, we had to do exactly what the children did because we are Africans.

There was no difference between teachers and pupils. When I was a teacher I still had to work with a hoe in the farm and after working in the farm we had to go into the gardens of these white South Africans and work for them. We were not allowed to use any dress other than our native dress. No African was allowed to use any other dress and they told us that European dresses were not meant for us. Even in the hospitals there was discrimination. Special beds were prepared for Europeans and the Africans had to use their own native beds.

Up till now these Dutch Reformed Church Missionaries are still managing a certain number of schools in Tiv Division of Northern Nigeria and they are still practising their *apartheid* policy. I would, therefore, suggest that we tell and show these white South Africans that Africans are also human beings. The Government should do everything possible to close these schools. I would appeal to the President of the Senate to approach the Government of Northern Nigeria to legislate that these South Africans should leave Nigeria because as long as these schools continue to be run by white South Africans the *apartheid* policy will continue in that part of the country indefinitely.

[SENATOR ABAAGU]

Even in the Churches, I would suggest that the Churches run by them should be closed because there are still some Nigerians who believe in the Dutch Reformed Church. The white South African Members of the Dutch should be told to pack bag and baggage and go back to their country.

I would also suggest that economic sanctions be used against South Africa to show the South African Government in a practical way our disapproval of their *apartheid* policy.

I humbly and whole-heartedly support the Bill.

Senator Abdul Salami Yusifu : First of all, I think we should all congratulate the Prime Minister for the stand he took during the Commonwealth Prime Minister Conference in London in connection with the removal of South Africa from the Commonwealth.

In fact, I am left in a confused state because if we want to recognise South Africa as foreign to our own nation, it means that we are not sympathising with our African brothers. In that case, I think something ought to be done so that we give the black South Africans all the privileges that we can give them as our own brothers. In any case, as someone has mentioned already something ought to be done either by way of treating our South African brothers as refugees or assisting them with finance. I think that would be a good move.

With these few comments, I support the Bill.

The Minister of Internal Affairs (Alhaji the hon. Usman Sarki) : I think I must make the stand of the Government clear to this hon. Senate about the point raised by Senator Abaagu on what is happening in Northern Nigeria, to be precise in Tiv Division. He referred to the Missionary Society known as the Dutch Reformed Church Mission. When South Africa was kicked out of the Commonwealth, the Society by itself applied that their work would be affected and so they would like to leave Nigeria to go back to South Africa but that they would not be doing that until 1963.

When I saw that they wanted to leave by themselves, it was clear to me that they have some sort of sympathy for the South African Government policy of *apartheid*. Hon. Senators will agree with me that by allowing these people to stay up to 1963 with this intention

of theirs we will not be doing justice to ourselves and to the people of South Africa. So I asked the Prime Minister for his advice. He advised me and on that advice I asked them to leave now. (*Hear, hear*). I told them that if they want to leave to return to South Africa it means that they support the South African Government policy of *apartheid*, otherwise they would not like to go back to South Africa.

So, I decided that they must leave now. They came round to tell me that they would be prepared to leave now but that I should allow them to get themselves arranged and hand over the job they are doing to other people who are not prepared to go to South Africa and, they would be prepared by April 1962 to leave Nigeria. I would not have allowed them to stay for a day longer since they decided to leave but in order to come to a compromise and because they had been doing a lot of work in the country, I thought I should allow them to be in Nigeria up to April 1962 and after that they would be forced to leave. (*Applause*).

Senator T. Olamijulo : I feel that in considering this Bill we should remember that we have two things to consider about the role of South Africa. One is what we have to do to show our dissatisfaction of what is happening, and the other is to show our sympathy to the black people that are there.

As we have been mentioning, some indigenous South Africans are working in this country, and many of them especially teachers would not like to return to South Africa. And many of the white South Africans who are also working here would also not like to return to South Africa. At any rate, we have to divide them into two groups. We have to have two sorts of feelings. Those of them that are white—whether they regard themselves as being in sympathy with us or not—should be considered as white South Africans. I do not think, however, that we have the right to treat those that are black, the educated people that are teaching in this area, in the same way that we are to treat the white people.

I feel that we should have a scheme whereby we shall be able to show our resentment to these white South Africans and our sympathy with the black people. As somebody has mentioned, I feel it is our duty to thank our Prime Minister sincerely for the part he played

during the Prime Ministers' Conference; I feel it is our duty to thank him even while he is present with us, and I move that we should do that.

Senator Chief T. A. Odotola: I rise to support this Bill. The Bill as it is to declare the South African Government a foreign Government, which means that South Africa would be treated as a Foreign Government in the same way as Japan, Germany, or any other foreign Government. We have taken this stand because of their *apartheid* policy. Although this policy is not against us here in Nigeria it is against our own brothers in the same continent.

If we are going to treat South Africa as a Foreign Government, it means that we can engage white South Africans only as we are engaging people from Germany, Japan or any other country, to come and work here. I think the Government would be going a bit further in helping this country by taking up a position whereby no white South African would be allowed to come and work in this country and enjoy benefits in this country.

As some previous Senators have said, we have quite a number of South African coloured people working in this country as teachers. I know about eight or ten of them who are working as teachers in our Secondary Schools. What can we do to assist people of that type? We can encourage them and let them know and feel that what we are doing is in their own interests. We are not doing it in our own interests but in the interests of those people. The only thing we can do is to differentiate—to put these people in a position where they can appreciate our stand fully. I think it is necessary that the Government should go into it a bit further and think of what to do about these people.

I do not think there is anybody in this country who would not thank the Government for the stand it has taken right from the very beginning about this *apartheid* policy of South Africa. Government has done really very wonderful work, and I think we are all grateful to the Government. But there is still much more to do and we shall not have done our duty until the Government finds it possible to take a decision whereby coloured South Africans would be able to come to this country and work freely and have every assistance they deserve from us, and white South Africans would be disallowed in

every way—their goods, their ships, their planes, anything belonging to them—to enter into this country.

I support the Bill.

Senator Chief Z. C. Obi: I rise to support this Motion with all the emphasis at my command, and in doing so I want to assure our Government that they have the support of this House in all the measures they adopt over the South African issue. I look forward to the time when full sanctions are applied against the South African Government.

I support the Bill.

Senator S. Eytayo: The only thing it is necessary to say is that we want the Government to know that we do support this Bill, but at the same time we want distinction to be made between the white South Africans and black South Africans. That is the only thing that we want the Government to bear in mind, so that in carrying out this policy, the Government will not overlook the aim that we have in mind—that is, that the indigenous South Africans should know that we are fighting in their own interests.

I beg to support.

Question put and agreed to.

The President: Hon. Senators, I direct that the Senate do proceed to a Division in order that we might satisfy section 4 (2) of the Constitution. As you know under our new Standing Orders we proceed to Division by the Clerk calling the roll and each Member answering "aye" or "no" or abstaining.

The Senate divided.

The President: Hon. Senators, the result of the Division is as follows:

Ayes—30. Noes—Nil. Abstentions—Nil.

*Seat
No.*

3	Senator Asemota
4	Senator Chief Beyioku
5	Senator Bawa
6	Senator Chukwubike
8	Senator Daldry
10	Senator Chief Ugwuocha
11	Senator Chief Ojon
12	Senator the Oba of Lagos
14	Senator Chief Ndu
15	Senator Chief Olayeye
16	Senator Abaagu
19	Senator Chief Hunponu-Wusu
21	Senator Alhaji Abubakar Garba
22	Senator Chief Obi

Senate Debates

845 [Republic of the Union of
South Africa Bill]

25 NOVEMBER 1961

[Amendment of the Constitution 846
of Northern Nigeria]

Seat
No.

23 Senator Olamijulo
25 Senator Fulani
27 Senator Chief Esangbedo
28 Senator Chief Doherty
30 Senator Chief Nakoku
31 Senator Chief Odutola
33 Senator Udoh
34 Senator Eyitayo
35 Senator Yesufu
36 Senator Ukattah
37 Senator Ogundipe
39 Senator Chief Umoh
40 Senator Lagunju
41 Senator Alhaji Sani Ungogo
42 Senator Alhaji Abudu
Minister of Health, Senator Majekodunmi
Minister of State, Senator Esin

Bill read a Second time : immediately considered in Committee and reported without Amendment.

Motion made and Question proposed, That the Bill be now read the Third time.—(The Attorney-General and Minister of Justice).

The President : As required by the Constitution, the Senate will now proceed to a Division on the Third Reading. The Clerk will proceed to call the roll.

The Senate divided.

The President : Order! Order! Hon. Senators, the result of the Division is as follows :

Ayes—31. Noes—Nil. Abstentions—Nil.

Seat
No.

3 Senator Asemota
4 Senator Chief Beyioku
5 Senator Bawa
6 Senator Chukwubike
8 Senator Daldry
10 Senator Chief Ugwuocha
11 Senator Chief Ojon
12 Senator the Oba of Lagos
14 Senator Chief Ndu
15 Senator Chief Olayeye
16 Senator Abaagu
19 Senator Chief Hunponu-Wusu
21 Senator Alhaji Abubakar Garba
22 Senator Chief Obi
23 Senator Olamijulo
25 Senator Fulani
27 Senator Chief Esangbedo
28 Senator Chief Doherty
30 Senator Chief Nakoku
31 Senator Chief Odutola
33 Senator Udoh
34 Senator Eyitayo
35 Senator Yesufu
36 Senator Ukattah
37 Senator Ogundipe

Seat
No.

39 Senator Chief Umoh
40 Senator Lagunju
41 Senator Alhaji Sani Ungogo
42 Senator Alhaji Abudu
Minister of Health, Senator Majekodunmi
Minister of State, Senator Esin

Hon. Senators, I crave the indulgence of the Senate to amend the result of the poll on the Division on the Second Reading. Senator Ndu's name was omitted by accident ; so that the Division was really :

Ayes—31. Noes—Nil. Abstentions—Nil.

Bill accordingly read the Third time and passed.

AMENDMENT OF THE CONSTITUTION
OF NORTHERN NIGERIA

The Attorney-General and Minister of Justice (Dr the hon. T. O. Elias) : I beg to move, That, in accordance with the provision of subsection (4) of section 5 of the Constitution of the Federation, the Senate signifies its consent to the Constitution of Northern Nigeria (Amendment No. 2) Law, 1961, having effect.

I would like to refer hon. Senators to the supplement to the Order Paper in which they will find the necessary Amendment to the Legislation. I think it is important for the benefit of those who are not so acquainted with our constitutional problems in detail that I should tell the Senate briefly the genesis of this constitutional amendment.

Arising out of the decisions of the Constitutional Conference in 1957, the Northern Regional Government set up an International Panel of Jurists which consisted of a British, a Pakistani, a Sudanese and two Nigerians. This panel reported in 1958 and made a number of recommendations for the reform of the legal system and Moslem law in Northern Nigeria.

Among the recommendations was the one requiring that a final Court of Appeal called the Sharia Court of Appeal be established for Moslem courts in the North. This Court is headed by the Grand Kadi. As a result of this, the Government of the Northern Region proceeded to amend the Northern Region High Court Law of 1955, and later a consequential amendment was made to the 1954 Constitution Order in Council, in section 142A, subsections 13 and 14 of which the

changes were reflected. Since then, the Grand Kadi had always sat with two Judges of the High Court of the North over Appeals involving points of Moslem law. Although, under that Amendment, more than one Judge could have sat with the two High Court Judges, but in practice only one Judge, namely the Grand Kadi, sat with the High Court Judges in those cases, so that he was in a minority of one to two.

On Independence on the 1st of October, 1960, it was assumed by the draughtsmen of our Constitution that that arrangement would continue and that the necessary laws would be regarded as existing laws under section 3 of our Order in Council. But a case arose, soon after Independence, which reached the Federal Supreme Court, challenging a decision that was reached by the Northern Region High Court which was arrived at with the Grand Kadi as one of the three Judges. The point was made that, according to section 59 of the Northern Region High Court Law, the Grand Kadi had not the legal qualifications expected of Judges of that Court. On that technical ground, it was ruled that the decision was invalid and contrary to the Constitution because, if the previous position was to be maintained, the Constitution should have spelt out the previous provision.

Therefore, faced with this judgment, the Northern Region Government then proceeded to comply with that decision by bringing forward the Amendment in section 59 (b), (c) and (d) of the High Court Law and also this Bill which we are now asking you to consider.

The effect of both would be to enable only one Judge from the Sharia Court of Appeal to sit with two Judges of the High Court in cases on Appeals from the lower courts involving points of Moslem law.

Hon. Senators will then note that the Constitution of the Court is as democratic as could be wished. It is important also to point out that the Grand Kadi ranks equal to the Chief Justice of the Northern Regional High Court. In pay he is no less than rank. Therefore, legally, as well as in terms of finance, the Grand Kadi is not just an ordinary layman giving an assessor's opinion. In any case, he will be in a minority of one. There will be two other High Court Judges sitting with him over cases involving points of Moslem law.

I think I should finally emphasise that the Grand Kadi alone will be sitting. The previous provision which allowed both himself and as many other Judges of the Sharia Court as possible to sit, has been done away with.

Also, it is important to bear in mind that the Grand Kadi is not a permanent member of the High Court of the Northern Region. He would be entitled to sit with the other two Judges only when and as required in cases involving points of Moslem law.

Mr Preseident, Sir, I beg to move.

The Minister of Health (Chief the hon. Dr M. A. Majekodunmi): I beg to second.

Senator Chief O. A. Fagbenro-Beyioku: In this case I want to advise caution. As I speak here, I want to be properly understood.

We are saddled with a very great responsibility for the future of this country. The redress of the ordinary man in this country is the law. Once we start to interfere with the law, we start to interfere with the freedom of the ordinary man of this country.

We must have our set laws, and here, in Nigeria, we must try as much as possible to have a uniform code of law.

Those of us who have experienced the inefficiency of the old Native Court—where the Chief would pronounce judgement in his bathroom, and where the Magistrate or the D.O. right on the road would make a circle and say, "Now I constitute a Secular Court" and convict a man, and the man only got his redress when he went to the High Court or the Court of Appeal—will know the importance of safeguarding the administration of justice in this country.

We have nothing against the Grand Kadi. He is learned in Moslem law; he is learned in native law. When the Northern Penal Code came before this House and it was debated, most of us expressed great concern, and although we passed that Penal Code Bill, we made certain reservations.

In my opinion, this has a lot to do with the constitutional problems of this country and, as Senators, we have to satisfy ourselves as to the constitutional implications of an ordinary man sitting, not only in a Magistrate Court, not in a High Court, but in a Court of Appeal! What assurance have we that he would not influence the Judges?

[SENATOR FAGBENRO-BEYIOKU]

We agree that it is native law. We agree that it is Moslem law. The next thing will be that somebody, a Right Reverend Bishop, will have to sit when we want to try a Christian, and when we want to try a non-Christian a priest, like an *Ifa* priest, will have to sit to advise on native law. Where is this leading the country to?

I do not think that this is a Bill that we can pass right now, in my own opinion. We must sit down and think about this Bill. All Senators must go home and refer to their Constitution and try to connect the Bill with the Constitution and see what good or what evil will come out of this Bill if we pass it. We are the custodians of Nigeria and we should not fail in our duties and our responsibilities.

Personally, I want to educate myself and exercise my mind more on this Bill. The two minutes' talk by the Attorney-General in this particular matter cannot carry me. I must have my quiet moment with the Bill and the Constitution and I must "sleep on it" and reflect my thoughts on it and think on the future of the country.

Although we may say that it is not going to apply to the West, that it is not going to apply to the East, that it is not going to apply to Lagos, but only to the North, nevertheless a precedent is going to be created. That being so, I would respectfully submit that we should be allowed some time to go and reflect on this Bill, and bring it back to the next session of the Senate.

Senator E. A. Lagunju: In rising to support the last speaker, I have some comments to make. Times without number, we have mentioned that it appears as if our Bills are merely dropped on to us in this House and just rushed through. The public is beginning to feel that this Upper House is merely a rubber stamp of the Lower House and, as such, an economic waste. If we are going to challenge the opinion of the public, then we must be able to show what we feel about certain Bills, particularly when they affect our Constitution.

It appears as though we are just rushing over and trying, as much as possible, to amend the constitution, with the result that, in the course of a year, what will be left of the Constitution will merely be the framework of the whole thing. This is very serious.

I remember that we were called upon some time last year to pass the Penal Code Bill of the North, and, that in spite of all the hue and cry that we raised in this House, that Penal Code Bill was passed. I think that the main purpose of our Constitution is to produce unity, and I wonder whether we are drifting when we begin to split?

The North has got her own Penal Code. Now something else is going to be passed for the North. I do not covet the privileged position of our Northern brothers, but I hope that they too are aiming for the unity of this country. We all know that as they have Moslems in the North, so we have Moslems in Lagos and in the West; and even in the East we have Moslems, no matter how few the number.

It now means that in the West, for instance, there must be a Grand Kadi too who will go to the High Court to sit side by side with the Judges and decide upon issues affecting Moslems. Also, as was pointed out by Chief Beyioku, it would be necessary to have an *Ifa* priest when anything affects the *Ifa* worshippers. After all, they have their own cult, they have their own doctrine. When judgment is given in the Sharia Court the proceedings of the case are normally passed on to the High Court. Therefore, the High Court does not merely take its decisions without going through the proceedings in the lower court. It does not matter whether it is a Moslem that is affected; the judges can be relied upon to be giving correct judgments. After all, if the Grand Kadi is allowed to sit with the other two judges, he will be in the minority and may not influence the decisions.

I think that this is a very important constitutional issue. If we continue like this, I wonder what we shall have left in the Constitution of this country in a few years to come. Ours is not the first written Constitution. The Americans wrote theirs as far back as 1787, and the Articles of the Confederation are still used up to the present time. If we continue to throw parts of our Constitution overboard, I wonder what will be left at the end.

The Minister of Health (Chief the hon. Dr M. A. Majekodunmi): Mention has been made of the criticisms of the Upper House, that we merely rubber stamp. Hon. Senators must face their responsibility to this country. They

are here to represent the section of the mature thoughts of our community. And I think it is wrong if we begin to play to the Gallery by just opposing measures, instead of accepting them, in order that the public may not criticise us. I do not think that we will be doing justice to our consciences as Members of the Upper House of the Legislature of this country.

I thought that after the explanation given this morning by the hon. Attorney-General, this Motion would have been passed. After all, no explanation could be more explanatory than that given by the hon. Attorney-General.

It is clear that in many parts of this country we have different cultures and peoples and different stages of evolution. As an hon. Senator has said, we are striving to achieve success in diversity. Therefore, we must concede to people who have different ideas, religions and cultures the right to live their lives on the modern way so long as it is compatible with the unity of this country. I think that is the important thing that the Bill seeks to get from us in this House.

The Grand Kadi is not a nonentity. He is in the same position as the Chief Justice of the Northern Region. This Bill only seeks to enable him to be able to sit with two members of the High Court in the appellate jurisdiction. I do not see anything wrong in that, particularly as the occasions in which he will be expected to sit in the appellate court will be those connected with moslem laws. After all, this man is an expert in Moslem Law.

I think that we should approach this case with the greatest sense of responsibility. If we accept the Motion, it does not mean that we are just rubber-stamping. Therefore, if we are to be responsible, we have to accept this reasonable Motion.

The Constitution under which we are working in this country is not a static one; it is a living Constitution. Thereofre, many occasions will arise when we will find it necessary to amend the Constitution—and this is one of those occasions. If a constitution is going to be workable, it must be subject to changes. And we have written into our own this system whereby we can change some parts when it is convenient for us to do so and it is in the interest of our people.

As I have said, we should approach this very important subject with the greatest sense of responsibility and let us get on with our work by accepting the Motion.

Senator Chief O. A. Fagbenro-Beyioku : On a point of explanation. I only want to correct a certain impression which the hon. Minister of Health seems to give.

I would like to say that I am not playing up to the Gallery. I am satisfying my conscience. Therefore, I do not like the statement made by the Minister that we are playing up to the Gallery when we criticise Motions before this House. I was in the fore-front when we were fighting for the independence of this country. I knew what I fought for, and when I am privileged to be in this House I must say out my mind.

The Attorney-General and Minister of Justice : I merely want to explain one or two points raised in connection with the Motion. The Minister of Health has rightly pointed out some of the facts. In fact, I was going to come before him to make one or two observations on the speeches I listened to this morning.

The first point concerns the American Constitution referred to by an hon. Senator. He referred to the Constitution as having been made in 1787. That is true. But as the Articles of Confederation were unworkable and impossible, they were thrown overboard in less than fifteen months, to be exact. It was promulgated in 1789, and by 1791 there had been twelve amendments.

As reference has also been made to the differences in our laws, I think it is very important for us to bear this in mind, that federal constitutions often embody different legal systems. The American Constitution has fifty different legal systems. That fact ought to be borne in mind in whatever contribution we are making to this debate.

I am not saying this in order to bolster up a situation in which our laws will continue to differ. I think that those who know my views on this subject will be the first to admit that I am not saying this in advocating the reform of our laws. I have always stood for the uniformity of our laws throughout Nigeria. That is an ideal at which we should aim ultimately.

[THE MINISTER OF JUSTICE]

Let us be realistic and accept the Motion. I do not see any principle of law that will be violated by accepting the Motion. The President, as a lawyer, and many of the hon. Senators who are also lawyers will agree that the Scottish Law is quite different from that of the rest of the United Kingdom. That Law is based on the Roman Law.

This Bill seeks only to allow the Grand Kadi to sit with the other two judges of the High Court. This is not bad and it does not necessarily offend the rule of law. If the system which we are asking you to approve here suits the majority of the population of Northern Nigeria, the principles of natural justice and equity and the principles of the rule of law are safeguarded in the Rules to be applied. And, with two Judges there trained in English Law, I am sure they will not allow any decision to pass that violates the essential criteria of justice in this country.

Senator T. Olamijulo : There are two points I would like us to note. We have Mohammedans in the North, in the West and in the East. Why should we make a special law for the Mohammedans in the North which would not be applicable to those in the West and the East. That is the first point.

The second point I want to make is this. Is it right for two captains to man a ship? If the Judge of the Sharia Court of Appeal is going to be only an adviser that would be very nice. I do not think it is right for us to advocate such a procedure and as such I feel we should hasten slowly and do not pass this Resolution in a rush.

Senator P. C. Ndu : I support this Resolution whole-heartedly and in doing so, I have a few points to make. I happen to be a Southerner but I have been staying in the North as far back as 1931. All through these years I have seen a lot of Northern Moslems who after they have been tried by a Lower Court appeal to a Higher Court but who because therewas nobody to interpret the Moslem Law to the Judges to understand have been convicted. I feel that if this type of thing is allowed to remain, it appears that that part of the country as we now see would be left without justice somehow.

I congratulate the Government for bringing this Resolution to this hon. House and I support the Resolution because it is universal and will help the country.

Senator Chief S. T. Hunponu-Wusu : I listened attentively to the hon. Attorney-General and also to our Minister of Health when they were speaking and I thank them for the explanation they gave. I am yet to be convinced and I will state why. We are all Nigerians and we are all trying our best to see that Nigeria remains united. I will give an example. We have just passed a law throwing out South Africa from the Commonwealth because of its *apartheid* policy of ill treating the Africans in South Africa.

In this case we are all Africans and it is a question of Africans versus Africans. In this hon. House last year, we passed a law about the Moslem Penal Code. During the debate on the Penal Code Bill some of the hon. Senators mentioned that the Penal Code had been in use for over fifty years and we were satisfied. Nevertheless, some of us did disagree that it was not in the Northern Region alone that we have Moslems. Moslems according to one of the hon. Senators who spoke this morning are in the West, in the East and in the North. We know that about 99 per cent of the people living in the North are Moslems but there are other people residing there who are not Moslems.

If we are all fighting for a united Nigeria, I feel that the Resolution we are being asked now to approve is a bit premature. It was only last year that we passed a Bill about the Penal Code for the Northern Region. Supposing tomorrow an Archbishop of the Roman Catholic Church also gets up and says he wants all the Catholics of this country to be tried when they have court cases according to the Roman Law? The Archbishop of the Church Missionary Society and the Presbyterian Churches may also get up and say the same thing. The Ifa Priest will automatically come up with his own idea and if he comes into power he will say that four or five years ago the Moslems also amended the Constitution to suit their own religion, I see no reason why I as the man in power should not do the same thing.

I agree with the hon. the Attorney-General that our Constitution should be amended from time to time but I will sound this note of warning. As I said during the passing of a Bill here we always do things that are premature. We are a very young nation, why can we not exercise a little more patience

and look before we leap. It is a question of Moslem law. If a Moslem or a Roman Catholic has committed a crime, let him go to the law court equally, whatever religion he professes, so that all will be treated alike. As a matter of fact, whether it is a Roman Catholic or a Moslem who has committed a crime of stealing or house breaking, usually the same law has to apply.

Coming now to matrimonial cases or things of that nature, of course, that is a different thing. But even here now we are setting an example. I would like to sound a note of warning, however, by saying that it is too premature to allow this to pass through this House. Therefore, personally, I am not supporting it.

Senator Alhaji Abubakar Garba : I beg to say that most of the hon. Senators who have spoken against this Bill are only politically-minded. I think we all agree that judges, either in the Customary or Native Courts, are impartial. If this gentleman—the Grand Kadi—is allowed to sit in the High Court, he would certainly give his expert advice. Therefore, I welcome the Bill.

The Prime Minister (Alhaji the hon. Sir Abubakar Tafawa Balewa) : I think there has been some confusion over this Motion. It appears that the hon. Senators who have spoken do not seem to understand the whole intention. As the Attorney-General pointed out, in the past that was the provision. But mysteriously, that provision was changed somehow and the Grand Kadi found himself unable to sit with the High Court Judges in order to give judgement on matters connected with Moslem Law.

Some of the Senators—especially the last speaker but one—have suggested that we could have an *Ifa* priest or a Roman Catholic Archbishop and that whenever they came into power they could say, "Well, let us have our own system and let us change the Constitution." That is quite different from the Moslem Law. Those of us who are Moslems either in the East, in West or in the North, as the hon. Senator rightly pointed out, should come under the same law. But simply because of the locations and of the numbers and of the historical background of the different communities—this is not the case.

The Moslem Law is a very comprehensive law. I wonder why people regard the Chief

Justice of the High Court as more knowledgeable than the Grand Kadi, because the Grand Kadi in his own line has enough knowledge of the Moslem Law as the Chief Justice of the High Court has knowledge of the English Law. This Court will only have the Grand Kadi in matters relating to Moslem Law.

In the Northern Penal Code there is clear division of functions—the cases which are purely connected with religious matters to go to the Sharia Courts, and cases which are to go to the Magistrates' Courts to go to the High Courts. If one takes the trouble to study, one can see the division between the functions of the two. There is no question of the Grand Kadi sitting there and influencing the Judges of the High Court in their giving of judgment. I think that if the judges of the High Court even hear that hon. Senators feel that one man would influence the two of them, I am sure they would be angry. And, of course, I must say that I am angry too, even if there is the slightest sign that we might have an element of this thing with our judges.

I agree, of course, that we want to have unity. But if we have got a group of people who are very anxious to reserve their religious rights and customs and beliefs, is it right for them to be denied of that? If the Moslems in the West—they cannot now because of their historical condition—the missionaries came; they had been in contact more with the Western World than with the Arab World. There are many Moslems in the West, but they have just gone, as a right, to abide by the new court system of Magistrates, High Court Judges, and the Supreme Court—which is right; nobody blames them for that. But at the same time too in the West, because of this peculiar circumstance of the Region, there are different communities in the Western Region. There is what we call the Customary Courts—they judge cases in customary law and in things like that. But there is a difference between a Customary Court in the West or in the East and a Moslem Court in the North. The Moslem Law is more or less properly established and written, and there are experts in that Law. But in the Customary Courts I do not think one can get written books on those customary matters. The customary matters are decided by the Customary Court Judges according to the unwritten customs and known conditions of the communities.

[THE PRIME MINISTER]

Therefore, Mr President, I think there has been some confusion over this thing. There is no case of one Region trying to impose its way of life on the other Regions at all. In the Northern Region, people who are not Moslems do not necessarily come before Moslem judges at all. If a man is not a Moslem he goes to a Magistrate Court or to a High Court. And in areas in the North where the majority of the people are not Moslems, we have more or less some kind of Customary Courts presided over by Presidents, as they have in the East and in the West. They are not Alkali Courts at all in areas which are not Moslem. This Grand Kadi is an expert in Moslem law and is only going to sit in the Supreme Court when cases of Moslem Law are considered.

Honestly, I do not see any reason why we should just jump about saying, "Well I fought for the freedom of this country". We all fought for the freedom of this country—farmers and everybody—we all did. We all fought for the freedom of this country and some, unfortunately, died before the freedom was won. We all appreciate it and thank them. But that is in no way connected with this Motion at all. We hope that Nigeria will continue to be a country where the rule of law will continue, where the individual freedom will continue, and we who are taking part now will do our best to unite this country. It is diverse, but the work of uniting it, though difficult, can still be achieved.

Senator Dahlton O. Asemota : I would, first of all, like to say how nice it is of our Prime Minister to have explained in detail the various points in connection with this Bill. I said sometime ago in this hon. Senate that when Sir Abubakar was appointed Prime Minister there was a feeling of pessimism among some people who thought we were going to have the worst of it. But since he has been to Mecca twice and come back, things have taken a different turn for good. I think it is about time that he makes another trip to Mecca; because I think, that the country is going into such a state to-day that I feel another visit to Mecca might probably pour a bit of oil on troubled waters.

With regard to this Motion, I really do not see the urgency at all. It was reported in the newspapers sometime ago that the Prime

Minister said that "the time has come for the Constitution to be look into" and by that the Prime Minister means that there is going to be a Constituent Assembly of all the people of this country, to sit over the Constitution and make any alteration and amendment considered necessary.

The Minister of Health (Chief the hon. Dr M. A. Majekodunmi) : The Prime Minister never said such a thing.

Senator Asemota : In any case, I am sure that it was reported in the newspapers that the Prime Minister said that the Constitution was due to be looked into. If he said that, I take it that the Prime Minister inferred that the people of this country will be invited to come together, put the Constitution before them, and look into all the clauses for purposes of alteration and amendment. When that time comes I think this matter should appear on the agenda for that meeting.

This matter should not have been brought to Parliament at all. It appears that unless we are very careful, Parliament is going to be used as a Customary Court in the sense that when anybody thinks about any thing, all he has to do is simply to put it in the form of a law and get it rushed through Parliament so that it becomes effective immediately. This should not be so. We are responsible people. We are representing not only a community but the country as a whole and unless hon. Senators are alive to their responsibilities, the destiny of the whole country is at stake.

I definitely do not see the urgency of this Motion. I would strongly recommend that when the next examination of the Constitution is due, this subject should be part of what should be considered then. This is not a matter that should be rushed through Parliament.

I do not support the Motion.

The Minister of State (Chief the hon. H. Omo-Osagie) : I want to make my own contribution to this debate. The Senate is considered as the House of matured people and that being the case it becomes very necessary for this House to look into all aspects of Nigerian life. Every now and again, people talk of unity. But how are we going to achieve this unity? From my own way of reasoning—and I think many

people will agree with me—the custom, tradition and culture of our people should be respected. Our people should under no circumstance be denied what is their inherent and traditional right, otherwise, we shall be looking for trouble.

This Motion only seeks to give the power for the Grand Kadi to sit among the two judges of the High Court in the Northern Region. Many hon. Senators have talked about Catholic priests, Protestant priests, *Ifa* priests and *Shango* priests, all coming to demand their own code of law, if this Motion is accepted. We should not deceive ourselves. Have all these denominations codified their laws?

Others have even compared the Grand Kadi to the Judges in the Customary Courts. But the point is that I do not think we have anybody either in the Western or the Eastern Region, who is so trained as to be in the position of the Grand Kadi. The Grand Kadi, it must be understood, is a man who is knowledgeable in all aspects of Moslem law and, in his own particular field, he is as good as the Chief Justice of Nigeria. The analogy which some hon. Senators have tried to make, to my mind, does not arise because the highest official in the Customary Court both in the East and the West is only equivalent to a Magistrate. But in the North, we have a man who, both in education and salary is equivalent to a High Court Judge.

Again, we have been told that the Grand Kadi will only sit with the High Court Judges when matters affecting Moslem law are to be considered. He is not going to sit over cases of stealing, even though there are thieves in the Moslem world, the Christian world, the *Ifa* world and even the *Shango* world. The Grand Kadi is the only competent man who can assist in interpreting Moslem law.

I therefore think that if we really want to unite this country, no section of the country should be denied its heritage. If we say that Moslems are not going to get what they want, then we are courting big trouble. If Moslems are denied their right, I am sure, they will not take it lying low, and they might say "All right, if that is going to be the case, this is what we will do."

An hon. Senator : What will they do?

The Minister of State : I cannot predict it but I know that they will certainly not agree. I have made it plain that I am not speaking

on this Motion as the Government spokesman. I am only airing my own views and I want to repeat that if we really want to achieve the unity of this country, we must not deny anybody what is his by tradition and right.

I support the Motion.

Senator Chief Ezeogo Ugwuocha : We have all been talking for some time now about the unity of this country. We have also talked much about revising our criminal code and other laws and an emphasis was really laid on achieving uniformity in all the Laws of Nigeria.

Now an attempt is being made to give a loophole to the Northern Region in order to make separate laws. In the Eastern and Western Regions, we have customary courts. Also, we have so many different sections of people in this country who have their own different laws, but for the purpose of unity, many of these sections have subjected their own interests to the greater interest of the Federation of Nigeria as a whole. Our Constitution, which our leaders spent much time in compiling, provided for uniform laws for the whole country. The essence of this Bill is that the North is rejecting the letters of the Constitution and asking for something different for itself. I do object.

I join with the speakers who say that this Bill should not be adopted now. My reason is this. I cannot imagine a layman like me going to sit in judgment with a High Court learned Judge and saying to him, "No, you are going contrary to this section." I drive him mad.

Why do we not adopt the law of the Federation as it is and work upwards? By passing this Bill, instead of progressing we will be retreating. I do not like such things.

That is my only objection.

The Minister of Internal Affairs (Alhaji the hon. Usman Sarki) : I am not speaking as a Minister here now. I am speaking just as a Member from the North and as a Moslem and, of course, as a privileged Senator.

I just want to reply to some of the points raised by hon. Senators. But before I go into that, I want to say that I am surprised to see some mature statesmen of this country behaving in this way. I say so because I thought that the purpose of establishing this Upper

[THE MINISTER OF INTERNAL AFFAIRS]
House was to foster the unity of this country. If there is any trouble or any squabbling or quarrels from the Lower House, I think that the last resort should be the Upper House. We should be able to apply our mature advice on how we should go about the business of uniting this country.

But when, while sitting here, I heard freedom fighters coming here to tell us that they fought for freedom, for one individual person in this country to come here or to go anywhere and say, "I fought to bring about the independence of this country" is a nonsensical nonsense from any quarter, because the achievement of independence was a collective responsibility.

Senator Dahlton Asemota : "Nonsensical nonsense"! Can we accept that language here?

The President : Will the hon. Minister proceed?

The Minister of Internal Affairs : Another point. Somebody said here that a Chief would pass judgment in the bathroom. If it had been in the House of Representatives, he would have been called to order, because he would have had to name a Chief who would pass judgment in the bathroom. If there were Chiefs like that in other parts of the country (but not in the North) in the past, the hon. Senator ought to have said, "in the past". I know that there are chiefs and chieftlets who can pass things like that. In fact the hon. Senator, Chief Beyioku, who made that statement, has actually my sympathy because, if he is a proper Chief, he should go to the House of Chiefs.

Senator Chief Fagbenro-Beyioku : I think that is insulting and I would not take it. I am a proper Chief in my own right and I would not have anybody coming here and taking advantage of his ministerial appointment to insinuate. It should not be accepted in this House. Mr President, I seek your protection. If the hon. Minister is aggrieved because he felt that the matter should not be delayed, that is not the way to show his grievance. It is not respectable at all.

The President : I do not see what is wrong with the Minister saying that you should go to the House of Chiefs.

Senator Beyioku : It is the law!

The President : Order. Order. Will the hon. Minister please proceed.

The Minister of Internal Affairs : I said from the very beginning that this House should be a really respectable House, and anybody who comes here should know exactly that he is coming to a House where he will meet with real gentlemen and mature statesmen. Why I am saying this now—

An hon. Senator : That is not a rubber stamp statement.

The President : Order. Order. I hope the hon. Minister is not saying that we are not really respectable.

The Minister of Internal Affairs : Mr President, at least I certainly would not dare to call the President immature. I would not dare to do that at all.

Talking about the Grand Kadi, in the High Court of the North we have two High Court Judges who are experts in English law. Well, English law, to a layman as myself, is just a way of life of English people. It has been adopted by us to suit our own purpose. But in the North, we have got our own way of life which we want improved to suit our own present circumstances. That is the reason why we allow people who are experts in the English law to pass judgment on Moslems, otherwise we could have refused it, because they do not know our own way of life. They have got to study our own way of life.

So, we have to come to a compromise and when the High Court is sitting, apart from the two Judges who are knowledgeable in English Law, there will also be somebody who will sit with them to interpret the way of the Moslems. It does not necessarily mean that what he says should be the judgment. He is only there to interpret the Moslem law to satisfy the Moslem section of the community. After all, under the Fundamental Human Rights, we have the right to live the way we like. We cannot therefore, allow some other people to force their own aspirations on us. We like our own way of life and we like to maintain it.

If the case is that only Judges who are knowledgeable in English Law should judge

in the Northern Region, I would like to say that ninety-five per cent of the inhabitants of the North are Moslems. So, one cannot deny such people their right, the right to live the way they like. But if they are denied their right, that will be too bad.

Some hon. Senators mentioned that there are some Moslems in the Western and Eastern Regions. In my opinion, there is nothing to stop these Moslems in these Regions—

Senator E. A. Lagunju : On a point of order. We in this House are perfectly satisfied with the explanation of the Prime Minister and I do not think we need any further explanation on this subject.

The President : That is not a point of order.

The Minister of Internal Affairs : If hon. Senators are satisfied with the explanation of the Prime Minister then there will be no necessity for anybody to speak again. But we do not want to go out of this House without replying to the statements that have been made here. And—that is what I am now doing.

I am of the opinion that if insinuations or motives have been made it is our duty to explain the whole situation.

Senator Dahlton O. Asemota : I think the hon. Minister is labouring under certain suppositions. I do not think he understands what we are actually driving at. We are not quarrelling with the Grand Kadi.

The President : Order, I am afraid the hon. Senator is making another speech. He has not really raised a point of order. What order has the Minister broken ?

Senator Asemota : The point is that the Minister said that we were depriving the Northerners of their rights. We are not doing that at all. On the contrary, we are actually fighting for the solidarity of this country. The only point we are saying is that since the Constitution will be revised later, it should form part of the agenda.

The President : It is not a point of order and I am afraid I would not like to recognise the speech.

The Minister of Internal Affairs : Hon. Senators are not trying to bring about the

unity of this country by the way they behave. They are actually denying the people of the North their aspirations—

The President : Order, that was a point of order but nobody has raised it. Will the hon. Minister address himself to the Chair ?

The Minister of Internal Affairs : In my opinion, this amounts to a denial of the people of the North their right to live the way they like. We agree to be Moslems and we even inherited this religion. So, we will like to maintain it. But in order to maintain the unity of this country one must respect other people's feelings. That is all this Motion seeks to do.

We agree that English Judges and other people who are learned in English Law should come to the North to pass judgment. They will certainly be knowledgeable in the English Law. But a lot of the people there do not know about the English Law although they are very good in Moslem Law.

If these Moslems are sent to the High Court and the things that affect them arise, what are we going to do ? Certainly, these judges will seek advice and this advice will be forthcoming by allowing the Grand Kadi to sit down with them. This is what the Bill means. It will allow the Court to pass judgment one way or the other. This is only what this Motion seeks to do. And the people who oppose it are just doing so through emotions and sentiments.

Senator H. O. Abaagu : It is only very unfortunate that anything that comes from the Northern Region is always thought to be strange and extraordinary. I would advice that people should come to the North and see things for themselves. Although I am a Northerner I am not a Moslem but when I see a fact I like to express it.

I remember when we were debating the Penal Code Bill, I made this House to understand that at least ninety-six or ninety-seven per cent of the people living in the North are Moslems. I think that is a fact. If we are fighting for the unity of this country I think it is our primary duty to concede to the different communities forming the Federation of Nigeria their national or traditional aspirations.

There is nothing wrong with the Grand Kadi sitting side by side with the two Judges of the

[SENATOR ABAAGU]
Appeal Court of the Region. That man is a Grand Kadi and he may be equivalent to a Judge. I do not know the meaning of 'Grand Kadi' but it is a Sudanese word. He is a specialist in Moslem Law. And it is only natural to get him to sit down in the High Court with the other two Judges if one wants to dispense justice in Northern Nigeria. In fact, as the Minister of Justice pointed out, he is in the minority. He is only one man against the two Judges. So, he cannot in any way influence the justice of the Court.

When we were debating the Penal Code Bill in this hon. House last Session, an hon. Senator said that it was being imposed upon the people of Northern Nigeria. I would say that this is not true because if one comes to the North now one will see the good the Penal Code has already done. There is no lawlessness and the Region is quiet. The only people who are raising their voices against the Code are the drunkards on the streets who will like to indulge in drinking in the bars and then cause trouble to the people and the police.

I live in the North and I am a Christian. But I think that in order to dispense justice in the Northern Region the Grand Kadi must be allowed to sit with the two Judges in the Appeal Court so that he can give his specialist advice as far as Moslem Law is concerned. After all, he is not going to sit there always; he is only going to be called upon when necessary.

I support the Motion.

Senator Chief T. A. Odutola : It is most unfortunate that we human beings have been created the way we are created. I think that is what is bringing about all this misunderstanding. If one goes to Jamaica one finds that the cocks crow in the same way. If one goes to South America one also finds that the dogs there bark the same way. And if one goes to Japan one also finds that cows moo the same way. But here because God knows our minds and what we are capable of doing we have been created the way we are created. I think that is the reason for all this misunderstanding.

The people who said that in the interest of the people of the country when anything is brought into this House it should be carefully looked into before we rush over it, are quite right. I think the whole thing boils down to this; we are very lucky that we have the

Prime Minister of this country in the person of Sir Abubakar Tafawa Balewa. A lot of insinuations, harsh and rash statements that have been made in this hon. House to-day are not what anybody would expect to hear from our Ministers who are supposed to be matured people because when we appoint somebody as a Minister we think he is somebody who has respect not only for other people but for himself as well. For a Minister therefore to get up on the Floor of this House and call people here immatured is very insulting. I think it is necessary that that sort of thing should be checked.

The people who said that Senators are regarded as nonentities here and that we are treated the way the Ministers like, are quite right. Honestly, if the Prime Minister had spoken the way some of the Ministers spoke here this morning I would have been the first to pack up my papers and get out of this place. After all, we have come here to serve the country. We do not come here to serve the country and be insulted too.

I would appeal to you, Mr President, to talk to the Prime Minister to speak to his Ministers to know how to address us. Some of us are not new men in this House. It is most unfair to us.

As I said earlier, because God knows what type of people we are we have been created the way we are created, otherwise there would not be this sort of misunderstanding. What is the trouble in it?

I agree that if the people in the North want something which is agreeable with their own custom and tradition they should be allowed to have it. But if some of us feel that it is wrong and they would like to go and look into it there is nothing wrong in that. Why are we in a hurry?

What we are discussing refers to Moslem Law. Moslem Law would only apply to matrimonial laws or probably property. When we talk of stealing, stealing is the same all over the world. If we talk of murder, murder is the same all over the world and if we talk of kidnapping, I think it is the same thing. I do not see any harm in it. If hon. Senators say that this matter should be delayed for some time to enable them to go and look into it and read it along with their Constitution and then

come back to discuss it, I do not see what harm it will do. There will be no harm at all.

I think we have heard enough.

Senator Chief J. S. Olayeye : There is no hurry in passing this Motion to-day. The hon. the Attorney-General who introduced the Motion is a Lawyer and he studied all the implications of the Motion before coming to this hon. House to introduce it to-day. It is now the turn of hon. Senators to go home and read it thoroughly before passing it otherwise we are "rubber stampers" as the Ministers are calling us and, I am sorry to say, they are treating us like animals.

For a long time now we have been reporting these Ministers to the President but no action has been taken. With the exception of the Prime Minister who is the father of the nation and, whose speech this morning we appreciate, all the other Ministers have been treating us with contempt.

As for the Motion before this hon. House, we have nothing against our Northern brothers. What we are saying is that we should be given some time to study the Motion. There is no harm in studying the Motion. I think the Christians in the East and the West have what I would call a part of the Jewish law—the Ten Commandments. Even at Okitipupa where I come from we read the Ten Commandments but it is not applicable to our Law Courts as the Moslem laws are applicable to Northerners. It appears to me that when the Government mentions the Moslem Law it shows straight-away that it has something to do with Region.

The Christians in the West and the East as I said before read part of the Jewish Law but in our Law Courts, we use the Criminal Code. That means that if I as a Christian happen to go to the North and have to go to Court with a Nigerian who is a Northern Moslem he would be tried by Moslem Law and he may be exonerated. This means that I will have to suffer for what I have not done because the other man is a Moslem. I think that if hon. Senators are not going to be "rubber stampers" we should be given more time to go and read the whole of this Motion through, we will understand it more and there may be no objection.

Why are we in a hurry? We will only find later on that the Ministers will come here and say verbally that we are respected Senators but in their minds they are our overlords. They do not like us. With the exception of the Prime Minister all the other Ministers do sit down and do what they like. I am sure the Ministers do not think I have come all the way from Okitipupa to waste my time here. I feel that if we find anything not clear to us we have the right to say that we should be given the opportunity to study the Motion.

Sometime ago, I went out on a certain evening in company of a friend to see a District Officer at Okitipupa. A man was charged to court for not removing his hat when he was speaking to the District Officer and was sentenced to six months imprisonment in the street, the District Officer having declared the spot a provincial court. All these days have now gone: only one law is sufficient for Nigeria.

And it being 11.45 a.m. the President interrupted the business pursuant to Standing Order 4 (3).

Debate to be resumed on Wednesday, 29th November.

ADJOURNMENT

Motion made and Question proposed, That the Senate do now adjourn—(The Minister of Health).

Resignation of a Senator

Senator L. C. Daldry : Mr President, Sir, I rise to support the Motion for the Adjournment, and I ask your permission to introduce a personal note.

A little less than two years ago I was appointed a Senator. I regarded it then, and I shall always regard it, as the greatest compliment I have ever received. I have never felt a stranger here and I have never been treated as a stranger, but as an Englishman I have been, of necessity, a guest. A deeply honoured guest, I think, but still a guest.

The first and paramount duty of a good guest is not to outstay his welcome. I do not believe I have yet outstayed my welcome, but clearly there is a risk that I might do so if I stayed too long. Sooner or later you might find it embarrassing to have an Englishman sitting here.

[SENATOR DALDRY]

Therefore, after much anxious thought, and with very deep regret, I have decided to relinquish my seat, and later to-day I shall write my resignation to His Excellency, the Governor-General.

I am not expecting to retire from Nigeria just yet, and if I can still be of some help in some other capacity I shall be happy.

Before I leave I want to make it crystal clear that I am not leaving because of any disagreement with anything whatever which is happening in this country to-day. I go purely and simply because I will not risk outstaying my welcome.

I want to record my thanks to the first President of the Senate for the unfailing courtesy which he showed to me during his term of office and to you, Sir, for all your kindness to me. Also I want to express my heart-felt thanks to all hon. Senators without a single exception for their warm friendship and for always making me feel one of themselves.

Above all, I want to express to the Right Honourable the Prime Minister of the Federation of Nigeria my gratitude. I have a gratitude to him which I can find no adequate words to express. By his action in advising the former Governor-General to appoint me a Senator the Prime Minister reposed in me a unique confidence and trust. The fact that he did so will always be, for me, the proudest event in my life.

Mr President, goodbye.

The Prime Minister (Alhaji the hon. Sir Abubakar Tafawa Balewa): I am really very sorry that Senator Daldry has decided to resign his seat in this honourable Senate. You are aware, Sir, that Senator Daldry has been with us for quite a number of years in the House of Representatives, which we now call the Lower House, and his contributions to our deliberations were always very effective and he was most constructive, and I think we all benefited very much from his contributions.

Also, Senator Daldry served us as a Member of our Railway Corporation—you will remember then I was Minister of Transport—and he did very well. He regarded himself as a guest in this Senate; I regarded him as a guest, as one who had the rights of all the Senators in this House.

When I recommended to the Governor-General to appoint him as a Senator I did so with clear understanding, with a knowledge of his good intentions for the Federation and his gallant contribution to our progress and development.

I must say I am sorry that he is going. Since he became a Senator he has never used a penny of the emoluments which he received from this Senate—not a penny! He gave out all the money which he was paid from here to Nigerian Charities. His money has gone to the Nigerian Boy Scouts' Association, the Nigerian Red Cross Society, Young Women's Christian Association, the Nigerian Leprosy Association and to the Association for the Blind. So he was not in the Senate to make money for himself or to make money anyway, but to contribute in whatever way he could to our progress.

I am sorry he is going. We had a number of non-Nigerians as Members of our legislatures; they played their part, and I am really very sorry that not very much is said about the contribution which they have made. I want to assure Mr Daldry that we shall always continue to be grateful to him, to understand why he is going. It is the same with myself; I want to assure him that if I feel that I am becoming out-of-date in this position, honestly I will get out of it any day. But, of course, as a Nigerian I find it very exciting now to be where I am in my country's history.

I think all the hon. Senators will agree that we should thank Mr Daldry for his contribution. It is not an easy thing for me to express, but I would say that I accepted his resignation and he told me that it had nothing to do with anything that has happened here—I hope it has not.

I want to say finally on behalf of the Federal Government that we all wish to thank Mr Daldry for his services and we hope during the many years to come that he will be in this country, that we shall be able to call on him to serve in other capacities.

Senator A. E. Ukattah: I wish to associate myself with the Prime Minister's view. The intimation just given by Mr Daldry of his resignation of his seat here has come to us as a shock. I have known Mr Daldry for the past seven years as a fellow-parliamentarian; we were both in the Lower House for five years

and were appointed to the Senate last year. I know really what contributions he has made through his speeches in the legislature towards the progress that this country has made.

I really do not know whether he is right in telling us that there is no external force behind his resignation—if there were, and if it were known to us, we would resist, but I know really that the fact that Mr Daldry is the only white man to be found in this Upper House is indeed something that would clearly show that he is a "rare pebble on the beach."

I am very very sorry that he is going away, and I would like it to be put on record that we Senators and the people of this country are quite appreciative of his contribution in this House and that we shall be very sorry indeed to miss him. But whatever may be his reasons, if he has chosen to resign we are only sorry that he should go.

We are really thankful to him and we hope he will still have interest in the development of this country, and as he has been useful to us here in the House, we hope after his services in this House he will continue to be useful to this country.

Senator Oba Adeniji Adele II of Lagos : I rise to associate myself with the sentiments expressed by the Prime Minister in respect of Senator Daldry. In fact it is a surprise to me to hear that Senator Daldry has decided to leave us in this House.

Personally I have been associated with him before I came to this House, and I found in him a gentleman and a good administrator and a man who could advise this country on our financial matters.

Since we came to this Senate, hon. Senators will agree with me that his contributions to the debates in this House on financial matters have been such an inspiration to everyone of us. On certain occasions he has had to move Amendments which were carried by the House and adopted by the Lower House.

His reason for leaving this House, and of course not to leave Nigeria for the present, is quite understandable; he felt that he was too long in the Houses of Parliament and that he should give others a chance. Personally, I

feel if he had consulted the Prime Minister before taking this decision, the Prime Minister would have been able to advise him to remain, because my feeling is that the longer a man remains in one post the better his usefulness to the country. I am really sorry, but we shall not have the opportunity to make use of his experience, more especially in financial matters.

I am joining the Prime Minister to thank Senator Daldry very much. We wish him a happy time, and whenever he may have another opportunity to serve this country, in any other capacity, we are confident that he will serve as faithfully as he has served this Senate.

If it is not out of Order, I would wish to convey the thanks of this hon. Senate to senator Daldry by way of a substantive Motion which I am sure the Senate will carry unanimously, and I would like to do so while Senator Daldry himself is still here with us.

The President : A Motion will be out of Order !

Senator Oba Adeniji Adele II : May I then say that on behalf of myself and other hon. Senators, we thank Senator Daldry very much indeed.

The President : I am sure that Senator Daldry would have noticed, like myself, the voice of the Prime Minister which clearly indicated the heaviness of his heart. I am sure that that is a sign of what all the hon. Senators here present feel. I myself have a very heavy heart because I was shocked to learn that Senator Daldry is leaving us, but sometimes it is good to face realities. It may well be that a time will come later on when it will be difficult for him to leave us in the way he is now leaving, and so we all wish him God's speed out of the Chambers of the Senate.

He is not leaving the country and so, I believe, that the personal friendship between Senator Daldry and some of us here will continue all the time.

And it being after 12 noon., President adjourned the Senate without question put, pursuant to Standing Order 4 (10).

Adjourned accordingly a five minutes past twelve o'clock.

SENATE OF THE FEDERATION
OF NIGERIA

Monday, 27th November, 1961

The Senate met at 10 a.m.

PRAYERS

(The President in the Chair)

PRESENTATION OF PUBLIC BILLS

LAW REFORM (CONTRACTS) BILL

(Brought from the House of Representatives)

Bill to make provision for frustration and enforcement of contracts, presented by the Minister of Health; read the First time; to be read a Second time on Tuesday, 28th November.

WIDOWS AND ORPHANS PENSIONS
(AMENDMENT) BILL

(Brought from the House of Representatives)

Bill to amend the Widows and Orphans Pensions Ordinance (Cap. 220), presented by the Minister of Health; read the First time; to be read a Second time on Tuesday, 28th November.

SUPPLEMENTARY APPROPRIATION (1960-61)
(No. 2) BILL

(Brought from the House of Representatives)

Bill to make supplementary provision for the service of the Federation of Nigeria for the year ended on the Thirty-First day of March, One Thousand, Nine Hundred and Sixty One, presented by the Minister of State (Chief the hon. H. Omo-Osagie); read the First time; to be read a Second time—This day.

NOTICE OF MOTION

CONSTITUENCIES IN THE SARDAUNA PROVINCE
OF NORTHERN NIGERIA

The Minister of Health (Chief the hon. Dr M. A. Majekodunmi): I beg to move—

“That, in accordance with the provisions of subsection (1) of section 46 of the Constitution of the Federation of Nigeria, the proposal of the Electoral Commission to prescribe the constituencies in Northern Nigeria set out in the Schedule to this Motion be approved.”

The purpose of this Motion is to take account of the provision of the Nigeria Constitution First Amendment Act No. 24 of 1961 which

became operative on the 1st June, 1961, by which the number of Members of the House of Representatives was increased from 305 to 312.

This provision in the Amendment replaces seven constituencies in the Northern Cameroons which ceased to exist on the 1st October, 1960. This Motion, after the elections have been held in that Region, will enable Members to take their seats in the House of Representatives.

Hon. Senators might wish to know what took place when Nigeria became independent in October 1960, which led to the necessity to present this Motion in this House. Members of the House of Representatives elected for the seven constituencies in the former Trust Territory of the Northern Cameroons forfeited their seats in the Federal House since the territory on that date ceased to be associated with the Federation of Nigeria, and consequently, no provision was included in the Nigerian Constitution Order-in-Council 1960 for sufficient Members of the House of Representatives to represent these seven constituencies.

In accordance with the law of this country, the Delimitation Authority of Northern Nigeria prescribed divisions of the Saradauna Province into these seven constituencies and the Northern Legislative Houses have signified their approval by a Resolution.

The Federal Electoral Commission in accordance with the procedure laid down in section 46 (1) of the Nigeria Constitution Order in Council 1960, being the competent authority, has approved the recommendation of both the Government of Northern Nigeria and the Delimitation Authority of Northern Nigeria, and the approval of each House of Parliament signified by the Resolution is now required. I hereby seek the necessary approval of the Senate to this Motion.

The Minister of State (Chief the hon. H. Omo-Osagie): I beg to second.

Senator Chief O. A. Fagbenro-Beyioku: This is just one of those normal routine matters which I do not think is controversial, but the point I want to make is that immediately we give approval to this Motion, there is going to be an election in the new Province—the Saradauna Province—to elect their representatives to the Federal House. It is in this connection that I want to make some comments.

What generally happens during the period of elections in this country, to-day, does not reflect any credit on this country. It appears that we are not holding free elections in this country and that people are being intimidated. As a result of this, I am not sure, if after passing this Motion into law, and elections are held in the seven constituencies in the Province, the real people who will be returned to Parliament will be the real choice of the people.

We have heard from all parts of the country—the North, the East and the West many cases of shooting, way-laying, or attempting to destroy or burn down houses belonging to political opponents all because we want to send people to Parliament. This sort of thing does not reflect any credit on this country abroad, and if there is anything which the Federal Government can do to tighten up the law so as to avoid these irregular practices in connection with elections, I think, such a step will be deserving of consideration. I may even suggest that laws be made to disqualify any candidate who indulges in these malpractices.

When people campaign during election periods, I think a party is in duty bound to present its best candidates, candidates who can really carry the audience with their oratory, and can convince the electorate by making promises which will be fulfilled; not people who will take advantage of their position, by using the force of the law, or the provisions of the Income Tax Ordinance, to make people vote by force for them. I maintain, let them put their best men on the soap-box. I am submitting that definite representation must be made to the Government in this regard so that the interests of this country may be safeguarded.

I have no cause to disagree with this Motion and personally I support it.

Senator Abdul Salami Yusufu: This Motion is a non-controversial one. In my opinion, the Premier of Northern Nigeria, Sir Ahmadu Bello, needs to be congratulated for his past activities in seeing to it that the Northern Cameroons has been re-integrated with the Federation of Nigeria.

It is now high time we did something to provide amenities and also improve the living standard of the people of the Northern Cameroons. We are all aware of what happened

during the plebiscite when in an effort to deceive the people the opponents of Nigeria made false promises to the people of what they would get if they seceded from the Federation of Nigeria. At any rate, the Northern Region maintained its integrity by telling the people the simple fact about the impracticability of the false promises given to them.

It will not be to the credit of the Federation now that the people have decided to join the Federation, not to lend our ears to their cries for the provision of amenities and the raising of their standard of living. The people should not be left in a state of confusion; they should also not be allowed to regret their decision, otherwise they would say, "here we are, we have integrated with the Nigerian Federation and nothing has been done for us." I think something should be done to bring their own position to the level of all parts of the Federation.

I beg to support.

Senator Mrs Wuraola A. Esan: I would like to support Senator Chief Beyioku in his argument that when an election is being held in the Northern Region we should try and show by example which way we want to go in the world and aim at the standard of elections in other places. We also want assurance from the Federal Government that adequate measures will be taken to ensure that life and property are safe during our elections.

Another thing I would like to add is that, as experience is always the best teacher, the Northern Region Government has got the opportunity now to prove that they do really respect women. This is a very good opportunity for the North to demonstrate to the people of Nigeria their respect for women by granting the women of this newly created constituency the right to vote. Several of them are not Moslems and they do not come under the law that governs the objection raised by the Northern Regional Government before. I am therefore advocating that something should be done to prove to all women that they really have the admiration and respect of the Northern Regional Government.

Senator T. Olamijulo: What is worth doing is worth doing well. If, as already mentioned by Senator Chief Beyioku, we in Nigeria say we would like to become independent—and we

[SENATOR OLAMIJULO]
have been given the opportunity—it is high time we emulated those from whom we have got this idea, our benefactors, the British. They gave us the high example and we should follow this example.

Looting and shooting, such as take place especially in the North, if we are to be proud—*(Interruption)*.

The President : Will the hon. Senator proceed.

Senator Olamijulo : I do not think it is as apparent in the other Regions as it is in the North. What I am saying is that people are being forced to toe the Party line of the North. As such, I feel it is time the people's representatives were selected not by force. They should be those whom the people would like to represent them and not those forced upon the people.

In supporting the Motion I feel, that we should make mention of this and let the Government realise that something is wrong in this respect and should be rectified.

I beg to support.

Senator Chief T. A. Doherty : It would appear, according to this Motion, that the North is getting seven more constituencies. As it is now, the North has 174 seats as against 131 belonging to the other Regions and the Federal capital. By the North getting seven more seats, it is going to have 181 as against 131 of all the other regions combined : I will not vote for this Motion.

I do not appreciate what those of our people who were at the Constitutional Conference have done and agreed to this. I think by the way things are going, the North is going to be the master of this country and heaven help all of us in this country !

Senator H. N. Udoh : From past experience we learn. In supporting the first speaker on this Motion I feel it is the duty of the public of this country to be very careful in making nominations for elections. These anomalies in nominations are solely responsible for.

Senator Chief O. A. Fagbenro-Beyioku : On point of Order.

The President : Point of Order. Will the hon. Senator sit down please while a Point of Order is being raised.

Senator Chief O. A. Fagbenro-Beyioku : Nominations for elections have nothing to do with this matter. Nominations are the concern of the political parties and are under their control.

The President : Will the hon. Senator proceed.

Senator Udoh : As I was saying, I have nothing against the Motion and I support it. In as much as they have joined the Federation, they should enjoy equal amenities with the other Regions of the Federation.

I support.

Senator Chief S. T. Hunponu-Wusu : Much as it will be my wish to support this Motion, I must decline for the following reasons.

I was speaking to my colleague on my left a few minutes ago, before the hon. Senator Chief Doherty got up. It was just exactly the same thing I was telling my colleague on my left, that the way we are going, we must look very well into our Constitution. Really it is very good that the Sardauna of Sokoto Province has fought.

The President : Order. May I point out to the hon. Senator that there is no Sardauna of Sokoto Province.

Chief Hunponu-Wusu : Praise should be given to anybody who wins the battle. They have fought in the North to get the Northern Cameroons back into the fold of Nigeria but, nevertheless, I will sound this note of warning : we should not cut off our nose to spite our face. By that I mean that if this Motion is allowed to pass the Federation of Nigeria will be giving to the Northern Region more power, more men, more facilities and more privileges at the expense of the Eastern and the Western Regions. So, on the light of this explanation I very much would like this Motion to be carefully dealt with.

The Constitution has stipulated the number of people who are to represent this Region but if we realise that an error has been committed or that we have been misled by our colonial masters through their colonial policy, it is not right that we should continue on the same lines. If we do, our children and our children's children yet unborn will curse us in our graves. I repeat that if the error has been committed

through the colonial policy, it does not mean that we should just swallow the whole thing without rectifying the mistake.

The time has come when we should realise that every place should be free. The whole of Africa should be free. It will not be nice and it will not be in the best interests of the Federation as a whole if the new allocation, as stipulated in this Motion, is approved without giving it a serious consideration. I know it will interest those people who come from the Northern Region because the more men they have the stronger they become. This position will certainly not be in the interest of the coming generation. Therefore, we must think twice before we do anything about the Motion.

Senator J. K. Nzerem : I am afraid some Senators are trying to introduce irrelevant arguments into this Motion. Much as I agree with some of the previous speakers that the Northern Region is getting bigger and bigger while perhaps the Western and the Eastern Regions are diminishing, I cannot see that that argument comes in very well at this moment.

This is a simple Motion which seeks to give a constitutional right to a section of the Cameroons that chose to cast its lot with Nigeria. Therefore, I do not see why the people of that Region should be penalised for so doing. I think this is a straightforward Motion. When the time comes for the Constitution to be amended in a general way I will speak my mind about what hon. Senators are at present saying. This is a purely straightforward and formal Motion and I have no hesitation in supporting it.

The Minister of Health (Chief the hon. Dr M. A. Majekodunmi) : I am rather surprised that this Motion has evoked such a heated debate in this House because I should have thought it was a routine Motion for which provision had already been made in our Constitution that after the plebiscite the former Northern Cameroons might be absorbed into the Federation of Nigeria. In fact, our Constitution does provide that this Motion should amend the Constitution by a simple majority. And as Senators are already aware one cannot do anything to the Constitution unless one has a two-thirds majority. What this Motion seeks to do is to give legal sanction to the fact that the former Northern Cameroons is part and parcel of the Federation of Nigeria.

Hon. Senators have gone out of their way to suggest that by passing this Motion we will be enlarging the Northern Region. I do not see why an hon. Senator has suggested that we should take away the Sardauna Province from the Northern Region. The Sardauna Province has voluntarily chosen to remain with the Federation of Nigeria as they have from the very beginning of time. When the mandated territories were administered by the British Government they have been administered as part of the North and they have remained as part of the North.

I think it is wrong for anybody to suggest that by passing this Motion we shall merely be increasing the number of the representatives of the Northern Region, and particularly if it is thought that increasing the number of the representatives from the North means increasing the number of one political party in the North. After all, any party is free to campaign and put up candidates for elections in any part of Nigeria. Although there are going to be seven constituencies in the Sardauna Province, surely anybody who wants to have all the seven seats can go there, campaign, get the seats and add them to what he has already got in the House of Representatives.

I think I must correct the unfortunate and erroneous impression given to us by the hon. Senator Doherty, although I am sure it was not done intentionally. He said that these seven seats would only add to the one hundred and seventy-four seats in the North. It will not. The Constitution provides that there should be 312 seats in the Federal House of Representatives. At present 167 seats belong to the North in the Federal House and the remaining 7 seats are to be filled. These 7 seats belong to the Sardauna Province which was formerly the Northern Cameroon.

So, the essential thing is to view this Motion in its proper perspective and one would find that this Motion is merely a routine Motion designed to legalise an administrative act which we have voluntarily entered into. It is not meant to favour any particular political party but it is made in the overall interest of Nigeria.

I would appeal to hon. Senators to let us make progress on the Motion.

Senate Debates

881 [Constituencies in the Sardauna Province of Northern Nigeria] 27 NOVEMBER 1961 [Supplementary Appropriation (1961-62) (No. 2) Bill] 882

Question put and agreed to.

Resolved: That, in accordance with the provisions of subsection (1) of section 46 of the Constitution of the Federation of Nigeria, the

proposal of the Electoral Commission to prescribe the constituencies in Northern Nigeria set out in the Schedule to this motion be approved.

SCHEDULE

<i>Province and Division</i>	<i>Constituency Number</i>	<i>Constituency Name</i>	<i>Description of Constituency Area</i>
SARDAUNA PROVINCE			
Northern Division	2	Mubi	The Districts of Belei, Maiha, Mubi, Mayo-Bani and Sorau.
	8	Cubanawa-Madagali	The Districts of Cubanawa and Madagali.
Southern Division	4	Gashaka-Mambila-United Hills	(i) The area of Gashaka-Mambila Native Authority. (ii) The area of United Hills Native Authority.
	7	Chamba	The area of Chamba Native Authority.
	Dikwa Division	54	Dikwa Central
55		Dikwa North	The Districts of Gijibo-Gumsu, Kala, Ngala and Rann.
56		Gwoza	The area of Gwoza Native Authority

ORDERS OF THE DAY

SUPPLEMENTARY APPROPRIATION (1961-62)
(NO. 2) BILL

Order for Second Reading read.

The Minister of State (Chief the hon. H. Omo-Osagie): I beg to move—That a Bill entitled “An Act to make further Supplementary Provision for the service of the year ending on the Thirty-first day of March, One Thousand Nine Hundred and Sixty-two additionally to that made by the Appropriation (1961-62) Act, 1961 and the Supplementary Appropriation (1961-62) Act, 1961” be now read a Second time.

I have it in command from His Excellency the Governor-General to give his recommendation to the consideration of this Bill.

When I was introducing the First Supplementary Estimates to the House in August,

I told hon. Senators that I anticipated £3 million additional retained Federal Revenue above the figures printed in the Annual Estimates. Although there has been a slight slackening in import revenue over the past three months, I do not see any cause to revise my figure.

Hon. Senators will observe that in the Bill now before the House, additional provision of £500,700 is sought. The effect of this will be to reduce the estimated surplus for the year to £228,336, as can be seen from the revised Financial Statement at page two of the Draft Second Supplementary Estimates, 1961-62.

It is not my intention to dwell on the details of the Supplementary Estimates, but it is appropriate, at this moment, to draw hon. Senators' attention to some of the more important aspects of the Estimates.

Senator Dahlton O. Asemota: On a point of Order. I do not think the hon.

Minister should continue to move the Second Supplementary Estimates which we have only received this morning. The Draft Estimates have just been circulated this morning and we have not examined it. May I suggest that the Bill be deferred until we have gone through the Draft Estimates.

The President : I am afraid the hon. Senator is out of Order. I think the hon. Senator could have come in when this Bill is moved and seconded and make his point of order part of his speech.

The Minister of State : The future prosperity of our country depends on the development of industry, and of the full agricultural potential with which this country is naturally endowed. On these depend any general increase in the standard of living of our people and the expansion of our social services.

A large-scale Agricultural Survey is to be made by the United Nations Food and Agricultural Organisation in concert with the International Labour Organisation. The results of the survey will be of great help in planning the great expansion of agricultural production that is called for over the next few years, and I am sure hon. Senators will welcome the contribution of £15,000 under Head 30 which we are required to make to this Food and Agriculture Organisation scheme to cover only the local costs of the Survey.

Under Head 44 hon. Senators are being invited to agree to an additional appropriation of £50,000 for the establishment of more offices overseas; and under Head 46, the £50,000 now required for the Federal Television Service is to cover the recurrent expenditure for the year arising from the signing of the contract. Hon. Senators will agree that if the Federal Television Service will begin operation on the 1st April, 1962 as planned, it is necessary that staff must be recruited and programmes planned ahead of that date.

The additional provision of £25,000 required for the Recruitment Agency in the United Kingdom is needed firstly because the work of the Agency has greatly increased with the take-over of most of the recruitment work previously undertaken on our behalf by the Crown Agents, and secondly because of the

Nigerianisation of most of the Agency posts with the consequent payment of overseas allowances.

I must mention briefly provisions in the Supplementary Capital Expenditure Estimates although these do not appear in the Appropriation Bill.

Hon. Senators are already aware that there has been intensive work in the preparation of the 1962-67 Economic Programme. Very many requests for capital expenditure in the present year as an 'advance' against allocations to be made in the new Economic Programme have been turned down by Government since to commit fund in advance of the completion of the Programme and the allocation of priorities could well result in expenditure on a project which was eventually given low priority in the Programme as a whole. However, there are a few cases where it is clearly necessary to provide funds for preliminary work to commence in the current year.

The provision of £120,000 under Head 602 for Road Surveys is such a project. Experience has shown considerable waste of funds can occur where road construction is undertaken without preliminary detailed survey. And as such surveys generally take time, it is necessary to provide funds now if important road construction would not be unduly delayed. The intention is that the preparations and planning should be carried out in advance so that actual construction can begin as early as possible in the next Economic Programme.

In August, hon. Senators agreed to the provision of £500,000 as a first instalment of the payment for the purchase of the Technical Partners' shares in the Nigerian National Line Limited. A provision of £511,250 is now required for the payment of the second instalment of £500,000 which falls due in March, 1962, together with the sum of £11,250 representing the final liability to the former Technical Partners arising from the National Line's profit from 1st April to 31st August, 1961. At this point, I may mention that a third and final instalment is not due until September next and provision for it will therefore appear in the 1962-63 Capital Estimates.

With the incorporation of the new Sardauna Province it is necessary to establish Customs Border Stations and Headquarters with the

[THE MINISTER OF STATE]
object of establishing a more effective revenue control of all goods entering Nigeria across this frontier. A sum of £80,000 is therefore included in the Supplementary Capital Estimates to enable these posts to be established as a matter of urgency.

I am sure every Senator will wish to know about the proposed new Parliament buildings for which a provision of £70,000 for the preliminary work has been inserted in the Draft Capital Estimates. This project is both ambitious and expensive, and the full provision of funds for the building must depend on the priority which it is eventually given in the Economic Programme. The provision in the Supplementary Capital Estimates is only for the preparation of preliminary designs and models which will enable everyone to have a clear idea of the design of the new Parliament building. I must mention here that a worthy building will not be cheap and very substantial additional expenditure will be required for the preparation of detailed drawings and specifications before even the tender stage is reached.

Finally, £120,000 is required under Head 603 for further Embassies overseas, the establishment of which, I am sure, will be most welcome from many aspects, especially in view of very considerable and increasing trade with the countries in whose capitals we are not yet represented.

These are the main features of the Bill and the supporting Supplementary Estimates now before the Senate. I would, however, wish to assure hon. Senators that all the requests for Supplementary provision have been carefully examined in my Ministry, and only where it was clear beyond doubt that the expenditure was essential and unavoidable has a proposal found a place in these Estimates.

I beg to move.

The Minister of Health (Chief the hon. Dr M. A. Majekodunmi) : I beg to second.

Senator Dahlton O. Asemota : On a point of observation, Sir. I am only raising a point of observation at the moment, and I hope you allow me to speak on the Estimates.

The President : Order, order. There is no point of observation. There is a point of Order when an Order is broken. There is a

point of explanation when a Member wants to make an explanation if he was misunderstood in his speech. If the hon. Member wants to speak, he should contribute to the debate.

Senator Alhaji Abubakar Garba : I would like to congratulate the Federal Government on the progress and the great stride which Nigeria has made in expanding the projected capacity of her economy, and raising the standard of living of her people in so short a time. This shows clearly that the Federal Government is alive to its responsibilities. It is highly commendable.

We know that the Minister of Finance did not come back from his Economic Mission with millions of pounds in his pockets. But he has already opened the door wide for the flow of millions of pounds into Nigeria in the form of investment capital. We welcome more investments. But we would like to see a great deal of Nigerian participation in these ventures, for only in that way can our people and the country be adequately rewarded.

I very much welcome the proposal to establish Customs border stations at our north-eastern frontier as a matter of urgency. I would like to add that the Minister should not concentrate all his efforts on fighting smuggling at Port Harcourt and the Southern ports only. He should also send his vigilant and honest contingent to the main customs borders of Sokoto, Kano, Bornu, Adamawa and Sardauna Provinces. The Federal Government no doubt is losing a substantial amount of revenue every year on goods entering Nigeria across these frontiers.

The provision for further embassies overseas is very welcome. But what about our next-door neighbouring states? There should be a Nigerian embassy in all the West African states, as a matter of urgency.

I would go further to appeal to the Federal Government to establish telecommunication links between Nigeria and the other West African countries. Communication is one of the vital basis for achieving the much desired political association of the West African countries. It is very strange to learn that one can easily talk by telephone to one's friend either in London or in New York whereas one cannot talk to one's friend in Dahomey, our next door neighbour.

Finally, we still wait to witness the results of the extensive agricultural surveys and research on which thousands of pounds are being spent every year in this country. I could not believe that all the advanced countries of the world took so long a time on research as we are now taking in Nigeria before achieving any results. If they did, they could not have attained the position they are occupying to-day.

I appeal to the Federal Government to speed up the Nigerianisation of our research workers. A Hausa proverb says, "Your own blunt axe is far better than a very sharp one which is not yours."

I support the Bill.

Senator Chief O. A. Fagbenro-Beyioku : In supporting this Supplementary Appropriation (1961-62) (No. 2) Bill, I have a few observations to make.

It is observed that provision covers things like Children's Allowance, Building of Quarters for Senior Service staff, and so on. I was expecting that by this time the Government should have been able to make up its mind about hardship allowance to the lower rated workers, as recommended by Sir Louis Mbanefo. If we think of allowances for children who are separated from their parents—mostly children of people who are well off or who are in the upper segment of the salary scales—if we think of building quarters for senior service people, and we do not even think of paying the hardship allowance as recommended by the Mbanefo Commission—a Commission appointed by us—I do not think that we are making for a contented service. As these Estimates come before us from time to time, the Government ought to have been able to make up its mind and to have come to a conclusion about it.

If people on top should be helped, necessarily the Government must have to help the lower rated workers. If the Government is not going to give consideration to this hardship allowance, I see no reason why they should continue to pay the separate domicile allowance. It should be withdrawn. Also, the privilege of quarters enjoyed by the senior service people should be withdrawn and let everybody pay what the quarters are worth. It is only by helping the lower rated workers who are very hard hit that the Government may be justified. As things are at the present time, the Government is not justified.

The other point is that I do appreciate the provision made to help the Lagos Town Council. Lagos, as we all know, is the Capital of Nigeria—the Federal Territory as it is now known—and it should have a very beautiful look as a beautiful damsel. We have to congratulate the present government of the Lagos Town Council. Since their term of office, they have made improvements on many things here and there.

An hon. Senator : Are you a member ?

Senator Chief Fagbenro-Beyioku : I am not. Anything that we can do to help them speed up the work of improving the look of Lagos is really worth while.

But there is one thing I want to say about Lagos slum clearance. I feel it is time for the Government to look into this matter. Most of these houses that have been acquired in Central Lagos were acquired for little or nothing. But if one wants to get the building back, one has to pay something like £14,000, whereas the Central Development Authorities paid only about £2,000 in acquiring it from the owner. In the long run, this is an intricate way of keeping the natives outside the area, because they cannot get such money anywhere. Even in cases where one succeeds in getting back one's land, they would expect one to put up a building on it worth £250,000 ! So that through the back door, the area will go back to foreigners or aliens. That is what is happening now and it must be stopped. A proper enquiry must be made into these things. I do not see the reason why people should be asked to pay so excessive an amount for taking back their land.

Another point, I want to make is in connection with the Parliament building. I am very happy that provision has been made here in the Estimates for the commencement of the new Parliament building, but how can we say that we are going from the old to the new without looking into the position of other things as they stand. In this respect I would like to take this opportunity to refer to the Senate. There are several provisions in these Estimates for Government buildings but it is highly derogatory to use this Senate Chamber as a Law Court while the Senate is not in Session. This Senate Chamber should not be used as a Law Court wherein criminals are brought for trial. If anybody should be tried on the Floor of this Senate,

]SENATOR CHIEF FAGBENRO-BEYIOKU[it should be the Senators themselves. This chamber, after all, is one of the most honourable spots in the country.

An hon. Senator : But no Senator has been impeached !

Senator Fagbenro-Beyioku : Yes, I know that no Senator has been impeached, and I do not think that there is anyone who will be impeached, because we are all honourable men. As I was saying, Government must now give serious consideration to stopping the practice of using this place as a Law Court where criminals will be brought for trial.

An hon. Senator : How do you know ?

Senator Fagbenro-Beyioku : I know because I came purposely to see the court in session.

Another point is in connection with the President of the Senate. I am making special appeal to the hon. Minister in charge or the Members of the Cabinet as a whole for that matter to do something to improve the state of the office of the President of the Senate. We must not wait until the new Parliament building is completed before something is done. The office of the President has been an eyesore from the time of our first President. It is disgraceful. If one goes to any Government office, one finds ordinary senior service officers occupying more presentable and dignified offices than that of our President—and the President is expected to receive diplomatic representatives in that place! We must realise that the office of the President is one of the symbols of our country.

An hon. Senator : Do you want the office to be air-conditioned ?

Senator Fagbenro-Beyioku : Not necessarily, but the point I am making is that if one looks at the office, one finds that it is just not more than two feet by two feet, if I can put it that way, and the furniture is old-fashioned. We have all at one time or the other visited Ministers of State in their offices, and we are all perfectly satisfied that they occupy a respectable position. But, as I have said, the office of the President, does not reflect any credit on this country. I am therefore advising that we should not wait until the new Parliament is built before we make other accommodation available for the President of the Senate.

While still on this subject, I would want to point out that we were all very happy that when the Governor-General went on leave, it was the President of the Senate—as the next leading statesman in the country—who relieved the Governor-General. I think that one day I will be on that chair myself and will be very happy. (Laughter). (*An hon. Senator : I will not support that.*) What I have in mind is that we must have a laid-down procedure about these things. Evidently, when our most respected first President retired, and the second President was elected by us, one would have expected that the new President would automatically step into the shoes of the first President in every respect, but that did not happen. For instance, we all knew that the new President waited for some time before he was allocated quarters even though the first President had shifted to the State House. One would have thought that the quarters vacated by the first President would normally be occupied by the second President.

An hon. Senator : But is that not so ?

Senator Fagbenro-Beyioku : It is not so, and all I am asking for now is that there should be permanent quarters for the President of the Senate, so that when visitors come to this country, we should be able to show them the permanent quarters of the President of the Senate. Unfortunately, it happened that a Minister had to shift into the quarters occupied by the former President, and the new President shifted into the quarters vacated by the Minister. That to my mind does not reflect any credit on the integrity of this country. We should not wait for the new Parliament buildings to be completed before all these irregularities are corrected.

Another point is in connection with roads. We are very happy about this but may I ask when we are going to put the Ijebu Ode-Ondo road into use. Every time we discuss the Estimates, we mention this particular road. I think it is high time that something was done to make sure that we have this road not only completed but also put into use.

There is nothing to quarrel about with the money which has been wisely spent and the amount which is required for very good purposes like the establishment of embassies. This is something we all like because we must have to project Nigeria abroad.

As for television, I must say that it is a luxury, and not something which will benefit the majority of people in this country. But the fact remains that even though it is something that will benefit the minority, it is desirable because it may be used for educational purposes in the schools, in the factories, and for the working class as a whole. That is the reason why I am supporting the project, otherwise it is a luxury.

I beg to support.

Senator E. A. Lagunju : In rising to support the second Supplementary Estimates of the Government of the Federation, I have some comments to make. Our first Supplementary Estimates was for the sum of £2,975,970, and the second one is for £500,700. I think that, for a big country like Nigeria, these figures are not too extravagant particularly when we realise that we have budgeted for something in the neighbourhood of £54,000,000. We realise too, that we are just passing through our transitional period and there are bound to be ups and downs one way or the other.

What surprises me is that the greatest portion of these Supplementary Estimates goes to the Ministry of Finance. Perhaps, that is in compliance with the saying "Charity begins at home" but I think that if there is any Ministry that does not need any supplementary amount, it is the Ministry of Finance because it is the Ministry that is responsible for the preparation of all these things. Be that as it may, a sum of £241,000 out of this £500,000 is justified for that particular Ministry.

Then we come to the Ministry of Economic Development. We do realise that we must have economic growth otherwise we may be free politically and yet not be free economically. But each time, we mention economic development in this House it is sectional. We speak of this particular project in the Northern Region, that project in the Eastern Region, the development of the Federal capital, and so on and so forth, but we never hear anything about a particular economic project for the Western Region. I think it is unfortunate that the Federal Government continues in this way. After all, we are part and parcel of the Federation and every part of the Federation should enjoy its own share of industrialisation.

It is true that the Regions are all doing a lot and that they have all embarked on industrial development but it is incumbent on the Federal Government, when distributing industrial projects, to think of all the different areas of the country and not to make the whole thing just one-sided. We keep harping on the same point, even though the Federal Government may turn a deaf ear, I think that some day they will have to give an account.

When we go through the Trade Journal we realise that we have an unfavourable balance of trade, even with the Sterling area. Our export trade has fallen from twenty-seven million pounds in 1959 to something in the neighbourhood of nineteen and a half million pounds in 1961, even with the Sterling area.

This is very serious when we realise that exports must pay for imports and, if they do not, then of course we have to pay by the internationally accepted standard of payment, which means whatever we have in the way of accepted currency. This is very serious.

I do not know what accounts for this, particularly the unfavourable balance of trade with the Sterling area. It may be due to the fact that some of the countries trying to invest in Nigeria are adopting a policy of dumping. In other words they bring their articles without hoping to make much profit or even marginal profit, and dump these articles on us in order to strangle the native industries of the country. We must keep our eyes open. This is very important because we are setting up new industries.

In this respect I have to congratulate the Government for its vigilance in the importation of cement. Some people are saying they can bring cement from Russia. Even if they can import it at a cheaper rate, what will happen to cement from the Nkalagu factory? What will happen to the cement factory at Ewekoro? This is very important and I really hope the Federal Government will be most vigilant in preventing the dumping of goods in this country. The Americans did it successfully around 1815 so I think we should be able to do the same. And, what is more, the Federal Government can encourage charity beginning at home by going native and buying some of the things that are produced locally and which are partial substitutes for some of the things which are being brought from overseas. Otherwise we shall be in a very bad position.

[SENATOR LAGUNJU]

I realise of course, that we import a lot from Japan and export very little to that country. I do not know whether we import so much from Japan because Japanese goods are very cheap. But if that country is not prepared to take our exports, I wonder why we should keep buying a lot from that country.

We may buy capital goods from them like machinery and other things; these are absolutely necessary. Apart from capital goods we must be vigilant. Probably the decrease in our export trade may be due to adulteration of small goods. So I think we should be more vigilant about what we export, and make sure that we send out only articles of the right quality and quantity. We should of course, do all we can to see that our own goods get a lot of advertisement so that people will keep on patronising us.

Unless we industrialise, where will we find jobs for our teeming millions? School children are leaving schools every year and we want them to be employed in one thing or another; they cannot all be pen-pushers. We must do all we can to industrialise and reduce unemployment.

These are the few observations I have to make.

The Minister of Commerce and Industry

(Zanna the hon. Bukar Dipcharima): But for the political speech of the hon. Senator Chief Beyioku, I would not have got up and spoken at this stage. In this hon. Senate people are mature enough to look on Nigerian problems in a detached and patriotic manner. We are not here to be partisans for one group, setting them against the other. Is it not the duty of our labour leaders, in order that the country may improve, to see that workers are competent and bring about increased production? The people want pay. We cannot get any pay unless we work. We cannot pay for work unless we have got an efficient and productive labour force and I pray and hope that you who champion their cause in getting money and improving methods will sleep on this and advise the labour people to work hard and to educate less and to improve the community more.

In the modern world two countries are set as examples of a progressive community. One is Germany. In seventy years there has never been a case of a strike in Germany—and no wonder! Although Germany was razed to the ground after the war, Germany has risen again because the labourers and the management are all determined to build their nation. I wish that, instead of educating in *Oko Awo* people could go and work on their farms.

The other example is Japan. Hon. Senator Lagunju has spoken very well about our balance of trade, but the point is this; I have been to Japan twice. There the labourer and the manager have only one goal, that of building Japan so that the European community which looks down on the coloured communities (and Japan is coloured), should swallow their own words by admitting that the coloured peoples are as good as the Europeans in any field.

This is the type of leadership I expect from you and that is why you were translated from labour leader No. 21 to an hon. Senator of this august House.

To refer to the office of the President in such a derogatory manner does not reflect well, either for us or for your dignity, Sir, and there is something known as administrative procedure. If the hon. Gentleman really wants co-operation and improvement he could have gone to the office of the Prime Minister, to whoever is responsible for these things, talked quietly and surely the office can be improved or even checked. But to come and wash our dirty linen here will make us a laughing stock.

If I remember rightly, the office of the President is here and the office of the Prime Minister is here and I assure you I have been to both offices. The office of the President is far more noble and far grander than that of the Prime Minister. If the office is small, it is small because we have no money to build mighty mansions. Even if we wished to turn Nigeria into another New York, we cannot do it in a day. As for using this Chamber as a Court, if the Senate is not sitting and if the country has no funds to build the necessary courts, is it wise economy to shut it because hon. Senator Beyioku will feel that criminals are involved in the business.

Senator A. E. Ukattah : Point of Order. As I understand this Standing Order, I think it is after the Bill has been thoroughly debated that the Minister should begin to reply.

The President : Order. Order! I am afraid the hon. Senator has got it all wrong. This is not the Minister of Finance and, as a Member of this House, he has every right to say his own views.

The Minister of Commerce and Industry : Thank you, Mr President, for your protection. I would like to say that we need to be tolerant and listen to other people's points of view because we may get something wise out of them.

Also, they talked about the L.E.D.B. plots and how they were being acquired at cheap rates and then sold or offered to some other people at high rates. If anybody is responsible, it is not the Government. Hon. Senators know these people themselves, so let them go and talk to them. Or, have the hon. Senators done anything?

I am at the moment looking into our trade relations with Japan. I have visited Japan twice, and on these two occasions I invited Japanese Ministers to Nigeria. I have told them that G.A.T.T. or no G.A.T.T., I was not prepared to buy £30,000,000 worth of their goods while they would only have £3,000,000 worth of our goods. According to the news, a Japanese delegation left Tokyo yesterday night for Nigeria specifically to come and buy things from us. We are no fools.

In the past we had no control over our trade or economic policies. Now we are independent and have gone round the world and seen how other people live. We are committed to emulate their examples and we shall live like them.

Criticisms without constructive suggestions for improvement are expected only from the Lower House and not from this noble and august Upper House. In the British House of Lords, I am told, party politics is relegated to the Lower House where it can be accommodated. But in the House of Lords, which corresponds to our Senate, people, out of their mature understanding, give guidance to the nation, check the excesses of politicians, and

advise the Prime Minister on how best to run the country. This country is composed of very many different tribes with different cultures and traditions. Therefore, it is a more difficult country to run than a homogeneous country like Britain.

Last Saturday when the Senate started sitting, I was absent, and I was very sorry. May I honestly assure this honourable House that there was not deliberate attempt on the part of any Minister to slight this honourable House. It was an administrative failure, because nobody actually knew that those Bills were placed before the House and the Order Paper got to my hand at 9.30 a.m. As soon as I got it, I rushed here and the Bill had already been passed. Since then I had taken the matter up with the Clerk of the Parliaments who showed me a letter which was said to have been sent to my Permanent Secretary. I have asked that this matter be looked into, and the Secretary to the Prime Minister, who is the Head of the Civil Service, is taking action accordingly. I am really sorry. It is never the intention of any Minister to slight this honourable House. After all, it is this House that gives him his authority.

Senator P. A. Ogundipe : I am very happy that those of us on the left hand side of the President have caught his eye at last. Perhaps if there are some Ministers on our side of the House the President will be able to see us more often.

I wish to speak on the Second Supplementary Appropriation Bill which is before us. I think I better leave the question of the complaints which Senator Dahlton Asemota once raised on the fact that the Draft Supplementary Estimate has just reached us. I want to leave that to him.

Senator Dahlton O. Asemota : Carry on.

Senator Ogundipe : If that is the case, I would say that this is another proof of the kind of neglect and disrespect which we in this House have often complained of. It is always in our case that things are late. It is always in the case of the Senate that things are not remembered. And, of course, we have a very able Minister who often pleads for the Government. We are told that it is not a slight; that it is not a disrespect, and that it is all a mistake. I do not know why the mistake of not doing our own things well should always

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happen. It is like the case in the Bible where God said, "Surely, these people serve me with their lips but their hearts are far from me". It is time the Ministers stop paying lip service to the recognition of our dignity. We want this in practice.

According to the Order Paper, and as we cannot do anything to it, it is just incumbent on us to continue to debate the Supplementary Appropriation Bill. If it had been allowed, we should have dropped it and the debate would not have proceeded. All the same, I will make my own little contribution.

The first point that I am going to raise is that of the adverse balance of trade in this country about which some hon. Senators have already spoken. We have already read that for the first quarter of this year the country experienced an adverse balance of £14,000,000 as against something of the nature of £6,000,000 for the same period last year. But our able Minister of Finance always has his arguments and his very adequate reasons to give to show that things are not bad, and yet the adverse balance continues to rise. In this case, I am going to offer my humble and constructive criticism, as required by the last Minister who spoke.

We offer constructive criticisms here, but we may clothe them in vehement words of disagreement with the way in which our criticisms are taken. I am going to speak on how we can improve our adverse balance of trade by improving our agricultural industry.

I think that many things are wrong in the Constitution, and they seem to tie the hands of the Federal Government. But there is a way of side-tracking some of the evils of the Constitution until we are able to rectify them. For example, we may say that agriculture, apart from the scientists concerned, is not the responsibility of the Federal Government. I want to say that it should be possible for the Federal Government to acquire several acres of land from all the Regions in the Federation and then start its own agricultural projects. Please correct me if I am wrong. If it is possible to do this and agriculture is not in the Federal List, ways and means of side-tracking the Constitution should be found so that these projects can be started immediately.

In that way the Government will be able to provide for thousands of our school leavers who are roaming about the streets of Lagos looking for jobs. We can all see that when a great number of our boys and girls leave school in the Regions either from Ibadan or Enugu or Kaduna they all come to Lagos and they cannot be refused employment because they do not belong to the Federal Territory. They come to swell the number of unemployed people in the Federal Territory. With that argument, I think the Federal Government should start the development of Agricultural Centres by acquiring land in the Regions so as to provide employment for our school leavers.

Sitting suspended : 11.30 a.m.

Sitting resumed : 12 noon.

Senator P. A. Ogundipe : The next point I want to talk about concerns our Economic Missions. The people of this country have criticised the numerous Economic Missions both in the newspapers at home and abroad because of their lack of co-ordination, lack of planning and the fact that they portray the disunity rather than the unity of this country abroad. Certain Regional Governments send separate Economic Missions overseas where they cross one another all saying either the same thing or different things to foreign would-be investors or capitalists whom they expect to finance projects in this country. I think it is high time the Federal Government considered the views of the public and think of a way of co-ordination so that we do not continue to portray our country abroad as a country where there is no unity, although it is unity, unity that we talk about everywhere.

Apart from the Minister of Finance and his Permanent Secretary who know every detail of the Federal Government finance, I do not know why about half a dozen Ministers together with a dozen other stooges of the Government who have no expert knowledge of the economic conditions of the country should accompany the Federal Economic Mission overseas spending thousands of pounds out of the money which we say we do not have and which we say we are looking for. Too much money and time are being wasted on these Economic Missions and I begin to fear that the game is not worth the chase.

I will now speak on the Ministry of Health. There is no doubt that the new Federal Minister of Health is already trying to improve the Federal Medical Services. Let us hope that his work will yield fruit in due course. But, one is depressed to read in the newspapers recently that some of our University students from the University College, Ibadan, who have just completed their training and awarded their medical degrees came to the Federal Government for appointment but were told to wait for some months before they could be given jobs.

We all know that our hospitals are poorly staffed especially in the Regions. It is not sufficient to say that there are, if I can remember correctly, forty-five Medical Officers, and many Nursing Sisters in the Federal Medical Service. It is not sufficient to say that the General Hospital in Lagos is well staffed. This is one of the things I do not understand in our Constitution which seems to put some important things into "water-tight compartments". For example in my constituency—

The Minister of Health (Chief the hon. Dr M. A. Majekodunmi): I am not aware that the hon. Senator has a constituency. He comes from the Western Region as far as I know. I do not think hon. Senators have constituencies.

The President: The point is well said. The hon. Senator has no constituency.

Senator Ogundipe: Thank you Mr President, I was going to say Senatorial district. In one General Hospital in Ondo Province, to be specific—Akure—there are only two Medical Officers, and in another hospital in Iddo-Ekiti there is only one Medical Officer. It is depressing to hear that some doctors who are qualified are still to wait for months before they can get employment. If it is because of administrative arrangements it may mean that that particular Department of the Federal Government is slack and inefficient in not being able to absorb these young doctors.

I do not know their number but I think they are ten or twenty newly qualified Doctors and they were asked to go and wait. I do not know whether our Constitution says that when medical students who are Federal Government scholars qualify as Medical Officers they can only be employed by the Federal Government.

I would suggest that if the Federal Government has no vacancy for them they should be seconded to the Regions.

I want to emphasise to the Federal Government that they should not think only in terms of the Federal Territory, they should, when considering amenities and the economic development of this country, think of the Regions because, after all, the people who are in the Federal Territory are people from the Regions: Aba, Yola, Agbor, Ondo, Ijebu, Kano and all the other towns in Nigeria. When they leave Lagos they will all go back to their various towns and villages in the country. If only the people who live in Lagos enjoy good medical facilities what a poor condition they will have to cope with when they go back to their towns and villages in the provinces.

The President: Order, order. I do not want to interrupt hon. Members unduly. But it seems to me that the hon. Senator is bringing into this debate what is purely under the jurisdiction of the Western Region Ministry of Health.

Senator Ogundipe: I thank you, Mr President.

The point I have to make anyway is that those students who have just completed their education in the University College and presented themselves to the Federal Government for employment ought to have been given employment, because it amounts to economic waste to the country to have to make them wait for many months without working. It is also a waste of manpower.

I come now to education. The Minister of Education is to be congratulated on what I read in the papers about the closure of illegal schools. All I wish to say about this is that the Ministry should continue to be vigilant because these illegal schools are built at the expense of the parents who have to pay exorbitant fees, much more than they would pay in other schools, with little or no return to them.

I should also remind the Federal Government that it is high time they built the inter-Regional schools which they promised since the inception of this new Government. I do not know whether there is any trace of any of such schools being built in any of the Regions. It is high time the Government fulfilled its promise in this respect.

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The idea of a new Parliament building is a very noble one. I agree that a new Parliament building befitting an independent Nigeria should really be put up. But I have my fears about the staggering figure of £70,000 being for mere planning and designs. If designs alone would cost £70,000, there can be no doubt that the building itself would cost millions of pounds. It is very good indeed. But according to our present economic position, it may be better for us to have more roads, more food and more schools rather than to spend all our funds, both the ones we already have and the one that we have not yet got, in building a new Parliament. We should manage with what we have for the next five years—

The President : The hon. Member has only two minutes more.

Senator Ogundipe : I suggest that if we could save the money and wait until we are financially strong enough to be able to build a new Parliament, it would be better for us.

The last point I am going to make is on the appearance of beggars in our public places, especially in this Federal Territory. In all corners of public places, in churches and seashores are often found staggering numbers of unfortunate beggars. The conditions of these beggars are indeed most pathetic. But the most well-meaning giver cannot satisfy them because they are so many.

Most of them can be employed. I have read of industries in the United Kingdom where about one-tenth of the employment is allocated to deformed people. I have heard of where several legless people are employed—they use their hands—and where several people without hands are employed—they use their legs. The deaf could be employed. Therefore, any form of infirmity does not prevent people from doing useful work and living a noble life, rather than a life of begging. I think that this is part of the duty of our Government.

The Government should now think seriously of how to get these beggars to do useful work that will reflect dignity to humanity, so that visitors to our country may not think that this is really a country of beggars.

I beg to support.

Senator M. B. Chukwubike : I rise to support the Second Reading of this Supplementary Appropriation Bill, and to make a few observations.

It is good and proper to give honour to whom honour is due. I wish to praise the noble efforts of our hon. Minister of Finance for his praiseworthy activities as regards the improvement of the economy of this country. He is an able man who has the interest of this country at heart.

I must make the very hearty remark that the first year of our independence was not only successful, but also progressive. I congratulate the Government.

I have a few points to make on our agriculture. The agricultural survey scheme of the Federal Government is very laudable. However, it will not serve any useful purpose without adequate financial assistance from the Federal Government to the Regional Governments. Although agriculture is a Regional subject, the Federal Government, as a father, should help to make farming very attractive. We have so many acres of empty land scattered all over the Federation.

I feel very strongly that the introduction of better and quicker methods of agriculture will not only make farming very attractive but will also help to reduce the problem of unemployment in this country. (2) I feel that the construction of good roads for easy transportation of our products will be of much help. In certain places, agriculture is carried on on a very poor scale because of transport difficulties. (3) The Government should not only encourage the farmers but also grant loans to honest and conscientious farmers. (4) The availability of better markets for our farm products will kindle the interest of farmers. (5) We should, by way of advertisement, and special example, encourage the use of our locally produced foodstuffs.

It is very regrettable that most of us are inclined to tinned and imported foodstuffs which really lack many of the natural food qualities. It is high time we placed in the forefront the serving of African diets to all guests, particularly, our expatriate friends, so that they will grow to like them, and we too, will be increasing our exports to countries outside Nigeria.

I beg to support.

Senator Professor Eni Njoku : In following up with the last hon. Senator, I want to congratulate the Federal Government for the provision which they have made for the local cost of the agricultural survey which I see, is to be carried out by two United Nations agencies, the Food and Agricultural Organisation and the International Labour Organisation. The need for a survey of natural resources of this kind cannot be over-emphasised and I hope that the results of this one will lay a very firm foundation for the future planning of our agricultural development.

Some hon. Senators have referred to the fact that when one travels over Nigeria, one finds wide open and apparently unused areas of land. I cannot help feeling that this is one of the most flagrant evidences of our under-development.

If one flies over any of the so-called developed countries, one of the things which impresses one most is the sight of every square acre of land being utilised for one purpose or another, mainly agriculture. In our own case, we have wide open areas which are only farmed once in eight years, or once in five years, and some which are not farmed at all. There is, obviously, room here for a much better use of our land reserves in order to improve our agriculture.

It is true, however, that a survey of this kind cannot be successful unless some very adequate preparatory spade work is done before the members of the survey start their work, and in this connection, I would like to urge the Minister of Economic Development to ensure that there are enough people with local knowledge who can work with the team being sent by the International Agencies, so that the maximum result can be obtained by this Survey. I would like to further re-emphasise the hope I have that as a result of this survey, the relations between the Federal Government and the Regional Governments will improve to the extent that agricultural research can be planned on a much more co-operative basis than it is now.

If I may say a few words about television, I would say, that I cannot say that I am happy to see the Federal Government embarking on this television venture which, in my opinion, has been entered into in other parts of the Federation without very good advice. We

have the sight of towns which have been offered television service before they had any proper drains ; in other places, people can watch television, but have no clean drinking water for their normal daily use.

I am appalled to see that in Lagos, people are going to have a television service before there is even a rudimentary sewage system. Any of the august visitors who come to our Federal capital, if he happens to walk out of his hotel at 10 or 11 o'clock, at night, he will have to find mufflers for his nose because there is no sewage system in this federal capital, and yet, while this is going on, people will be in their houses watching television.

I am not against television, but I maintain that we ought to set examples of having first things first, and I do not think that television is a high priority in the needs of a poor country like ours. We all know too well that television can serve a useful purpose ; it is a most useful visual aid for educating people and I am sure that at some stage, it ought to come. If, however, the Federal Government has, for some over-riding reasons which I am not at present aware of, decided that television must come now, then may I venture to hope that some definite plans and policies will be laid down whereby this television can be used adequately for the purpose of educating the people. It will serve no useful purpose if it is just like some where all that one sees, are Western films which are neither truly entertaining nor at all instructing.

I would therefore like to urge the Federal Government that if it is too late to give up the idea of this venture, they should at least start now to make adequate preparations to ensure that it will be a service which will truly educate the people of Lagos.

I beg to support.

Senator Salihu Fulani : I want to air my views on the various points raised by this august House. But before I make my comments I would like to make a short remark about what I may call the "misuse of words" on parliamentary level ; words like "stooge" and "tribalist" when used against our Ministers will definitely not reflect well on the future of our country. We should criticise constructively, and as one hon. Senator, has said, I

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think it is wrong, absolutely wrong to try to bring certain matters of disunity into this hon. House.

No one is perfect, and if anybody is not pleased with the official activities of a Minister, or the Minister has not done what he ought to have done, I think it is his duty to try and make the Minister realise that he is not pleased with his Ministry. But the use of adverse words against any Minister, or the Ministry as a whole, or even against any Member of this august House is very wrong.

On Saturday, I listened to a very exciting debate between Senator Beyioku and one of our Ministers of State and I was very sorry. I was not very much pleased and I think that certain words used in this House on that day should have been used in the lower House and not in this Upper House.

Now we are speaking on the Appropriation Bill and I have one or two comments to make. I do not want to reiterate what has been said by most speakers.

As regards the Ministry of Commerce and Industry, I would like to ask the Federal Government to try to help what I call peasant traders. There are lots of people outside Lagos who are living in very poor conditions; those people are traders, people living in parts of, say, Jos, Enugu, or Ilorin, to mention only a few.

If the Minister in charge of trade could try to make regulations so that the import of some articles like milk would be reduced and a thorough research made into locally produced milk by the relevant department it would help a lot to project our own industry and try to bring a reduction on the import of cow milk into our country.

Another important point I would like to bring forward is the encouragement of what are called village industries. Some of our Economic Missions have visited places like India, Pakistan, Japan and other parts of the world. They have seen with their own eyes how the Governments of those countries help the peasants to establish what they call village industries. I hope the Federal Government will borrow a leaf from those countries because after all one of the

objects of the visits to these countries is to try to apply to this country what they have seen in some other countries.

One or two people have spoken against having a television service. I do not subscribe to that sort of thing. In places like U.S.A. or England or Germany there are some poor people but, in spite of that, their governments all make lethal weapons when the money they spend in making those weapons could have been spent in trying to provide better living conditions for their own people. Because they would like to be nation No. 1 or 2, they try to spend their money in that way.

I think it would be wrong if the Federal Government did not pursue vigorously anything that would project Nigerian prosperity abroad.

Before I sit down I would like to make another remark and that is about the Fisheries Department. Many people in the North have not got sufficient supply of fish. A certain amount of money has been spent in the past to try to establish fish farms, as they are called. Some of these projects die out completely because there is no initiative from either the Regional Government or the Federal Government. All that goes to show that the Governments concerned do not take into account the welfare of the majority of the people. As far as fish farms are concerned, I would strongly urge the Federal Government to make proper research into the supply of fish, especially to the people who live in arid places like Kano, Kaduna and Bornu.

With these remarks, I beg to support.

Senator Chief Wuraola A. Esan : I would like to crave your indulgence to divert a bit. I am sitting in this place because this row is the most convenient place for me to sit. I am the only woman in this Upper House and I do not want to be ruffled every time the men want to pass. I am craving your indulgence that this arrangement should be changed and that I be placed in a different position. After all, I am representing the majority of the population of the country so, more honour has to be given to me. I am now asking you, Sir, to give me that privilege and order that I

have my seat in a more convenient place. (*An hon. Senator*): It is conspicuous. It is not conspicuous. I just want to be comfortable.

I would like to contribute my own quota to this Debate by just making a very few observations.

Regarding the television service, it is a good thing that the Federal Minister of Finance told us that all efforts should be concentrated on the industrialisation of the country. He advocated that more money should be spent on industry and yet, at the same time, he has advocated that some money should be spent on luxury.

As the former speaker but one said we are now asking the Government to please plan this television service in a way that it will not only educate but also bring a little revenue into the purse of the Government. At best, this television service is a competition, the sort of competition that we should stop in Nigeria if we are going to have the development we are envisaging now.

Then, in his speech, he mentioned agricultural service. This is a good project and all of us here will not have much to say against it but we have had agricultural researches for a very long time and the Agricultural Department has never been able to give us the concrete results of these researches. Yet thousands of pounds have been spent on such researches. I am asking now that the results of these researches be placed before the Agricultural Survey Team which is coming. I believe that if they know before hand what exactly has been done it will reduce the cost of the survey.

Another suggestion made by the hon. Senator Dr Eni Njoku was that a capable team comprised of people who know the surroundings and the environment where this agricultural survey is being made, should be included in the team so carry out the survey.

One thing I would like to mention is the adverse balance of our trade. As a woman, I have a bit to say about the retail trade of this country. If one goes around the markets to-day, one will see several types of tinned food sold everywhere. It used to be sold in shops and, when one wanted tinned or special food, one went to the shops for it. Now, anybody can go to the markets and get any kind of tinned food—frozen meat, baked beans, cooked meat

and so on; and what these kinds of foodstuffs are doing to our people, only the doctors will say.

If there must be a control of the retail trade, I think the Government should make it a policy to do so thoroughly. As someone rightly said, the dumping system is taking place all over the Federation now. If one goes into our markets now one finds tinned tomatoes from all parts of the world, whereas we have plenty of raw tomatoes which are getting rotten because civilised housewives feel that it is not fashionable to cook with them. They would rather use those tinned tomatoes which they do not know from where they come and how hygienic they are than use our local ones. They simply use that because it is the general belief that our own raw tomatoes would not be as sweet in the soup as the imported tinned ones.

Then we have the labourers who cannot go to the restaurants and cafes to eat their meals, but buy and eat baked beans immediately.

Although these tinned stuffs are very helpful to these sets of people, yet we must see that we control their retailing. In this way, their quantity in the markets will be minimised. After all, these poor women sell them only because there is nothing they can do about it.

It will be noted that it is the practice that if one wants to buy some profitable goods, one must also buy some of the unprofitable ones too and then sell both together. Therefore, this conditional sale is a way of dumping goods on the people selling in the markets. The Government should do something to control this system of retailing. In the shops these women are not allowed to buy just the tins of tomatoes or baked beans; they have to buy small boxes of these tinned stuffs together with bales of cloth. Therefore, the profits on the bales of cloth go to cover the loss on the tins of tomatoes and baked beans. There are many of such tinned food stuffs everywhere in the markets.

I want to mention a point or two about the economic tours. These tours are beneficial; no one will say anything contrary to that. But the composition of the teams is most uneconomical. It is high time that the Economic Council looked into the composition of a team that should go round the world for the benefit of the economy of this country. We must have

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to choose our teams if we want concrete and good results to come out of these economic tours.

There are certain sums of money that have been allocated to the Ministry of Information. In the past huge sums of money have already been spent in this Ministry. We do not see why this should continue. Our people still lack the right kind of education. For example, if one goes into the streets now and tells our people that they have a duty to perform to aid the Government, they will not agree that it is so. They want everything to be done for them by the Government. Therefore, the Ministry of Information, together with the Ministry of Education, should try to inform and educate these people about the rights and duties of a citizen. Whatever one is, maybe one is a labourer or a teacher or even a market woman, one has a duty to perform in order to help the Government. We are what we are to-day—without enough food, without enough employment and other things—not because the Governments are not trying to do their best, but because of mis-education of the population.

The fact is that some people will not work, even if there is work to be done, because they think that as long as a person is voted into Parliament on their behalf, that person must feed them. This sort of thing happens all over the country. It is not restricted to one particular area. Even in Lagos there are people who believe that because such and such persons are their cousins and can give them money to satisfy their wants, they should not do any hard work in the sun. As a result, they go about receiving money from people, even though they are not actually beggars.

The re-education of our people, starting with children, women and then men, is urgently required if all that the Government is doing will show good results.

I would like to support what Senator Ogun-dipe said on the medical students who have not been given employment. We should not restrict medical students from the University College Hospital Ibadan to the Western Region alone. They are the responsibility of the whole of the Federation of Nigeria, and whether there are vacancies or not, they should

be employed. If we want our children to go to the University College, Ibadan, and obtain their medical degrees in Nigeria, then it is absolutely necessary that we should encourage them and give them employment as soon as they qualify. After all, this is the first or second set of qualified medical students. If they cannot get employment, what will happen to the third or fourth set? I think that it is the duty of the Federal Government to know that these students are there. After all, the University College at Ibadan is not a regional university. It is the university of the whole of Nigeria.

On the question of the Shagamu-Benin Road, I would say that it is agitating the mind of everyone of us because we feel that it is time the Government does something concrete about this road. Government should stop telling us that we have been spending plenty of money and that the contract was given to somebody who was not ready to finish the work. We do not want to feel like some other people, that the Government is discriminating against a particular area. After all, we are not here as partymen but as statesmen. But if this road is not completed, we will be made to believe that it is a sort of discrimination against a particular area. Therefore, I will like the Government to give priority to the completion of this road.

Talking on education, I would like to say that one cannot help praising the Minister of Education when one comes to Lagos and sees the beautiful school buildings. I am also happy that he has done something to check illegal schools. But there are still some left in Lagos. These illegal schools are not doing any good to our system of education which, I dare say, is not backward at all.

Anybody who has been outside the country will know that when we stand here to criticise, we are not doing so because the Government is not doing its best or that its best is poor, but because we want the very best for our children. Even in civilised and well-developed places, there are illegal schools. But here in Nigeria we do not want to start with corruption and other bad things. We want to start with good things because if we lay our foundation well, building on it will be very easy indeed. Therefore, if we can find these illegal schools in Lagos which is the capital of Nigeria, what

do we expect in the rural areas where it is very difficult for some of the School Inspectors to reach? There are schools where parents pay as much as £50 a term for a child to enter and in the long run no certificate is issued after the completion of the course. I am sure no parent would like his or her child to attend a school where when he completes his course he or she will not be given a certificate recognised by Government. The child may have good education but what is the proof that he has got the education? Therefore, we are asking the Federal Minister of Education to take particular care and see that all illegal schools are closed no matter to what quarters the schools may belong.

I would also like to say something about our individual spending. Although nobody would say we have been spending very unwisely we are not spending wisely as well. It is just midway between spending wisely and spending unwisely. If we want our country's progress not to be retarded, we must call on every Nigerian to be willing to make some self-sacrifice and self-denial which we are not making at the moment. It is not correct to say that self-denial and self-sacrifice should come from outside alone. It should come from inside Parliament as well. When we buy luxurious goods, when we ride in big cars, when we want to live in very big houses, when we want to change Lagos into New York in a day we must not expect the people outside not to envy. That is why election has been made difficult. Therefore, the self-sacrifice must start from this House and there is no need for Senators to say the self-sacrifice should start from the Lower House. Let us start from the Upper House and cut our expenditure down.

When we say this is the pace at which we want to travel others will follow us. It is not for us to seat here and say we are statesmen, we are elderly men, after all none of us is very poor. I am sure if we are told not to get a year's salary none of us will lose by it.

An hon. Senator : Please start.

Senator Mrs Esan : Let us start here and lay the concrete example. There is no need saying I should start because if I refuse to take my own salary and you take yours it is just the

same thing. Let us all put our efforts together and start to educate the people right from this House.

With these few remarks, I beg to support.

Senator Chief P. I. Acholonu : I rise to support the Second Reading of the Second Supplementary Estimates of the Federal Government but before doing so I have certain observations to make.

I would like to speak on the Trunk A road from Enugu to Lagos. The road from Enugu to Onitsha is very good and motorable, but when one crosses River Niger and gets to Asaba on the way to Lagos the road is very bad. The road is so narrow that when two motor vehicles meet one has to stop completely before the other can pass. Hon. Senators can imagine what would happen when one meets these big lorries on the way. What one has to do is to get one's car as near to the gutter on the side of the road as possible. When one meets one of these big lorries on the road, the driver of the big lorry tries to save the lives of the people in his lorry because when the lorry is moving very fast the weight of the load and the people in the lorry make it bend to one side and in most cases when they try to stop for other vehicles to pass they somersault. Anytime we travel on this road either coming to Lagos or going back to our homes we see many of these lorries in the gutters where they have somersaulted.

The Federal Government goes on talking about projecting the Nigerian personality abroad but I would say the Government is not doing enough to project our personality at home. When our people go outside the country and tell the people of other countries that Nigeria is beautiful and the life here is enjoyable the people will be so disappointed when they come here and see something different.

I remember that on many occasions, hon. Senators have complained about this road but we do not know what the Federal Government is doing about it. I am not doubting the integrity of the Federal Government as far as the planning of our projects and the development of Nigeria is concerned but if the Government only listen to our complaints and do not fulfil their promises to us I do not think that they encourage us to speak further.

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The Onitsha to Port Harcourt road is also very bad. The same thing that happens on the Asaba to Lagos road happens there. For example, from mile 35 to mile 54 on the Port Harcourt to Onitsha road if a man is coming from Owerri and another from Port Harcourt, none of the two drivers will see each other until both of them are only about one or two feet to each other. This is very bad. So, I think as we are thinking of projecting Nigeria abroad, we should also be thinking of projecting Nigeria at home. Charity begins at home.

There are other points which we have always stressed on the Floor of this House. One of them is the Carter Bridge. We have said many times that something should be done about providing another bridge for Lagos. We have only one bridge now and if by accident, which we do not pray for, it collapses it means that communication between Lagos and the rest of Nigeria will be at a stand-still. I think proper arrangements should be made for the provision of another bridge for Lagos.

The other point that hon. Senators have been talking to Government about is the Ijebu-Ode-Shagamu-Benin road. This road is long overdue for opening. I do not agree with anybody who says that what is delaying the opening of the road is that the Federal Government wants to punish a part of the Federation. I am of the opinion that it will benefit many Nigerians even children yet unborn. The Federal Government is the father of all the Governments in Nigeria and they should listen to our complaints and act accordingly. This road should be immediately—

Senator A. E. Ukattah : It is now one o'clock and I think this is the moment for interruption.

The President : Will Senator Acholonu please proceed.

Senator Chief Acholonu : I am sorry to be talking about roads all the time but hon. Senators will agree with me that the Ijebu-Ode-Benin road is very important and will cut away about 100 miles from the distance from Lagos to Benin. So, it is my believe that the road will be a benefit for the whole Federation and not to one section of the country.

Sitting suspended : 1.02 p.m.

Sitting resumed : 3 p.m.

Senator A. E. Ukattah : Mr President, Sir, I really wish to say a very few words on the Second Reading of this Supplementary Appropriation Bill.

I know that a Bill of this type does not offer any scope for a full examination of the fiscal policies of the Federal Government. But it does at least give an opportunity of saying a few words of congratulations to the Government on what has been achieved over the past twelve months of the existence of Nigeria as an independent sovereign State, and of offering a few words of advice on the work yet to be done.

I know that it has not been an easy thing for us to handle our own affairs over the past year, as it is something new to this country for the people to handle their own affairs. I really think that much has been done in spite of some dissentient voices. The Government should not be displeased. I really feel that something much has been done. That, however, does not mean that much more cannot be done or that the best has been done. I feel that what the Government has been able to achieve clearly indicates the enthusiasm of the members of the Cabinet, their patriotism and their anxiety for the economic emancipation of this country—which alone can make the political freedom of this country have any meaning at all.

In saying that, I wish to draw attention to certain points which I would like the Government to bear in mind. The first of these is on the attitude of some of our traders and industrialists. I do not think that our traders and industrialists fully appreciate the fact that the Ministry of Commerce and Industry is for them—that it is a Ministry to advise and guide them. To my mind, they have not made full use of that Ministry. If they had done so, what is happening now would have been avoided.

I would like the Ministry to make it clear to the nation that it is for them. It would do well to organise talks and lectures for the leading members of the community who are interested in commercial business and industrial enterprises. In this way it will secure their full co-operation and prevent some of them from going overseas to obtain wrong advice.

Just recently it was announced that Lagos is going to be a centre for marketing one of our most important export commodities—cocoa. If that is so, I think it is another positive step which points to the fact that this Government is interested in the economic development of Nigeria. If that is true, it offers ground for hope that one day Lagos, or any other city in the country for that matter, will become a centre where overseas buyers will come to buy what we at present carry to their homes.

The next point that I wish to touch on is the question of patronage of the Nigerian Airways. We know that the Nigerian Airways services are so rapidly developing that even transportation of goods of all descriptions can be undertaken by them. We know too that besides this, the Airways are sales agents for all the world international airlines and can quickly make arrangements for passenger services and air freight space on any airline anywhere in the world. There is, therefore, the need for the authorities of that Corporation to ensure that the services of the Airways are placed at the disposal of every citizen wishing to make use of them.

Once, I tried to contact the booking office in Port Harcourt when I wanted to travel by air. I tried to contact that office by telephone and failed. I sent a telegram asking if it would be possible for me to travel at the time I had in mind, but up till this moment that I am speaking, I had not had the courtesy of a reply from that office.

People really want to patronise the Airways but because of poor arrangements, it is not possible to give the Airways the maximum encouragement it deserves. I am, therefore, suggesting that a list of approved agents be drawn up by the Government and placed at the disposal of the general public so that whenever one wants to contact the Airways, one can always do so without necessarily getting to the Booking Office.

I come now to the question of traffic congestion in Lagos. Many hon. Senators have spoken on this topic, but I think that the more we speak on it the more we lay stress on the importance of making arrangements to ease the congestion. Experts have offered their opinion on this issue, and the most recent advice was that in which a system of staggering working

hours was suggested. I understand that some mercantile houses have adopted the system, while others have not. And our own Government offices too, have not even tried to consider it.

Government offices open usually at 8 a.m. and close at 2 p.m. It will definitely relieve the present congestion if the authorities do everything at their disposal to co-operate in this way by staggering the working hours, so that everybody does not go to work at one and the same time. This system will really help to ameliorate matters until a second bridge is built to link Lagos with the mainland.

One more point, and I am done ; and that is the publicity given to Nigeria and what this publicity is worth. Already, much, has been done, and is still being done by the Minister of Information to give publicity to the activities of Nigeria and what is happening in the country. We appreciate this fact, but I think we ourselves can do very much more. But if it is Government that will have to do it, I suggest that the best way to do it is by attracting tourists. If we attract tourists into this country and they see for themselves what they might ordinarily have read from books, we shall have gone a long way towards encouraging such tourists. The cheapest way to carry out this scheme is by encouraging the few tourists who are in this country now and by making sure that those who receive tourists on their first arrival in this country,—whether the tourists travel by air, land or sea, and whether those who receive them are porters, clerks, messengers or managers—receive them courteously. By this, we shall be encouraging tourists into this country and will also be helping to give publicity to Nigeria and what Nigeria stands for.

With these few remarks, I beg to support.

Senator Chief Z. C. Obi : I wish to express my desire to support the Second Reading of the Supplementary Appropriation Bill, 1961-62. Before doing so, I would like to make a few comments. I hope that the provisions contained in the Estimates cover the requirements of the minority elements served by the Niger Delta Development Board.

Another point on which I would like to comment is television. Personally, I do not think that television in this country is a necessity. I consider it a very expensive luxury. I can

[CHIEF SENATOR Z. C. OBI]

understand the need for a television in places like the United Kingdom and other countries of Europe, but in Nigeria where only a small percentage of the population can make two ends meet, I doubt very much if we are ready for the introduction of this expensive luxury.

The desire of most people to-day in Nigeria is for an improved agricultural system and the establishment of industries. I also know, from what I observed in England when I was there not long ago, that to establish industries, this country must of necessity have two things. These two things are water and electricity. In every village of a sizeable nature, these two things are a *desideratum*. They can never be done away with. One cannot make any industrial experiment without having electricity and water.

What I think is in the mind of our Ministers, however, is that they want Nigeria to have a television as a show-piece, so that while other parts of the world think that we are too poor, we may at the same time tell them that at least we can afford to have such a luxury as television.

I am happy to see that a large sum of money has been voted to augment the votes previously approved for the Ministry of Foreign Affairs and Commonwealth Relations. I regard this Ministry as one of the youngest Ministries in this country but I must say that the able way in which hon. Jaja Wachuku and his colleagues in that Department have acquitted themselves in the discharge of their duties is very commendable. We all know that one of the best ways to project Nigeria is through our foreign offices and I think that this House supports our Prime Minister in his choice of the people who are now managing the affairs of that Ministry.

With these few remarks, I support the Second Reading of the Appropriation Bill.

Senator Dahilton O. Asemota : Thank you very much for giving me this opportunity again. I was expecting that the hon. Prime Minister or the Minister of Finance would be present here before I made my observations, particularly on matters affecting the Ministry of Finance.

The first thing I want to say before I go on to the Appropriation Bill is with particular reference to the Ministry of Finance.

Some time ago I raised the point in this House that some of us felt very perplexed. We did not know what qualifications one is expected to have before one caught the eyes of the Federal Government in providing amenities and other things.

I have said in this House that sometimes when one Member comes from an area that Member is made a Minister. I said further that, in some constituencies two Members of the Government have been made ministers. But this does not apply to my area. My area has been neglected. The three seats in Benin were won by the Government.

Senator E. A. Lagunju : Point of Order. I wonder how far the question of constituencies and Ministerial appointment is relevant to this debate.

Senator Asemota : It is because I am dealing with the Ministry of Finance. When eventually the Government decided to consider my constituency in Benin, they made a Benin man a Minister but you will be surprised to know that the only Minister without Cabinet rank in the whole of the Ministry is the man from Benin. This is most embarrassing. The only Minister without Cabinet rank and from an area in which all three seats were won by the Government. The best the Government could do was to make a Benin man a Minister without Cabinet rank.

I only say that because, up till now, there is no Benin man on any of the Boards in Lagos. Scholarships are not awarded to the people of Benin ; the amenities of the Federal Government are not even sent to Benin because the only Minister we have is not privileged to be in the Cabinet to plead our cause with the Government.

I have to ask: what are the criteria for one to become a Minister qualified to represent his constituency in the Cabinet ?

The Minister of Commerce and Industry : Point of explanation.

The President : Order. Order. As a matter of fact the hon. Minister cannot raise a point of explanation because he has not made a speech. You can raise a point of explanation if your speech was being twisted or misunderstood.

Senator Asemota : That is just one of the important things that we in the provinces want. We look around and say : what is the use of supporting a Government that does not even think about us at all ? What do we get ? I do hope that the hon. the Prime Minister will review the whole position and remove this anomaly because the people of Benin feel this slight on us that the only Minister without Cabinet rank is a Benin man.

Coming back to the matter I had in mind, I would first of all like to congratulate the Minister of Finance for the part he has played in checking the activities of smugglers. As a result we have benefited. The Minister deserves the praise of this country.

I would like next to refer to the amount of money voted for television. Many Members have already spoken on this subject but the Government seem determined to stick to their guns. I think they should review their stand when they find that so many people are against a proposal.

What is the benefit in having two television services in the Federal territory ? (*An hon. Senator : Two ?*) Yes. There is one already in the Western Region which people in Lagos are enjoying thoroughly. That is perfectly satisfactory to everybody. How many people can afford television sets in this country to-day ? A set costs about £50 and yet the Government is prepared to pay tremendous sums of money to develop television in the Federal territory. To me this is absolutely unnecessary and should be scrapped straight away. (*An hon. Senator : That is unfortunate.*) I do not know what that means, really. I do not see why it is unfortunate. The Western Region does not even trust the Federal Government enough to contribute to it.

There is television in the North ; there is television in the East and there is one in the West which the people of the Federal Territory actually enjoy. Why should the Federal Government set up another one ?

What makes it more ambiguous is that if you refer to the Hansard Debates in the Lower House you will find that there are more important things for which the Government should spend money. In the report of Debates, some Members asked for increased police strength in Eket ; some Members asked for a Police Station at Awgu ; some Members

asked for police stations at many other places and the answer is that these requests will be considered when funds are available. Yet the Government has thousands of pounds to invest on television ! Are not these police affairs more urgent than a luxurious thing like television which, obviously, will benefit only very few people ? There is Awgu Police Station and a lot of other things here which are really very urgent and which the Government should look into. I refer to the Debate in the House of Representatives for the 16th November, pages 231-235. (*An hon. Senator : By whom ?*) By the Members in the Lower House. (*Some hon. Senators : Which particular Group ?*) I do not know which one. There Mr Muojeke, Mr Eze, Mr Etuk-Udo, Mr Chukwu, Mr Enwo, Mr Igwe asked about the strength of police at Awgu, strength of police in Eket, strength of police in all parts of the Eastern Region.

This is very disturbing and if you think of all the troubles we have to-day in the country, you will find that the need for reinforcement of the police strength in this country is far more urgent than television.

I do hope that our Government will not only listen to what we say about television but will scrap it, for goodness sake, and use the money for something more beneficial to this country.

The other thing I would like to talk about is revenue. I have already expressed my satisfaction at the manner in which the Minister of Finance has handled smugglers but I have often said in this House that the time has come when the Government should enact a law or devise some means of doing something about distilling what is called illicit gin in this country. A lot of prosecutions have already been made ; people have been molested ; people have been taken to Court for distilling liquor or whisky which is described as illegal and yet people are drinking it.

It is not a new thing in this country. I think the illicit distilling of liquor has been going on now for more than ten years. I am so pleased I have come across an appeal which a certain Committee has lodged with the Government. A group of Nigerian educationalists have formed themselves into an Appeal Committee on drink and have called on the Federal Government to take immediate Parliamentary measures to make sure that what at

[SENATOR ASEMOTA]

present is known as illicit gin in Nigeria is legalised with a view to opening the door to its eventual refinement and to its wide consumption in place of most of the existing foreign drinks.

In a memorandum signed by several of the people they said that a lot of experts have expressed the opinion that it is not dangerous. Is it not possible for this Government to do something about it and legalise this illicit gin? I think experts like Dr Majekodunmi, our Minister of Health, whom I think is here now, will find little or no difference between the so-called gin and drinks like *Vodka*. If the Minister is not an expert on illicit gin, I think that a man of his calibre can say something about it.

It is time that the Government legalised this so-called illicit gin and make it licit so that we can get revenue from it as we do in the case of locally manufactured cigarettes.

I am very happy to see the amounts provided for the improvement of the embassies abroad. This is a very good move indeed and I congratulate the Government for doing so. I would like the Government to first of all examine the various embassies and find out which of them really need more money for it to be able to continue. In this connection, I would say that Sierra Leone needs more money than any other embassy because it happens to be in the centre of the road where everybody going to or coming from the United Kingdom passes. And there the really notable personalities are invited ashore by the representatives in Sierra Leone. These people are not only taken round, they are also shown various important places. I think that whatever happens, Sierra Leone should be given priority in the distribution of money to supplement whatever they have at the moment.

I happened to be in Sierra Leone not very long ago on my way back from the United Kingdom. I saw the Visitors' Book signed by notable personalities, including the Governor-General, the Prime Minister, the hon. Zanna Bukar Dipcharima and many other personalities. These people who sign these books and have to be entertained with the meagre fund at their disposal. Well, the High Commissioner there probably takes—

The Minister of Commerce and Industry
Zanna the hon. Bukar Dipcharima): I take Fanta and ordinary water.

Senator Asemota : Well, if the hon. Zanna Dipcharima takes Fanta no one thinks I take Fanta to maintain my stature. I want something better than that.

I do hope that the Government will bear that in mind and see that something is done to make the allocation of money to Sierra Leone a priority.

The other thing I would like to refer to is this Government newspaper called the *Morning Post*. I raised the storm in this House before that paper was launched that it was absolutely unnecessary for Government to launch it. The Minister of Finance explained that it was not the Government's intention to launch a daily paper in Lagos but that the main thing behind it was that at the various embassies some arrangements were being made whereby Nigeria could be publicised to the people, and that this paper was intended for publication in those places. What does one find?

To-day we have this paper publishing here. And the most unfortunate thing is that very recently the Editor of the *Morning Post* happened to express his mind as a citizen of this country against what he thought was not right enough and surprisingly that there was a storm raised in the House of Representatives about it. The Minister of Information, in reply to some of the criticisms said "I am short of words to express the recklessness of the editorial". The Minister of Information said that he was short of words to express the recklessness of the editorial because the Editor happens to express his mind in the real Nigerian sensible style! The Government said it was wrong.

What is the use of that paper to us here? After all, we contributed to the production of that paper. It is not the question of Government supporters alone contributing to that paper but the money was from the funds raised by Nigerians. Why should that Editor's mouth be gagged? Why should he be pinned down to express only Government's view? And once he goes a little bit out of it, there is hue and cry that he has done something he ought not to have done. If that Paper is going to be controlled in that way, does the House not think that it is high time the paper was scrapped?

The Government can then insert advertisements in various papers, as I have always advocated.

If the Government spends one-eighth of the amount which they are now spending on the Paper in advertising themselves in the various Papers, I am sure they will certainly get better results, and at the same time avoid this type of bad blood they are now creating. When the Minister of Information in condemning the Editor of that Paper said that he could not find sufficient words to express the recklessness, it obviously shows that that Paper is not beneficial to the country.

The other thing I would like to say is that there have been several attacks on the commercial firms, and at the same time people are advocating that this country should be industrialised. We go abroad and try to project the Nigerian personality. We ask people to come and invest money in our country, and yet in the same breath we condemn the people who were actually pioneers in bringing Nigeria to her present standard to-day. If one reads some of the *Hansards* of the House of Representatives one finds them most disgusting. With your permission, I quote: "The retail trade in this country is in the hands of the expatriates, the Syrians and the Lebanese. They are a menace and they are a sort of problem to the community. The Government must therefore do something about it, as well as about Kingsway and other subsidiary companies of the United Africa Company. I am not saying that we should confiscate their property. I am not saying we should nationalise the United Africa Company or John Holt. What I am saying is this: We have got to control the activities of these companies—their wholesale policy, their retail policy. Indeed there is a conspiracy among these expatriate firms to exploit to the utmost our trade opportunities."

At the same time we want them to bring their money here. I do not know whether they want the people to bring their money into the country and then just leave it in the hands of our people. This is certainly most disheartening. I do not think, anybody who has the interest of this country at heart or who has the willingness to invest in this country, after reading this sort of thing in the *Hansard* of the Nigerian House of Representatives will be encouraged.

The U.A.C. men, for example, came to this country a very long time ago, and they have helped to build this country up to what it is to-day. When they came they went to the nooks and corners of this country; they brought their goods, they helped to build this country. People who come here to trade must naturally make profit; that is the idea of business. These people have at the same time educated the people here and they have helped to maintain the reputation of the country. If we encourage them they can even invest more money in the country and help to build it more and more.

But with all this sort of thing coming up, I think it is most disheartening indeed, and I think, Members of Parliament should be very careful in their utterances so that they may not scare away people with good intentions, who have the money to invest in the country.

There is one consolation in the speech of the Minister of Commerce and Industry when he said, "All the leaders of this country have been committed to tell investors abroad, if they have confidence in us and bring their skill and investment potentialities into the country and establish industries in which our children will be working and benefiting and improving their social status, the Federal Government and all the Regional Governments may give them all the measures of protection and encouragement they need. We of this Federal Government will honour our pledge absolutely". That is interesting but the Members should be very careful in their utterances, so that they may not scare away other people and what they intend to do. Recently, or even, was it not yesterday in this hon. Senate an important Member of this House had to resign, and that was due to some remarks which he must have read in the papers. (*Some hon. Senators: He did not say that*). I am not saying that he said so, but I feel that way. What we want in this country is to organise ourselves in such a way that we will be able to hold our own.

In this country, co-operation is very difficult. There is nothing to stop me and Senator Fagbenro-Beyioku from floating a company, if he is willing. As a trade unionist, three days after floating the company he would be asking for the profit which would not have matured at that time. Therefore, I think that before we go into any partnership, we should always think twice before we do so.

[SENATOR ASEMOTA]

Another point I would like to invite the attention of Government to is the question of produce prices. The question of produce prices in this country is now coming to a stage where the Federal Government will have to investigate it very seriously. We have prices dictated to us. We have our own commodity but we cannot fix the prices ourselves, and everybody is taking undue advantage of the fact that we cannot wait until such a time as we will be able to fix the prices ourselves. I think that the Government should devise means whereby they will be able to control the prices of our commodities which we get to-day.

In the case of rubber, the situation is grave. The price changes so often that every rubber trader from my area finds it very difficult indeed to really settle down to any particular business. The most unfortunate thing about this is what they call "bad quality."

What I am suggesting in that respect is that Government should arrange that the rubber we actually ship from Nigeria to other parts of the world be accompanied by our agent. Instead of people telling us that the quality of our rubber is bad and quoting the compensation, the Government should have representatives in those countries where our products are shipped who should actually see what happens. The buyers and the sellers should no longer be left alone to use their discretion as they like without anybody arguing with them. Obviously, the position will go from bad to worse if the Government does not do something about this.

I will now turn to foreign policy. I notice that there is a lot of controversy about our foreign policy. I think that is due to the very wide gap that exists between the Federal Government and the Opposition in this respect. I think the time has come when the Government should take the Opposition into confidence in matters of national importance, and should sound their views about any policy which they consider will be controversial. It will help the Government. They should not mind whether the Opposition accept it or not. I think that will bridge the gap which at present exists between the Federal Government and the Opposition and will curb the tendency of everybody getting up and saying what he likes about anything put forward by the

Federal Government. I think the Federal Government should give the Opposition some consideration and bridge the very wide gap that exists between them so that we can really come to a position where our foreign policy—

The Minister of Commerce and Industry: The hon. Senator should advise the Opposition accordingly.

Senator Asemota : I will not advise the Opposition. It is the duty of the Federal Government.

On the question of education, I am very glad that some children have just been brought into the Gallery. These are the leaders of tomorrow. What are we actually providing for them? Some of them will be Ministers; some of them will be Senators, and some of them will be the Prime Ministers. But what provisions are we making to see that when they leave their respective schools they will have the opportunity to go into universities and other institutions of higher learning? We have thousands of them coming out of school every year. Instead of the Federal Government thinking seriously about expanding our educational services, they are talking about television, which is no use to us. I do hope that the Federal Government will take into consideration the dire need of education in this country.

Sometime ago, a Member of the Senate raised an important point when he said that our taxis are painted in the colours of the Ghana national flag.

Senator Malachias Bawa : The hon. Senator has spoken for thirty minutes now and that is the maximum time allowed by the Standing Orders.

The President : Will the hon. Senator allow me to be the judge of the time.

Senator Asemota : Thank you very much, Mr President. As I was saying, it is true that our taxis are being painted in the Ghana national colours. I saw the Ghana taxis when I was in Takoradi about four weeks ago. All the taxis there are just like the taxis in Lagos. I think it is getting too much. It is time the Federal Government step in and advice the Lagos Town Council to arrange that all the taxis in Lagos should be painted in the Nigerian national colours instead of the Ghana national colours. I think the time

has come when we should Nigerianise the Nigerian national colours. Our national colours are good anywhere in the world. I saw the Nigerian national flag in London. Why should we not reflect our colours in our taxis at home?

I beg to support the Bill.

Senator J. K. Nzerem : Speaking about the Second Supplementary Estimates of the Federal Government, I will be very brief.

The ever interminable Benin-Ijebu-Ode-Shagamu road : we have spoken about this times without number. We expect a Ministerial statement as to when this road will be ready for use, and we are expecting this Ministerial statement before the Senate rises. Not to-day, but any time before the Senate rises. I think we have spoken a lot about this road and we must hear something definite before we adjourn.

A number of hon. Senators have spoken about developing our agriculture. I was very highly impressed by what Senator Professor Eni Njoku said in the morning about flying through Europe. One sees all the farms well cultivated. Wherever there is no town, it is a farm or an industrial location. I was myself so much impressed when I flew through France in July last year. Even poor Portugal has every inch of land cultivated.

What have we in this country? Wild waste of acres of land. Going by rail from Lagos to the North, one sees miles upon miles of land, good arable land, uncultivated. Going from Lagos to Benin to Onitsha to Enugu, one finds miles and miles of land suitable for cultivation, not cultivated at all.

What is the reason for it? I have one very important reason to give, and that is that it is due to our unprogressive, if not iniquitous, system of land tenure. Until the Federal Government takes a bold step to improve the land tenure system in Nigeria, nothing can come out of all our cries about agricultural development. The Regional Governments are afraid of this. The politicians are thinking of the next election, and they do not want to introduce any policy that will antagonise them with the electorate. I think here the Federal Government should step in and make the law.

Senator Dahlton O. Asemota : It has become a habit that when Senators speak they

are interrupted. This is not right. If we are Members of the Upper House I think we have to be given the respect that belongs to us.

The President : A little bit of humour will be permitted.

Senator Nzerem : The development of agriculture is very necessary because the mainstay of our economy for years to come will be agriculture, and any steps that the Federal Government can take to provide a more progressive system of land tenure will be to the benefit of our country.

I would like to refer now to the Economic Mission led by our able Minister of Finance. Some people have accused the Ministers of globe-trotting. I do not share the view that our Ministers are travelling too much. At this stage of our development, travelling is necessary. The time will come when it will be less necessary, that is, when we shall have established embassies in most parts of the civilised world.

But there is one thing that I have against the way in which the appointment of the personnel of the Economic Mission was made. I thought that the Federal Government would have asked the Regional Governments to make nominations from which they would then select those to serve on the Economic Mission. If this had been done, then no particular Government could have said with any justification that it was being neglected. I can never be a party to anything that savours of discrimination or victimisation. If one particular Government feels aggrieved that its views have not been properly represented, I think it is up to the Federal Government to avoid such criticisms in the future.

One does not really feel very happy about the number of Economic Missions. The East sends one; the West sends one, and the Federal Government sends one. This portrays us as people who are disunited. I feel very strongly that the Federal Government, through the National Economic Council, should be able to arrange one Economic Mission that will cater for the interests of the Western Government, the Northern Government, the Eastern Government and the Federal Government.

About the development of electricity. I am sorry that the Chairman of the Electricity Corporation is not here this afternoon.

Some hon. Senators : The Minister is here.

Senator Nzerem : I am very happy. I know that the Minister of Mines and Power, as well as the Chairman of the Electricity Corporation, is a rural man. Even though they live in the cities, they are rural minded.

I was very happy when I read in the newspapers—and with your permission, Mr President, I would like to quote: "Affam gives light in June. The £2 million Affam gas-electric station being built by the Electricity Corporation of Nigeria in the Affam oil fields near Port Harcourt will go into operation next June. Mr E. F. Brown, District Engineer and Manager said in Port Harcourt at the weekend that when in operation the electricity supply in Port Harcourt municipality would improve and there would be no extra charges to the consumers". He then went on to announce that this electricity undertaking should initially include a supply of electricity to Aba, Umuahia, Owerri and Calabar areas. That is good as far as it goes, but by Aba, Port Harcourt, Calabar and Owerri, does he mean the urban townships which are already being served? What about us in the rural areas? Are we condemned for ever to live in darkness, in want of water, in want of power, in want of everything? We contribute to the maintenance of Government and yet we are all paying lip services to the development of the rural areas. I want the Government, in bringing this line to Aba, Calabar and Onitsha, to endeavour to serve the rural areas through which the line passes. Only in that way can we say that the country is being developed. We are not all going to live in Aba, Port Harcourt, Enugu and Onitsha. The rural areas must have their own fair share of the amenities. I appeal to the Minister of Mines and Power to see that the small villages through which the line passes are supplied with electricity.

What I say about electricity also applies equally to postal facilities. In England, for example, a letter posted in London will get to remotest village within twenty-four hours, and there are many wee villages. If I post a letter to my wife now, it will not reach her until I get back. If I send a telegram, it is even worse! And a telephone call will never get through. Where are we? It is this sort

of thing that makes the people feel sore about television.

I do not share the views of those who say that television is an unnecessary luxury. As an educationist, I know the value of visual aid in education, and television can be very useful in visual education of the children. But I would agree with them when they say that relatively, it is not as important as good water, or power, or good roads.

I am very sorry, I said at the beginning that I was going to be brief, but I have been carried away by a number of items which I wanted to speak about. However, in order to conform to my first statement, I think I must now take my seat and support the Bill.

The President : I must now call on the Minister of State in the Ministry of Finance to answer. If hon. Senators will look at their Order Papers, they will see that there is another Appropriation Bill coming on to-day.

Minister of State (Chief the hon. H. Omo-Osagie) : I first of all thank all the hon. Senators for their eloquent contributions to this Bill. I thank them further for the tribute paid to the hon. Minister of Finance, particularly when he led the Economic Mission.

On this question of the Economic Mission, one or two hon. Senators complained that it would appear that there was no co-ordination of such a Mission going out from Nigeria. I would like to take this opportunity to inform hon. Senators that the intention of the Federal Government was a co-ordinated effort to project the Nigerian personality abroad economically. In pursuance of this, the Federal Government requested the Regional Governments to nominate their representatives. Each Regional Government had one or two representatives on the Economic Mission. Perhaps many Members might not have been aware, but the Federal Government financed the whole tour. It did not cost any Regional Government a penny.

The first thing that came up to-day was a complaint that hon. Members did not get their Supplementary Estimates. I am very sorry, but the Estimates were circulated on the 15th of this month and were in the letter boxes of all the Members. If the Members will not collect their papers from the boxes, or if they do collect them but do not take the trouble to

read them, I do not think that the blame can be ascribed to any Minister. What was distributed here to-day was just a supplementary one to remind any hon. Member who might not have brought his own copy from home, or who might have forgotten or lost it. It is a way of being very liberal.

There were many points that hon. Senators touched. One hon. Senator spoke about extending the Border Control to Sokoto, Bornu, Adamawa and Sardauna Provinces. When introducing this Bill this morning, I said that arrangements have been made and that not less than £80,000 has been provided for the Sardauna Province for the Customs Control because some goods may be entering Nigeria through illegal channels. I would also like to tell hon. Senators that the Ministry of Finance has not neglected Sokoto, Bornu and Adamawa provinces. I would like to add further that at the moment we have our control posts in almost all places.

Many hon. Senators spoke about embassies. I am happy about the remarks that were made. It is very essential that we should staff our embassies to the full. An hon. Senator spoke about Sierra Leone. Well, I agree with him that Sierra Leone is an important country and that many visitors from Nigeria go there. But I would not say that it is more important than, say, Ghana, or any other place. At any rate, his advice is well taken.

Many people spoke about the slum clearance in Lagos. There was a complaint that, at the time the houses were taken over, their owners were paid £2,000 and that when the houses were rebuilt they had to pay about £10,000, £14,000 or £15,000 to re-acquire them. I will pass such remarks on to the Minister concerned who will deal with such complaints.

The hon. Senator Chief Fagbenro-Beyioku complained about the furniture of the President's Office and of the House too. Some people may agree with him. It is an observation that is very well taken and I will pass it on to the Minister concerned.

Hon. Senator Chief Fagbenro-Beyioku and other hon. Senators spoke about the Ijebu-Benin road. Hon. Asemota also spoke on this. I would like to tell hon. Senators that, early this year the hon. Minister of Works and Surveys announced that as from early next year, 1962, the road will be opened to traffic.

Senator Dahlton O. Asemota : Could a specific date be given? We have heard this for about two or three years now.

The President : Was the hon. Senator making a Point of Order?

Senator Asemota : Yes, Sir. This is about the sixth time that the Government has told this House that the road will be opened early in January of the following year! The first time was about six years' ago. Will the hon. Minister now make a categorical statement that this road will be opened to the public on a particular date—whether it is December this year or January next year?

The President : That is not a Point of Order.

Minister of State : The hon. Senator said that the promise was first made six years ago and has since been continually made. Unfortunately, he was not here six years.

Hon. Senator Lagunju spoke about the squandermania of the Ministry of Finance. It is very unfortunate that he did. When he saw a vote of £241,000 he thought that Chief Festus Okotie-Eboh or Chief Omo-Osagie were going to eat up this money. It would be unfortunate if he thought so. Let me explain. If you, Mr President, look at the Estimates, you will find that £1,000 from this money will go for Police safes. If you look at the bottom you will find "Children's Separate Domicile Allowances"—

Several hon. Senators : What page?

Minister of State : Page 8. "Children's Separate Domicile Allowances, £40,000 Passages, £200,000." That is how this £241,000 is made up.

I want to tell hon. Senators that the Minister of Finance is the banker for the Federal Government. Everybody draws from his purse for their own services and this £241,000 is kept by the Ministry of Finance for other Ministries to draw from. I think it was the hon. Senator Ogundipe who was trying to push the Federal Government into doing something that we might consider *ultra-vires*, unconstitutional and therefore invalid. He said we should side-track some provisions of the Constitution—we have never side-tracked any Constitution, and we find ourselves in the

[MINISTER OF STATE]

dock. Supposing we did side-track any sections of the Constitution, I do not know where we should be.

Senator P. A. Ogundipe : Point of explanation. I was saying that agricultural industry is very important, and it is time that the Federal Government looked into it. Well, if 'side-track' is not the word—and I have never claimed that I was in the Law Courts—perhaps the Minister of Finance could think of another word. All that I was saying was that the Federal Government should have agricultural industries in the Regions.

The Minister of State : Talking of agriculture, I am going to point out to Senator Ogundipe that the Federal Government is not less interested in agriculture than any Regional Government. I said in my speech this morning that the Government had indicated its willingness to pursue agriculture. Here, we say "The future prosperity of our country depends on the development of industry and of the full agricultural potential". I think that is an emphasis laid on it by the Federal Government. Then I went on further: "A large-scale agricultural survey is to be made by the United Nations Food and Agriculture Organisation in concert with the International Labour Organisation". I do not know what more people may require. The Federal Government is giving-out a very large sum of money for a survey, and it is by this survey that some useful work could be done.

A member complained that for many many years the Agricultural Department had been making experiments, had been making researches, but there were no results. The reason that there was no result is that there was no survey—if there was a survey, properly made, we could have got the result quite easily. Now, Government has taken upon itself to encourage agriculture in this country and then the first step to take was to make a survey, a general survey, so that those who would pursue farming would have something to stand upon.

Somebody spoke about Parliament building. I was shocked when somebody said "Oh, we could have any house—instead of spending such huge sums of money for building Parliament, we could meet anywhere". Nigeria is worth more than that—Nigeria wants a Parliament building that will befit her, so

that when people come here they see the Parliament building and know Nigeria's worth.

The Federal Government has allocated £70,000 for preliminary designs and drawings, and some people were alarmed! This money is great! I know a Nigerian, like myself, who had his own house—a small building—and yet the design cost him over £1,000! Just a small building, and it cost him over £1,000 for the designing! How much more money must be spent if the whole of Nigeria is to have a House that will reflect the stand and position of the country. If anybody asks us to meet under the mango tree to hold Sittings of Parliament, I do not think I will agree with him!

The hon. Senator Asemota criticised the appointment of Ministers—particularly with reference to Benin.

Senator Asemota : Point of information. I do not think I expected the answer from the Minister of State—that is why I delayed contributing the debate this morning to get an answer either from the Prime Minister or somebody else. Obviously one cannot expect anything from Chief Omo-Osagie who is speaking now.

The President : I hope hon. Senators will agree that the Minister is in charge of this Motion and he is entitled to speak.

The Minister of State : Although I am not going into very great detail as far as the appointments are concerned, he said that the Minister of State in the Ministry of Finance is the only Minister in the whole of the Federation of Nigeria that is a Minister-without-Portfolio and who has not got the opportunity of sitting in the Cabinet Meetings. I will say to him that these are my colleagues here—he is making a mistake, and there are times—any time that it is required—I sit in the Council of Ministers.

The same is applicable in England—the English system that we are copying here. There is Lord Perth who came here and met many of us—he is a Minister without Cabinet rank. I met him personally when we went on a Constitutional Conference—the hon. President is my witness.

I think the hon. Senator may require more information. Well, the Government is in coalition and a certain number of Ministers come from each party; therefore what Benin is

entitled to is what Benin is given ; and what the Mid-West is entitled to is what the Mid-West is given.

On the point of television, some people talk of television as not being necessary, but I am afraid I do not agree with them. The Western Region has television, the Eastern Region has television, and the North is having its own television now. Some people say that the Federal Government should not have television because it ought to devote this money to getting something else. I think everybody will agree with me that in the Western Region not all the villages and towns and hamlets have water supply. The Western Region should not have thought of establishing a television. They thought of giving everybody water supply. But they never accomplished it. I think it is ditto for the East. The North which is very vast cannot say they are going to wait until all the hamlets have been supplied with water before they can get television.

Television, as I know it, is one of the sources of revenue. I know what money the Western Region is making out of it. I am in a position to know because I am a Minister of State in the Ministry of Finance. I know one oil company that advertised for one minute and paid £180. Therefore, if we get our own television we might make plenty of money.

A Senator spoke about distilling liquor. He cited the hon. Dr Majekodunmi as an authority. My hon. Friend, Dr Mejekodunmi does not drink the locally distilled gin. He does not know what it is. For this reason, he cannot be called an authority on it. If he is called an authority in health problems everybody will agree. However, I like to inform the hon. House that the question of distilling liquor is undergoing certain investigations.

A Senator also condemned the National Press. This is very wrong. It is absolutely wrong to condemn the National Press. The Press was established by the Federal Government so that it might project the Federal Government as well as to keep the public informed. The other newspapers do not get much from the Government for their own information, and whatever they get they distort. The Nigerian National Press will never distort. That press will give out what the Government is doing as much as it knows.

So, to say that it is a waste of money to have established that press does not meet the occasion at all. I will, therefore, advise the hon. Member to reorientate his views on the National Press.

He went on to say that because somebody criticised a certain Government or a certain person, the Editor was taken to task. This is far from the truth. The Government does not do that.

Another Senator spoke about Rubber in the Mid-West. What has the Federal Government got to do with rubber in the Mid-West? The hon. Member left the Government which he would cry to and began to cry to the Federal Government. What has the Federal Government got to do with rubber in Benin, in Warri or in Asaba? It is the responsibility of the West Regional Government. That Government neglected rubber but proceeded with cocoa and cocoa has yielded them a great deal of money. If they had located rubber in a proper place, the Mid-West generally could have benefited more from that industry. So, I would now advise the hon. Member to look to the West Regional Government and make his remarks to them.

Question put and agreed to.

Bill accordingly read the Second time.

The President : Under Standing Order 49, this being a money Bill, I have to put the Question, That the Bill be now read a Third time.

Question put and agreed to.

Bill accordingly read the Third time and passed.

INDUSTRIAL LOANS (LAGOS AND FEDERATION)
(CHANGE OF TITLE) BILL

Order for Second Reading read.

The Minister of Commerce and Industry (Zanna the hon. Bukar Dipcharima) : This is a very simple Bill and it is non-contentious. As a result of the experience gained in its operation, we found that the Bill is so restrictive that we cannot benefit the vast majority of applicants throughout the Federation. During its stay for many years, only the people from Lagos benefited from it. About seven people from the West and three people from the East, and none whatsoever from the North got the loans.

[MINISTER OF COMMERCE AND INDUSTRY]

So, by passing this Bill the restrictions will be removed. It will be possible for the Board to give loans to finance any project which is considered economical. I feel that the Federation as a whole will benefit from this.

This Bill does not seek to supplant the activities of the Regional Governments. If anything, we hope that as a result of the passing of this Bill, we shall supplement and complement their activities.

I beg to move.

The Minister of Health (Chief the hon. Dr M. A. Majekodunmi) : I beg to second.

Senator Dahilton O. Asemota : First of all I would like to explain how I understand this Bill. My understanding of the Bill is that it is going to enable the Federal Government to give loans to people in Lagos as well as to people outside Lagos.

If this Bill is passed, it will be a pity indeed because it automatically cuts across what we are labouring for, that is the unity of the country.

It is absolutely an unnecessary Bill. As it is now each of the Regions has got its own Loans Board. The Regions have got their money ; they have got their own set-up which has been working smoothly for several years. Now the Federal Government wants to go across and tell them, look, you people do not know what you are talking about. Come to Lagos and we will give you money. Unless the Federal Government wants to assure this House that the hon. the Sardauna of Sokoto, the Premier of the Eastern Region and the Premier of the Western Region do not have the interest of the people of their respective Regions at heart, then there would be more understanding as to why this Bill should come up.

Another thing is this. At every election, one of the main items in the manifestos for the electioneering campaigns is that loans will be given to the farmers ; we will give loans for individual development. Why should the Federal Government now have to interfere with the arrangement which is already there. In the Western Region where I came from, we have a Loans Board. The Board is so wide in scope that it gives loans to individual farmers. The Minister of Agriculture goes from place to place and tells people that if

they find that their farms are not big enough they should form a co-operative society. Then through the influence of this society they can approach the Government for money. This Regional Government gives loan for building canoes, for building launches, for transport and for all other major projects. There has not been any time when anybody said that they have not got sufficient money to justify the Federal Government thinking on the lines which they are now doing.

Why should the Federal Government neglect Lagos ? Why do they not concentrate their attention to the activities of developing Lagos ? Here, with your permission Mr President, I will read this. An hon. Member in the Other Place said, "There is a sort of conspiracy between the expatriate banks and the expatriate firms whereby the expatriate banks favour expatriate contractors more than the indigenous people of the country" It means that this is the sort of thing which the Federal Government is inviting from the various Regions. Anybody who is insolvent in the Region, who may have got some money from the loans board in the Region and is unable to pay and is being chased up and down, the next thing for him to do is to come to the Federal Government and tell them all sorts of fake stories against that Region. He is going to turn to the Federal Board and say, look, we have not been properly treated there. We want some money. Where will that lead us to ?

An hon. Senator : One Nigeria !

Senator Asemota : It is not one Nigeria when one is loaded with debt in Bornu and then when he finds out that he is being chased by the Government agents he runs down to Lagos and say, these money lenders are chasing me.

I do not think that the Federal Government should interfere in a thing like that. It will mean that the Federal Government is inviting people from the Regions to come to them with illegitimate complaints against the Regions. A situation will arise whereby, when these people are asked to pay their debt, they will not do so knowing that they can come down to the Federal Government. I think that this is the sort of thing that will not do this country any good.

This Bill should be scrapped. I am, therefore, appealing to all that we should not give

our blessing to this Bill. It is absolutely unnecessary and should not be passed by this House.

Minister of State (Chief the hon. H. Omo-Osagie): I rise to support this Bill because I happen to know very much about the workings of the Regional Loans Board.

The Regional Loans Board operates in this way. If somebody applies for a loan, say, from the Western Region (because that is at the moment the Region in the minority) the Western Region Government will investigate his property. However, this investigation is not always carried out impartially.

I can give one or two instances. Mr Idehen of Benin applied for a certain sum of money and the Western Region Government got a sort of investigating body to go and assess his property. The man was worth £8,000 but the investigating body proved that he was worth only £7,500. That fellow was almost crying. Mr Maudrey who was worth £20,000, has his machinery and other things valued for £2,000. Such things are too bad.

Instead, the Western Region Government gives money to every poor farmer. That is not correct. I wish a statement on this could be made in the House of Representatives and I would have an opportunity to reply to it. But this is a very dignifying House and such statements must not be made here. We are all matured people and I would not like to make such statements here.

In the whole of the Mid-West, £125,000 was the loan given to Action Group farmers only, while the N.P.C. and the N.C.N.C. farmers had but a mere pittance. When the time comes for a plebiscite and they find that those Action Group farmers to whom they had given loans no longer support them, they would take them to court for one reason or another.

I have been a politician for thirty-eight years and I know that this is only a method used to keep the people in the Action Group. I do not approve of it at all.

Hon. Senators : Freedom for Nigeria !

Senator Zanna Medalla Sheriff : I rise to support this Bill. We do not disapprove of the Regional Loans Boards but nevertheless welcome this Bill. The Federal Loans Board is a federal concern. Therefore, everyone from

the Regions will benefit from it. It is a pity that in the past only Lagos and the Western Region were enjoying this blessing. I think it is justifiable for the Northern Region to have its share along with the other Regions.

I have to commend the Government, and more especially the Minister of Commerce and Industry, for thinking at this juncture that there has been some omission which he has now stood up to rectify.

Therefore, this Bill, as far as I see it, is non-controversial and should not be further debated. It is a general blessing for all the Regions. (*Interruption*).

Some hon. Senators : Has the hon. Senator not finished? We thought he had finished.

The President : Would the hon. Senator now proceed ?

Senator Zanna Medalla Sheriff : I do not think that I would go very much into detail, but to us in the North, and probably to everybody in the East and the West, this is a welcome measure because its implementation will be a blessing.

With these few remarks, I beg to support the Bill.

Senator Chief Mrs Wuraola A. Esan : I do not think that there is much that is wrong with this Bill. What I think will be wrong is that if we are not careful after this Bill has been passed a lot of discrimination will take place in its implementation.

An hon. Senator : That is a woman supporting.

Senator Mrs Esan : As hon. Senator Asemota has rightly said, people from other Regions, not particularly the Western Region, but other Regions as well, can get a loan from their Region and also come to the Federal territory to get a loan, not at a normal time but during the time when an election is approaching. Everybody wants to treat on somebody else. There may be a time when this Federal Government will want to make its authority felt. After all we are human beings.

That is the only reason why this Bill, when passed, may do more harm than good. But for that exception, it is good that the Govern-

[SENATOR MRS ESAN]

ment of the Federation had a purse, whereby anybody in want, from any part of the country could come to seek aid.

I am, therefore, not totally objecting to the introduction of this Bill, but I would like the Government to be judicious especially at a time when dissension is very high.

With these few remarks, I beg to support the Bill.

Senator Chief A. O. Fagbenro-Beyioku : Under normal circumstances, this Bill is quite all right, but we must be careful and look into the future.

I like the Bill but I am not particularly satisfied with the way it was presented. One gets the impression that it is just to bring the Northern Region in. Everybody, either from the North, East or West or Lagos, is entitled to protection and assistance.

In the past the gentlemen of the North have been so wealthy ; what with their groundnuts and cows. Perhaps they did not think that they needed money and therefore had not applied for a loan. People from the East and the West applied for a loan and got it.

I want the Bill because it is one of the measures that the Government is trying to put across for the benefit of the people. The safeguard of the Federation of Nigeria is the responsibility of the Federal Government and everybody in this Federation of Nigeria is entitled to certain coverage.

If a person fails to get a loan in the Region he should be able to come to the Federal Government and hope to get shade under the umbrella of the Federal Government. That is the reason why I am supporting this Bill because it gives the people of the Regions some shade under the umbrella of the Federal Government, although they are covered to some extent in the Regions. I must add that the Regional Loans Boards have been doing very good work.

I think, if it would not be said that I am selfish in this connection, I would add that even when we have approved and passed this Bill, I strongly appeal to the Government, in the implementation of the Bill, to make sure that the people of Lagos have some sort of safeguard or special consideration.

I do not think that a man of purely Lagos origin can go to the Eastern or Western Region to apply for a loan if he is not resident in that area. Unless I can be assured that the Acts of the various Regions provide for loans to be given to people not ordinarily resident in the Region, I would ask the Government to look into this matter with a view to making certain safeguards for the people of Lagos who cannot enjoy the dual advantage which a man from the Eastern or the Western Region can enjoy in respect of this provision.

If the safeguard is assured, then I do not see any reason why anybody should kick against this Bill. It is part of the responsibility of the Government. We called on the Government of the Federation to accept this responsibility, and the Government has now shown its willingness to accept it. So far so good. But in accepting this responsibility, no injustice should be done to any member of the Federation, particularly, the people of Lagos origin.

I support the Bill.

Senator E. A. Lagunju : In rising to speak on this Bill, I am only supporting the views expressed by hon. Senator Asemota. I think that it is high time this Government stopped doing the right thing at the wrong time. Often, many things had been brought to this hon. Senate, in this wrong way and we had been told by the Federal Government that those things were within the competence of the Regional Government. We all do realise that the Regional Governments have their own Loans Boards. It will not be out of place if the Federal Government is represented on these Regional Loans Boards, in order to be able to discern the ways in which these loans are being dishd out. And what is more, the Federal Government will be in a position to supplement the funds used by the different Regions for the purpose of loans.

But what do we find here ? The Federal Government is talking of expanding its services to some other places. This move, I personally regard as a sort of competition, something similar to what happened in the case of television. After all, these loans are not free of interest. This is another evidence of the Federal Government going into some sort of unhealthy rivalry with the Regional Governments.

I do not support this Bill.

Senator A. E. Ukattah : I want to talk on this Bill, not because it is controversial, but because I want to throw some light on this question of loan in order to help hon. Senators to understand its advantages.

It was in 1956 that a Bill for setting up the Lagos Loans Board was passed. I was one of those who condemned certain aspects of the Bill then. Now, time, the healer of all evils, has proved me right, and the Government, having realised its errors, has come here with something very worthwhile to-day.

I do not think that there is any hon. Senator in this House who will not appreciate this point. A point of real interest to me was that although the Board as it was, was primarily set up for people within the Federal territory of Lagos, it made allowance for people outside the Federal territory. The maximum permissible loan which could be granted to people resident outside the Federal territory of Lagos was £30,000. We felt that that amount was too much, and I was one of those who spoke against it.

Then, in 1958, the Government came out with an Amendment, after realising the difficulties that had been caused, and the minimum permissible loan of £30,000 was reduced to the Federal territory. The minimum per- to £10,000. We still thought that that was too much, although many applications came from the West and the East.

Here now, we have a Bill which is designed to give loans, and which is also devoid of all the restrictive provisions of the original Bill. This, however, does not mean that all the people living in the Regions must flock into Lagos for loans: It simply means that applications for loans either from the people in the Federal territory or in the Regions, will have to be treated on their merits.

I think that what remains to be done is to convey the opinion of this House, through the Minister in charge, to the Federal Loans Board, that we would want the Board to exercise great care and caution in giving out loans to people.

Anyone who has read the most recent report of the Board, will agree that the Board has really done an excellent job, and there is no cause to complain. We have no doubt that

the Board will continue to do its job well now that the scope of its activities has been widened to include every part of the Federation.

The Government must really be congratulated because the scheme which is now envisaged could only have been thought of by those who are really anxious about the overall economic development of the country. I do not see why anybody should quarrel with it.

May I sound a note of warning. When the loans capital fund stood at £439,000, its sphere of application was limited to the Federal territory alone. Now that the scope has been widened, I think that there is an urgent need to step up this Capital Fund to something like £800,000 or even £1,000,000.

I would also advise that in granting loans or considering applications from the Regions, care must be taken to see that no particular Region is treated as a darling of the Federal Government. No Region must be discriminated against. What we want is the overall economic development of this country, and in an endeavour to achieve it, politics must be set aside.

Secondly, in giving loans to people outside Lagos, special emphasis should be laid on agricultural projects. We know that the people of Lagos may not engage in any agricultural projects. That is one of the ways of teaching our people the importance of agriculture and going back to the land.

Next, I should like to say that we would like it to be put on record that the work of this Board, up to the present, has been very well done and that we expect that the work will be even better and smoother, and we expect more of its activities to reach every corner of the Federation.

With these few remarks, I beg to support.

Senator Chief R. A. Umoh : In supporting the Amendment I have a few remarks to make. The minimum amount to be given out is £10,000. It is very good to have big projects but provision should be made for people who have small industries as well.

I next come to the basic factors in granting loans—security. There is a saying in the Gospel that whoever has, will be given more, and whoever has only one, that one will be

[SENATOR CHIEF UMOH]

taken away and given to those that have many. If you examine the whole matter you will find that it is only the rich who get Federal loans ; only those who have mighty buildings, those who have very big securities are considered.

Take, for example, if a person goes to the North where he has a very bright prospect of developing agriculture or local industry, he is asked to produce some kind of security such as a building of his own. He fails to have the loan because of security. I am asking now that we should take into consideration the prospect of the industry or whoever applies for the loan. If the loan is for the purpose of farming and we find that the applicant has good prospects of development, we should help him instead of waiting to see if he has any security. In the matter of farming or local industry, if only £2,000 or £3,000 is involved, it should be considered instead of thinking it should be anything up to £10,000. The maximum is about £50,000. If somebody has a project and it is less than that, I am asking, too, that this should be considered.

The basic question of security should be considered very seriously because that is why people from the Regions do not get loans. In Lagos, it is easy for the Chairman and whoever is concerned to go around to see the security, examine the building or whatever it is. But take for example a person in the North, who has a large piece of land which he has good prospects of developing. He looks around to see what security he can give and if he can give none he fails.

So, in this case, I am supporting the Bill but I am asking that in the absence of security, when there is a prospect of development, the Loans Board should consider it instead of waiting for a security that is probably exceeding the amount to be given by the Federal Loans Board.

With these few remarks, I beg to support.

The Minister of Commerce and Industry:

I am grateful to the Senators for some of their very constructive suggestions. No doubt I shall pass these to the Board. One of the hon. Members was a Member of the Board and he knew of the workings.

I gave the Board authority on their own to give loans without reference to me, up to a

certain limit and, beyond that, they have to report to me but what they report to me are things on which I never give authority myself, in order to make it absolutely impartial. I pass such things on to my colleagues in Council of Ministers so that Council, as a whole, takes decision so that there can be no question of discrimination or partisanship.

I am surprised that hon. Senators from a certain Region could oppose this while their colleagues in the Lower House supported it most vigorously. Is that a new practice ?

The question of discrimination has never been raised against the Board at all. Members of the Opposition, as well as of Government, got loans while Members of Government even lost chances that the Opposition were given. Why? Because we felt that example is better than precept and, while others were talking and never practising this, the Federal Government, headed by a mature and God-fearing man—

Senator Chief O. A. Fagbenro-Beyioku :
That is a fact.

The Minister of Commerce and Industry :
I am, however, deeply indebted to hon. Members for these suggestions. If they are given with good intentions I will most certainly pass them on.

I beg to move.

The Minister of State (Chief the hon. H. Omo-Osagie) : I beg to second.

Question put and agreed to.

Bill read a Second time ; immediately considered in Committee ; reported without Amendment read the Third time and passed.

SUPPLEMENTARY APPROPRIATION (1960-61)
(NO. 2) BILL

Order for Second Reading read.

Minister of State : (Chief the hon. H. Omo-Osagie) : I beg to move—

That, a Bill entitled "An Act to make Supplementary Provision for the Service of the Federation of Nigeria for the year ended on the Thirty-first day of March, One Thousand, Nine Hundred and Sixty-One", be read a Second time.

I have it in command from His Excellency the Governor-General to give his recommendation to the consideration of this Bill.

This Bill is in effect an "Excess Votes" Bill which seeks formal legislative sanction for excess expenditure actually incurred during 1960-61. I must therefore outline very briefly the overall results revealed by the accounts for that year.

Apart from Contributions to the Development Fund, Parliament authorised a total recurrent expenditure of forty-nine million, one hundred and forty-two thousand, nine hundred and seventy pounds. However, when the accounts for the year were closed, it was revealed that the actual expenditure amounted to forty-five million, nine hundred and four thousand, one hundred and seventy four pounds, some well over three and a quarter million pounds below the amount approved by Parliament. This excellent result was attributable to unfilled posts approved in the Estimates and, more particularly, to the conscious drive by the Federal Government to achieve economies and cut out unnecessary expenditure, whilst not lowering the level of the services provided by the Government.

Why then must I come to you for additional funds when those already approved were not all spent? Senators are already aware that Parliament authorises a series of amounts for each Head of the Estimates and not a block figure for all the services for the year. Although a very substantial saving was made in the total recurrent expenditure for the year, the amounts authorised by Parliament for three of the Heads were exceeded. The over-expenditure on two of the three Heads is trivial and relates to the Office of the Governor-General (£6,747) and Antiquities (£1,383). The third, £385,045, relates to Pensions and Gratuities and arose partly out of the new practice of paying gratuities to contract officers at the end of each tour instead of at the end of their total period of engagement, and also partly out of the payment of retiring benefits to Coal Corporation employees for the period served before the creation of the Corporation and to redundant staff in the Ministry of Works and Surveys.

I have referred to three excesses so far, but a study of the Bill will show excesses on four

Heads. The fourth excess is not really an excess in the real sense of it as it is a pure technicality. It involves the transfer of money from our Recurrent Accounts to the Development Fund Accounts and arose from accounting arrangements for interest-free loans from the United Kingdom under the Special List "B" Agreements. The excess reported was exactly balanced by an increase in Special Revenues.

On the whole, I regard the out-turn of the year's accounts as very satisfactory indeed, and I recommend this Bill to Members as a necessary preliminary to bringing the 1960-61 Accounts to finality.

I beg to move.

Minister of State (Dr the hon. E. A. Esin) : I beg to second.

Senator J. K. Nzerem : I do not think it is worth our spending time on this Bill. It is the usual practice for Government to seek covering approval for the expenditure incurred over the past year. That being the case, I do not think there is much that anybody can quarrel with. I think we should give it our blessing.

I beg to support.

Question put and agreed to.

Bill accordingly read a Second time.

The President : Under Standing Order 49, this being a money Bill, I have to put the Question, That the Bill be now read the Third time.

Question put and agreed to.

Bill accordingly read the Third time and passed.

ADJOURNMENT

Motion made and Question proposed, That the Senate do now adjourn—(The Minister of Commerce and Industry).

Question put and agreed to.

Resolved, That the Senate do now adjourn.

Adjourned accordingly at eight minutes past five o'clock.

SENATE OF THE FEDERATION
OF NIGERIA

Tuesday, 28th November, 1961

The Senate met at 10 a.m.

PRAYERS

(The President in the Chair)

NOTICE OF MOTION

DISCRIMINATORY PRACTICES IN THE
FEDERAL TERRITORY

Senator Chief O. A. Fagbenro-Beyioku :

Before I proceed, I would like the House to take notice of a correction in the Motion which I seek to put before this House, and that is, that the headline of the Motion "Discriminatory Practices in the Federal Public Service" should read "Discriminatory Practices in the Federal Territory", because it is a general Motion and is not restricted to the Public Service alone. I should be glad if the necessary correction could be made by hon. Senators.

In moving this Motion, I am conscious of our responsibilities as the fathers of the land and people who are charged with the responsibilities of making sure that things do go well in this country.

The Motion reads: "That this House deploras all forms of discriminatory practices, either in the National Policy of the country or in the Public Service Administration of the land, which are capable of creating tribal disaffection among the several millions of the peoples of the Federation, thereby endangering the solidarity of the nation".

What should be uppermost in our minds in this country now is the solidarity of the nation. In the past, we had suffered severely from clannish feelings, tribal feelings, feelings of not belonging to one another and of segregation. To a great extent, that has done mischief to the progress and the general stability of this country. Nevertheless, we have to congratulate ourselves that despite all these tribal and clannish differences, despite these separations and the spirit of not belonging to one another, we are always able to come together and to face our common issues, and this has even led to the emancipation of this country.

The emancipation of this country is won. Nigeria is politically free. We have many problems ahead of us. To be able to face these problems, what we have to do more than anything else is to try and see that we are united. Several political parties which have fought have it in their charter to get united the various tribes which constitute the country known as Nigeria.

I am very happy that on the Floors of our Parliament—both the Houses of Representatives and the Senate—when we come together, we also forget from where we have come, but remain conscious of the fact that we have come from Nigeria. That being so, the Federal Government is responsible. And we are the Federal Government. We are charged with the responsibility of seeing that throughout Nigeria, nothing but the spirit of oneness pervades—the spirit of working together to form one Nigeria—and that every Nigerian, wherever he is, whether in the Federal Territory or in the Regions, must feel himself at home. If he is of Eastern origin and he is in Lagos, he must feel at home. If he is of Northern origin and he is in the West, he must feel himself at home. If he is of Western origin and he is in the East, he must feel himself at home. And the only way we can bring about that situation of developing, that sense of belonging to one another and the sense of feeling at home anywhere in Nigeria, is to make sure that our national policy, as well as everything we project, has roots radiating from the minds of Nigeria. There is one thing that we must keep ahead of us, and that is that nothing shall be done which shall injure the feeling of one tribe or one clan or one Region. As long as we are able to do that, we will be building the Nigeria that we all love so much and will be making things really very easy and sweet for ourselves.

Programmes are being drawn up for national performances. When these programmes are drawn up we would like them to come out as programmes from Nigeria. We must try and do as little as possible those things that have a Regional bias, such as saying that we are trying to arouse the Western pride, simply because one is from the Western Region, or to arouse the Eastern pride because one is from the Eastern Region, or to arouse the Northern pride because one is from the Northern Region.

It is good to safeguard our customs and our traditions and our tribal usages. But when they come to the national platform, we must, as much as possible, have to reduce them into one Nigerian tradition, Nigerian customs and Nigerian usages. It is then that people who come from abroad, when they see these things and go back to their homes, can say, "How united are those people of Nigeria". We are building this country for our children and the generations yet unborn. If from now we start to do things in a funny way as will make our own children to be embittered against us in our graves, and to throw stones at us even in our graves, we shall still be doing the wrong thing. We must be able to make opportunities available for all. We, the Members of the Senate, must be able to prevail upon the Government to ensure that there are opportunities for all our people, wherever they may come from.

If one comes from the North, one must have an opportunity. If one comes from the East, one must have an opportunity. If one comes from the West, one must have an opportunity. And if one comes from the darling of the territory, Lagos, one must have an opportunity. If we are not careful, we shall start to bring a division in such matters as these opportunities.

If we start to say that we are going to share these duties, or that we are going to bring in a system of allocation—that we shall allocate this opportunity to this tribe, this opportunity to this clan and this opportunity to this Region—unconsciously we may be doing wrong, although within ourselves we have the good intention of doing the correct thing.

In our schools we must make sure that opportunities are open for all. In our colleges opportunities should be for all, anywhere in the Federal territory and anywhere in the Federation. A boy of Southern origin must be able to go to the North and enter into any school of his parents' choice in the North. Then let the boys from the East and the boys from the North and the boys from the West grow up together as friends. A boy from the West must be able to go to the Eastern Region and enter into any school, rub shoulders with the boys of the East, get to know and speak their language, and establish a true bond of friendship that is going to be of lasting value and will do this country a great deal of good.

And after school, we must be able to make sure that, when these boys want to choose their career, opportunity is always there. There is always opportunity at the top for those who struggle, because those who want to be great must struggle. They must have to fight. They must have to work. While some are working to achieve greatness, others may be idling, but the latter, simply because they are going to enjoy their clannish allocation, become great, whereas the former, simply because they have no allocation for their section, have to work to be great and still cannot achieve that greatness. Then the statement is defeated which says, and I quote: "The heights which by great men reached and kept, were not attained by sudden flight; but they, while their companions slept, were toiling in the night."

I do agree that we must encourage ourselves based on our standard of expectation—I use the word *expectation*. We must be able to encourage ourselves based on our ambitions, and to bring ourselves together. But that should not lead the country into any situation whereby both offices and jobs and opportunities will be shared like a booty. Let us, Members of this Senate, resent the idea whereby it shall be established in this country that, in the event of any employment, the Eastern Region will have this *percentage*; the Western Region will have this *percentage*; the Northern Region will have this *percentage*, and the Federal territory will have this *percentage*. Let us deplore it. Let us resent it. It is not going to help us.

Let our children know that we are Nigerians. The best of them will have the best of the cake, be he from the North; be he from the East; be he from the West, or be he from Lagos. If they enter into a competitive examination for entry to a college, let the best boy be selected. If they take a competitive examination for an appointment in the Police Force, let the best boy be selected; in the Army, let the best boy be selected; in the Navy, let the best boy be selected. This will then wake up those boys who are now sleeping. If all the best boys come from the North, let them have it. If all the best boys come from the East, let them have it. If all the best boys come from the West, let them have it. If all the best boys come from the Federal territory, let them have it. Then we know that we are creating a situation in this

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country and that we are lighting a candle which, by the Grace of God, shall not be extinguished. These are many petty things which we have to and must correct.

By way of illustrating this Motion, I have to refer to a statement which we all read in the Press sometime ago whereby some sections of the Senior Service are asked to quit their quarters for another section of the Service, and whereby there was a statement that the Government was committed to providing quarters for a section. I think that our Government is committed to giving protection to everybody alike, and I have reasons to believe that this is a misquotation by the Press. I can never believe that it is the policy of our own Government to single out a section of the community for protection against the interests of another section of the community. All these things must be clarified and have to be discussed, and we must know the policy of our Government on all these things.

If I happen to be a civil servant and I happen to occupy quarters, it is my luck, never mind where I may come from. All these sorts of things are discriminatory. The position is that those in the Senior Service in our Government have the opportunity of having quarters at very cheap costs, whereas those in the Junior Service do not have that opportunity. A man in the Senior Service will pay about £10 for a whole flat with a big garden, whereas a daily paid man on 5s a day will pay about £5 for one single room measuring 8 ft x 10 ft. These are parts of the discriminatory practices. I am not saying that the Government should now accept responsibility for building quarters for everybody. But in the allocation of these quarters which are available for the Junior and Senior Services officers, let the best men have them.

Again in this matter of discriminatory practices, I wish to say further that my intention in moving this Motion is very pure. My intention is to afford the Government Bench an opportunity of making a statement and clearing away the cloud with a view to reassuring our people and making them feel that the great confidence which they have reposed in the Government is not misplaced. I did not bring this Motion with a view to challenging or embarrassing the Government. I move this Motion with a view to asking the Govern-

ment to set yardstick by which we shall measure our national politics and by which we shall remove entirely from our national politics anything that stinks or anything that suggests discrimination, either tribal discrimination, clannish discrimination, favouritism, Regional discrimination, or any form of discrimination.

These are the facts that I wish to place before the House. Sir, I beg to move.

Senator A. E. Ukattah : I rise to second this Motion so clearly put before this hon. Senate by the hon. Senator Fagbenro-Beyioku.

The text of the Motion is crystal clear. It draws the attention of the whole nation to a social evil which we find growing daily by leaps and bounds and which we must all fight.

Discrimination has been a social evil everywhere in the world. The damage that it can do to our social structure is more than meets the eye. We must all fight against discrimination because it tramples upon justice; it belittles man's dignity; it abuses efficiency, and it makes nonsense of the idea of universal brotherhood. No nation can be called truly great which is built up against a background of discriminatory practices.

This Motion is indeed welcome, and it has been introduced into this Senate in good time. I say this because, at present, we find at work discriminatory practices in our Government Offices, in Public Corporations, in the Police Force, in the Army, in the Banking and Mercantile Houses, and in fact in every walk of the social life of this country. If we allow this situation to continue, the consequences which will follow shortly will indeed be tremendous. In most of our establishments, and in nearly all our offices to-day, we find third-rate and second-rate people displacing the most eligible, the most suitable and first-rate people who offer their services to the nation. The danger is there—this leads to frustration.

For instance, even though it may be universally admitted that I am the most qualified and able man and the one who should merit promotion, I am pushed aside on grounds of discrimination. Tell me why I should not be frustrated. Of course, this consequently will lead to a general lowering of standards. Discrimination, therefore, is inimical to the social life of our nation.

The discriminatory tendencies and practices rampant in the country to-day have not always existed. I would like to draw attention to this fact. Before the advent of the imperialist friend—I call him a friend because he came as a friend—discrimination existed. But the discrimination that existed was domestic, it was mild, it was excusable because it was mainly built on ignorance. The present-day discriminatory practices in this country were, directly or indirectly, consciously or unconsciously, introduced by the imperialist masters because they thought that they would remain masters for ever in this country. It was they who whipped up tribal feeling and tribal prejudices. It was they who taught us that the Yoruba man is a different man from the Ibo man and from the Hausa man and from the man from the Mid-West, and so on and so forth. He who denies this fact is not sincere and is not honest with himself. The one aim was to make it impossible for this country to grow united, so that for ever Nigeria would be divided. And, of course, regionalisation followed. The imperialist was responsible for that too. But alas where are they now? We have been helped by Divine Providence who thwarted their plan, and so we are independent to-day. If we realise this fact and let the nation know it, we shall have armed ourselves with the biggest weapon with which to fight discrimination.

To fight against discrimination in all its ramifications is our duty to-day. If we do that, we shall have succeeded in destroying the dangerous seed disseminated by the Europeans. This we should aim at, so that we can make our nation a happy one for foreigners and for the indigenous citizens alike, no matter where they may be, in any part of the Federation.

By moving and supporting this Motion, we are showing openly that we detest anything, be it a custom or a convention, be it a habit or a practice, which is calculated to undermine the solidarity and harmony of our nation.

I do not consider it even enough just to deplore discrimination or discriminatory practices only in the Senate Chamber. We—the leaders of the nation—must show by our actions and utterances that we abhor discriminatory practices, and that discrimination is something of a social evolution that should be given up as a bad job. If we succeed in doing

this, we shall have done something for which the future generations will always remember us.

The Motion is very clear. The aims are lofty. It puts before us a duty which we should all take very seriously. I therefore wholeheartedly call on all sides of the Senate to give it the blessing that it requires.

I beg to second.

The Minister of Lagos Affairs (Hon. Mallam Musa Yar'Adua): Mr President, in Sessional Paper No. 2 of 1960—Statement of Policy by the Government of the Federation on matters arising from the final Report of the Parliamentary Committee on Nigerianisation of the Federal Public Service—Government accepted the recommendation of the Parliamentary Committee that everything possible should be done to increase the proportion of Nigerians of Northern origin in the Federal Public Service and that a Careers Officer should be appointed for this purpose.—

Senator A. E. Ukattah: Point of Order. I would say that I do not think that this is really relevant to the Motion. I will read from the Revised Standing Orders, section 29 (1):—"Debate upon any Motion, Bill or Amendment shall be relevant to such Motion, Bill or Amendment except in the case of a substantive Motion for the adjournment of the House."

The point of Order, Mr President, is that the Minister was reading what appears to be extraneous to the Motion on the Floor. And if I may call attention to the Revised Standing Order 26 (2)—"Rules of Debate—A Member must confine his observations to the subject under discussion and may not introduce matter irrelevant thereto". It will be seen that the Minister is irrelevant to the Motion.

The President: I feel that the Minister's speech is relevant to the Motion. Will the Minister proceed.

Senator Dahlton O. Asemota: On a point of Order. There are many Senators who would like to speak on this Motion and I think that we would want an assurance from the President that we will be given the opportunity to say what we feel about this Motion before it is wound up by the Minister of Lagos Affairs.

The President: That is an opinion and not a point of Order.

Senator Zanna Medalla Sheriff : I think that the Minister is quite relevant because this Motion has a direct reflection on his Ministry. I cannot, therefore, see, any reason why he should be interrupted.

The President : The hon. Senator is out of Order now because he is repeating the ruling which I have already given.

The Minister of Lagos Affairs : As hon. Senators must know, the proportion of staff of Northern origin in the Federal Public Service is low, and it is a declared policy of the Government to effect a reasonable balance in the shortest possible time.

Hon. Senators may be interested in a few figures. In the administrative and professional grades, out of 1,203 Nigerian officers there are only 34 officers of Northern origin; in the Executive grades, of 1,150 Nigerian officers, there are 30 officers of Northern origin; in the Clerical and Technical grades, of 16,770 Nigerian officers, there are only 381 officers of Northern origin.

I suggest that these figures show quite clearly that the Northern Region is inadequately represented in the Federal Public Service. No one realises more than I that no quick solution can be found to this problem. These and many other posts require qualifications and experience which are at present possessed by few Northerners. Nevertheless, every effort is being made to induce as many qualified Northerners as possible to join the Federal Public Service, and progress, although regrettable slow, is gradually being made.

In the process of increasing the proportion of officers of Northern origin in the Federal Public Service, no special concession is given in the exercise to candidates who apply for appointments. The exercise in considering appointments to the Administrative Service applies equally to candidates from all the Regions.

To turn now to the issue of housing raised by the hon. Mover of the Motion. This presents a similar problem. As I have said, qualified candidates of Northern origin have considerable opportunities in the Northern Region, and because of this, it has been difficult to persuade them to take up appointments in Lagos. It would be even more difficult if they were to be left to find their own accommodation.

Under the present Government policy, only Nigerian officers of superscale rank; senior officials in the Foreign Service liable to overseas posting; Private Secretaries to Ministers and officers required to be on 24-hour call, are provided with Government quarters. However, when unoccupied quarters are available, non-entitled Nigerian officers are permitted to occupy them temporarily on the express condition that they must vacate them at short notice if called upon to do so. There are at present 90 such officers occupying Government quarters, some of them junior to Assistant Executive Officers.

Hon. Senators are aware that there have recently been comments in the local press about certain Nigerian officers who, it was alleged, were asked to vacate their quarters for newly appointed Northern Executive Officers. This arose from the recent appointment of 17 Assistant Executive Officers of Northern origin to the Federal Public Service. It was urgently necessary to provide temporary accommodation because of the difficulty that they would experience in Lagos if such were not done. It would, in fact, have been impossible to persuade them to take up appointments in Lagos if no quarters were to be made available to them. Those non-entitled Nigerian officers who were warned that they might have to give way to these officers were those who had been occupying quarters for such periods that should reasonably have allowed them to find alternative private accommodation in the town, knowing as they did that they were only allocated Government quarters on a strictly temporary basis.

What are the facts? Only three Northern officers are involved. Vacant quarters were found for two of these and only in the case of the other one was a junior officer from another Region asked to vacate for him. These facts scarcely justify the outcry that has been raised in the newspapers.

I would add that there is no intention whatsoever of depriving senior officers of their temporary occupation of quarters in favour of officers junior to themselves. But I would stress that in the present desperate shortage of Government quarters, the numbers of non-entitled officers of whatever Region of origin now occupying houses must be progressively reduced if we are to meet our inescapable commitments.

The action that was taken was of an emergency and temporary nature and consideration is presently being given to finding other accommodation for these Northern officers.

Now that I have laid the facts before this hon. House, I am sure that hon. Senators would agree that this is nothing but a storm in a tea cup, and therefore I beg to ask the hon. Senator to withdraw this Motion.

Senator P. A. Ogundipe : I am raising a point of Order over what the Minister of Lagos Affairs said. He said that he wants the hon. Senators to consider the arguments he has put before us. In the first place, his voice was not audible enough and most of us could not get the idea of what he has read.

The President : The hon. Senator is out of Order. He did not request that the Minister should speak up when he was still speaking. He is out of Order because the Minister has ended his speech and he cannot go back to it.

Senator Ogundipe : I did not raise this point when he was speaking because I thought that bit by bit as the Minister went on he might raise his voice.

Senator Zanna Medalla Sheriff : I partially support the Motion, but I feel that there have been instances in this august House when matters affecting the North are looked upon as suspicious or political intrigues. Such is what is happening now.

I do not think that discrimination, as Senator Chief Fagbenro-Beyioku puts it, can be done away with because even in this House discrimination does go on. I recall, with the permission of Mr President, an instance yesterday when an hon. Senator expressed his opinion on the issue of the other side of the Sardauna Province in the Cameroons. He was of the opinion that there are too many provinces already in the Northern Region and that the Northern Region was therefore having more representations than the other Regions.

The hon. Senator should have known that that particular area was previously part and parcel of the Northern Region, although it was under a different name—the Cameroons.

If such things are happening even here in this House, how could we stop discrimination in the public services of the Federation? As I

have said, everything about the North is looked upon as suspicious and political intrigue and must be opposed.

I partially associate myself with the views expressed by Senator Chief Fagbenro-Beyioku. If he had said it in good faith without citing any instance, we would have taken it to be a general principle to work on. Unfortunately, he cited an instance about the allocation of quarters to Northerners.

Formerly the public service was manned chiefly by our Southern brothers, that is the men from the East and West. In those days such a question did not crop up; but when a few Northerners came down to join the public service, then the question of discrimination about allocation of quarters arose.

I totally disagree with the question that there is discrimination in the Public Service. The situation is not at all as bad as the Senator puts it. If he had wanted to get more information about the event, he should have approached the Ministry concerned and get the necessary information from there. (*Interruption.*)

As the President is not listening to me, I have to stop for the time being.

The President : Will the Senator proceed.

Senator Sheriff : I quite agree with some points raised by Senator Chief Fagbenro-Beyioku. If it is the Government principle that we should abide by it, it is very good. But he has, this morning, cited a very minor instance which should not have been mentioned on the Floor of this House. I think he lives in Lagos.

Several hon. Senators : Yes he does.

Senator Sheriff : The Senator lives in Lagos. He does not come from the Northern Region as I do and as some of the other Senators do. He should, therefore, have approached the Ministry concerned and got the necessary information before bringing such a Motion to this House—a Motion on no other thing than that Northerners have been allocated quarters here in Lagos when thousands and thousands of Westerners and Easterners have been enjoying quarters and other benefits of the public service. This in itself is discrimination. He is only preaching a doctrine which he himself does not practise.

I will add that if such an attitude continues in this House—(*Interruption.*)

Senator Chief O. A. Fagbenro-Beyioku : On point of Order.

The President : Will the Senator sit down now that a point of Order is being raised.

Senator Chief Fagbenro-Beyioku : It appears that the hon. Senator has not been speaking just on the text of the Motion. What the hon. Senator should speak upon is the text of the Motion and not on little minor points which I raised in the course of my argument on the Motion. He should concentrate more on the text, the spirit behind the Motion and the objective which it is intended to serve.

The motive behind the Motion is to establish a principle. But perhaps at this stage, I will just listen to what Senators may have to say before I express my final views on this matter. If the hon. Senator had listened to what I said, he would have found out that the intention of the Motion was not to implicate the Government but to give Government a yardstick by which its activities could be guided. The Motion is nothing against the North; it is nothing against the East; it is nothing against the West, and it is nothing against the Federal Capital.

Senator Sheriff : As I said earlier, the motive behind this Motion was the mere fact that Northerners were allocated quarters in Lagos. That is the motive behind it. When such a thing did not happen, there was no such question brought before the House.

As I have said, and as several Senators have pointed out, we in this House should not dabble in politics and should not set one section of the community against another. We have been preaching this, but we have not been practising it.

When we the Members of the matured House come to debate on issues here, we should not talk about the Asaba-Shagamu road, we should talk about Nigeria as a whole. After all, we in the North have got larger area without any roads on them. We should talk about all sections of the country. If such things come up, how on earth can discrimination be eliminated either in the public service or in any field of life?

As Senators, I think we ought to know better. We should not be sectional throughout. We

have got our own problems in the North. We have plenty of them, probably even more than they have in the East or in the West because they have a smaller area in comparison with what we have. There is good communication and everything else in the South which we do not have. Therefore, we have more problems to solve.

This august House is composed of elderly people who should have matured ideas. I am not sounding a note of warning, but we must regard ourselves as Senators, not for Benin, Asaba, or Oshogbo alone, but for Nigeria as a whole.

An hon. Senator : That is the spirit of the Motion.

Senator Sheriff : With these few remarks, I beg to support the Motion partially.

Senator Dahlton O. Asemota : I rise to support this Motion wholeheartedly. I am glad that the Minister of Lagos Affairs, has, though rather belatedly, withdrawn the vexatious words which, to my mind, were such as to have ignited the Senate and made things more difficult for us in this country. I sympathise with him, on the other hand, that the Northerners are far behind in many things as compared with the Southerners, and that the Northerners are racing to catch up overnight.

The Minister said that out of the 1,203 senior service officers in the Public Service, there are only 34 Northerners. That is not the fault of Southerners at all. It is the fault of the imperialists that the people in the North have been beclouded and the Northerners have accepted the position.

Sometime ago when the Eastern and the Western Regions advocated for self-government, the Northern Region said it was not ready. That I think is not the fault of the Eastern or the Western Region.

Senator Nuhu Bamali : It is not the fault of the Northerners either.

Senator Asemota : I really do not know what happened then, but I think we should not worry about the fact that the Eastern and the Western Regions got their self-government before the Northern Region.

Senator Nuhu Bamali : The hon. Senator is only trying to ignite the point.

Senator Asemota : I am not igniting anything at all. It is unfortunate that the Northerners should come here to-day to say that they have been discriminated against, and would, therefore want to catch up with the people who are far ahead of them. That reasoning is wrong.

I am very happy indeed that the question of discrimination has not been taken up by the Senators. I have always said in this hon. House that the solidarity and redemption of this country lie squarely with the Senate and the Judiciary. If the Judiciary fails, we are finished; if the Senators fail in their duties towards this nation, we are done for because the Senate is a place in which people should have confidence, so that if anything done in the Lower House is considered inappropriate, people might have a feeling that it will be corrected in the Senate; but the most unfortunate thing is that even the Senators themselves find it difficult to see from this point of view. No sooner a Senator finds one or two other Senators supporting him in a certain respect, than he turns round the following day and wipes off all the good intentions in his original Motion. He becomes daft and does not wish to proceed with his original plans again. That is what has been happening here.

When we decided that certain things which have been done in the Lower House is wrong, and every Senator feels strongly about it, we find certain Senators mumbling about the matter the following day and unable to express themselves. This is the sort of situation from which we have been suffering in this Senate.

When this Motion came up this morning, I was very happy. We all know what discrimination means. We know also that it has been practised far beyond what is reasonable. In the Regions to-day, discrimination has even been extended to political parties—the ideologies of political parties have extended more than it should be with the result now that unless you are a member of one political party, you are not safe within the area of jurisdiction of that political party. Everything is based more or less on politics. That is wrong. If one looks

at the composition of the various Boards in Lagos, one finds nothing other than that a particular section of the community is favoured. There are many instances of this kind of discrimination but I do not want to waste the time of the House by enumerating them.

I think the time has come when we all should come together, particularly, those of us who are Members of this hon. Senate and look at things more objectively and try to bridge the gap. In the Regions to-day people are burning houses, looting shops and shooting themselves. What is the reason for all these happenings? It is purely caused by discrimination and political intrigues. These are the things about which we Senators should seriously think, and find a solution to-day instead of supporting them indirectly.

I am not only supporting the Motion but also appealing to hon. Senators that they should realise their responsibility and try to live up to it.

Senator Chief A. O. Fagbenro-Beyioku : When I filed this Motion originally, I had my intentions; my points have been cleared and the fears of the nation have also been allayed in the statement made by the Minister of Lagos Affairs to the effect that arrangements are being made to remove the anomalies which we have pointed out. From the statistical figures given by the Minister, I feel convinced that there has been something wrong somewhere and that certain steps are being taken to remedy this wrong. But in doing so, we have to go about it very cautiously.

For instance, we have the Minister of Information. It is through his Ministry that people have to know something about Government activities. I, as a Senator, have the right to ask the Minister to give me certain information, but not every ordinary man in the street has the right to call on the Minister. As a result the Ministry must have a way of disseminating news to the people so that the nation will know what is going on and will know more about the policy and the good intentions of the Government. If these things are carried out in the form of a secret cult, then the people are free to find ways and means of finding out what is going on.

Before filing this Motion, I contacted some Ministries and other offices and satisfied myself about the position of things, but nevertheless

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I decided to bring this Motion before the House as a test case and in order to find out whether or not I was alone in the feeling. Now, I have found out that I am not alone. My intention was not to create any ill-feeling or to make some section of the community feel that they are being discriminated against. My intention was purely corrective and I am happy that the Government has taken another step to put things straight.

Nobody quarrels with the Northerners for wanting to come to the Federal territory. We want them to come, we want not only the men but also the women to join the Federal Public Service and I am sure they will be welcome. After all, the women look sweet. What we are quarrelling with is our national policy and I am now convinced that the policy of the Government is quite good; my speculations on this matter have been proved correct.

I therefore take leave of you, Mr President, to withdraw this Motion.

Senator Chief T. A. Doherty : But the hon. Senator cannot withdraw a Motion after it has been tabled ?

The President : Order ! Order ! It is out of Order to pose a question to the Chair. If the hon. Senator Doherty wants to raise a point of Order, he should do so and I will give my ruling on it.

Senator Doherty : That is the point of Order I would like to raise.

The President : The point at which we are now is that the Mover of the Motion wants to withdraw it.

Senator Doherty : My point of Order is that the Motion cannot be withdrawn ; once it is on the Floor of the Senate, we are all entitled to speak on it.

The President : Will the hon. Senator quote the Standing Order that supports his point.

Senator Doherty : I have not got a copy of the Standing Orders here. My point is that this is a very important Motion which goes to the very root of the Federation, especially the Federal Territory. This we all know.

The President : The hon. Senator is very much out of Order. Under the Standing Orders, both in the House of Representatives

of which I have been a Member, and the House of Assembly in the Western Region of which I have also been a Member, and in the Senate of which I am now the President (*Loud Applause*) a Motion can by leave be withdrawn. This is so in every House, according to the Constitution, including the Privy Council of the Western Region. The position of the Standing Orders is this : When a Member has moved a Motion, the Mover can by leave withdraw it.

I have not yet even granted the leave. I thought that what hon. Senator Doherty would do would be to prevail on me not to grant the leave, but instead of that he is quarrelling with the Chair !

Senator Doherty : I am sorry, Mr President. I advocate the unity of this country, but when a Motion like this comes before the Senate I think that in the interest of unity it is only fair that every Member—

The President : If Senators will co-operate I will be able to do my duty. The next step in the proceedings would have been to ask the leave of the Senate, but the hon. Senator did not give me the opportunity. Is it the wish of the Senate that the Motion be withdrawn ?

Several Senators : Yes.

Some Senators : No.

The President : The Debate continues.

Senator Chief T. A. Doherty : Thank you, Mr President. This Motion by Senator Chief Fagbenro-Beyioku is a very important and serious one. We all know what the situation is in this country to-day and we have only been going round the fence rather than getting to grips with the problem. Even the mover of the Motion was guilty of the same thing.

Discrimination means tribalism in plain language ; we should not beat about the bush, the Northerners are in control of the Federal Government to-day, and the Easterners are playing second fiddle. That is the position in our country to-day.

In the Federal Public Service, when the Federal Government took office, the first thing they did was to remove the Chairman of the Public Service Commission and to put a Northerner there. The Northerners know

where they are going, and we are not going to sit down unconcerned whilst our rights and liberty are being invaded.

We do not say that Northerners should not come into the Federal Public Service; but we insist that they should come in in a proper and honourable way. We should behave like brothers to one another.

When I was appointed a Member of the Senate last year, I formed the Unity of Nigeria Committee. I consulted all the Senators and gave a copy of the Committees' aims and objects to the then President of the Senate, now the Governor-General of the Federation, and to all the Senators. It did not receive unanimous support, and that was only eighteen months ago. To-day, we are seeing that I was right at that time.

The mover of this Motion said that our children should go to schools in the West, in the East and the North. That was one of the important points I advocated. About one thousand children should be sent from each Region to the other two Regions so that they can grow up together into one people. Let us not deceive ourselves, we are not yet one people. We cannot build up a strong nation except we are united. If the Northerners wish to come to Lagos nobody objects to it.

When I found the Unity of Nigeria Committee, I suggested that we should have a National Government in which all the Regions would be represented here and that we should work together like brothers. Nobody appreciated my suggestion then. If we agreed to a National Government then, it would have been a pleasure for us to sit down and agree on where to fix our Northern brothers when they come to Lagos. It is not by serving some people with eviction notices and asking the Northerners to take their place that we can have unity in this country? That is not the way of working for the unity of this country.

We keep on shouting about unity, but at the moment are we working towards that unity? If Northerners want to come to Lagos there are plenty of houses at Surulere. The houses at Surulere are better than most of the houses in the Northern Region. We cannot just sit down here and waste our time when we know the truth. There are very nice storey buildings at Surulere. If they are Senior Officers, arrangements can be made for them to go to Ikoyi, we have no objection.

At the rate things are going on in this country to-day, there will be no unity, there will be no Federation.

The President: I hope the hon. Senator does not mean that.

Senator Doherty: I think we must tell ourselves the truth, Mr President. There can be no Federation where there is no love but hatred and malice in the minds of the people.

The Constitution of this country does not prevent any Region that wants to secede from seceding. I am not praying for secession and I am not asking for secession at all. But we are in a partnership and there is the right to secede in every partnership.

Hon. Senators should please understand me I am not asking any Region to secede, but I am asking our Northern brothers that they should not try single-handed to control the destiny of this country. They should work with the other two Regions as brothers. If they do not co-operate with the other two Regions, I do not know what will happen. But we all know what can happen, we should not deceive ourselves.

I whole-heartedly support this Motion and it will be a reminder to the Federal Government, and particularly the Minister of Lagos Affairs, of the feelings of the people of this country especially the people of the Federal Territory.

Senator Alhaji Abubakar Bale, Madawakin Bida: I had no intention of saying anything for or against this Motion since the Mover of the Motion had decided to withdraw it, but the circumstances prevailing now have compelled me to say something, and I would only like to say a few words.

The Motion is straightforward and I think we should not deviate from the Motion. The last speaker mentioned something which I think is outside the purview of the Motion. I do not think he understands the Motion which is now before this House. He said he wanted the Northerners to come and work in Lagos but that he would like them to be housed in Surulere. Is that the hon. Senator's attitude towards the North? Is that the Senator's attitude towards his brothers.

The hon. Senator also said something which emanates from the point I have just raised. He said that the houses in Surulere are far better

[SENATOR ABUBAKAR BALE]

than the Northerners' houses in the North. I will ask him: Is that not discrimination? All we are asking for is that Northerners should be allowed to come to Lagos to see and learn for themselves. We do not want to live in division for ever?

Hon. Senators from the North have agreed to be Members of the Senate in order to foster the unity of this country. We have not at any time done anything to undermine the integrity of this House. Why should the Northerners be treated like this?

If any hon. Senator has a stranger he will give him the best room in his house, he will give him very good food, and he will do his best to make the stranger happy. I think that the intention of the Federal Government in taking this decision is to allow the Northerners to come to Lagos to see and learn what they have not had the opportunity of seeing at home. We know we are behind the East and the West as far as Western Education is concerned but we shall not be treated as slaves. It is a fact that in Western education, we are behind but we are not backward in other things. We do not want to talk of any particular Region in Nigeria. We want to come together, work together, speak and eat together in future for the good of our country.

It will not be true to say that no Senator here is politically minded. But the fact is that as soon as we enter this Senate Chamber we must forget our politics. We are not here for politics. I hope all hon. Senators will come together and tell the Government that they should not restrict employment into our civil service to any one Region. The reason why Northerners are brought into the Federal Public Service is to give them opportunities which they had not had before, and if any part of the country is advanced it should not deny advancement to another section.

Senator Salahu Fulani: Most of the previous speakers have raised the points which I would have made. Yet I want to make one point crystal clear. The motives imputed in the debate on this Motion are not unifying. The intentions of the mover may be good, but the seconder of the Motion raised a very important point. I am sorry he is not here now.

He said that the Federal Government was making way for second and third rate persons. He inferred that some Southerners have been asked to quit their quarters for Northerners who are not qualified to occupy such quarters.

In Nigeria to-day, we all speak English in one form or the other. English is not our mother tongue. It is a language we acquired through colonialism, a language which in years to come we ought to be ashamed of speaking. When the Romans were in England the English people spoke Latin but as soon as they were driven out of that country the English people began to use their own language. And to-day nobody in England speaks Latin.

Similarly, the English language has come to stay in Nigeria for a very short time. Therefore, the ability to speak, read or write English is not a criterion for integrity and honesty. The time will come when all of us, irrespective of where we come from in Nigeria, will regret speaking English.

The word *discrimination*, as we all know, is a very irritating word. As the hon. Minister has put it, in the Federal Public Service there are a thousand officers of Western and Eastern origins as against thirty officers of Northern origin. Neither the Southerners nor the Northerners may be blamed for that. It may be the blame of the people who brought us up. But to-day, the Northerners want to come and work with their Southern counterparts as brothers. We should not be discriminated against and looked down upon as inferior people. We are not in any way inferior to anybody.

The Northerners have come to Lagos to stay with their brothers from the East and the West. This should be the spirit that should be behind any debate of this nature.

I do not agree, nor does anybody from the Northern Region, that the Northerners should go to Surulere. This is not a good idea at all. I think that the people who have been living in Lagos for a very long time should quit their quarters for the people coming from the North. They should go and live not only in Surulere but in any other part of Lagos.

It is our belief that in order to strengthen the unity of this country such a Motion should be introduced with very great caution. I am particularly glad that the Mover of the Motion had asked to withdraw it. I would have been

very drastic in speaking against the Motion but for his very good intention when he said that he had already got the explanation he wanted from the hon. Minister.

Now, I will sound a note of warning before I sit down. I am a new man in this Senate but I have always regarded this august House as a House of fathers, a House of people who will not let political agitation be uppermost in their minds; and that they are people who will try to work towards the unity of the whole Federation. I do hope and pray that whoever speaks on such a Motion will take into consideration the intention and the motive of the Motion.

Senator J. K. Nzerem: I must begin by saying that I have no animosity towards any particular section of Nigeria. I am a Nigerian and that is all. I regard a Northerner as a Nigerian. If he comes to the East or goes to the West or comes to Lagos, he is a Nigerian and that is all.

I think that Senator Fagbenro-Beyioku's Motion is timely and that all who have the interest of this country at heart must be sincerely grateful to him. During the course of the debate a number of things have been said with which I do not agree. For instance, I do not agree that the Northerners should go to Surulere; neither do I agree that the houses in Surulere are necessarily better than the houses in the North. I do not agree with such remarks at all. They are just derogatory.

The fact is that in this country there is not only discrimination, there is also nepotism and nepotism in high places. What are we going to do about it? I think we can make a start and a very humble start too. That humble start is that we should call on our Government to review such policies as tend to favour nepotism. The appointment of members of boards should be reviewed very strictly because we believe that there are instances of nepotism in these appointments.

This House should call upon the Government to try to close its eyes when members of boards are going to be appointed. Those members appointed should be capable and men of integrity and not merely political supporters of our politicians. We know that politicians are hard put to it in making a choice. Naturally, as human beings the politicians will not forget those people who helped them to

campaign and get into their present positions. That is quite natural. But there are cases where it is easy to see in the appointment nothing but favouritism, nepotism and discrimination. I think it is a straightforward Motion and I would not like the Northerners who are here to think that it is directed against them. I do not think that is the motive of the mover because if that were his motive, I would not support him at all.

I believe that the Federation of Nigeria has come to stay and that the Northerners, with their preponderating population, with their sense of justice and with their fear of God, are the mainstay of this Federation and there is no going back. We have cast our lot with them, we regard them as our brothers and the time has come when the Northerner will be as free in the East and the West as he is in Lagos.

I think we should pass this Motion and, in passing it, we should ask our Government to review all its policies to see that there is nothing discriminatory in any of its doings.

As regards the Public Service, I think we have got to do as they do in many civilised countries; make all entry into the Civil Service by competitive examination, irrespective of where one comes from. If one gets to the top by dint of hardwork one should be at the top. I think that is being done in many countries and, as far as I know, when I was a Member of the Central Public Service Board from 1949-1954 we never allowed anything that savoured of discrimination. If a Northerner came to the Central Public Service Board we treated him according to his merits, and so with everybody, whether from the East or from the West. We did not care what religion they professed; we did not care what tribe they belonged to; all we looked for was the ability of a person to fill the post for which he was competing.

I think that is the proper spirit and I believe that, with that spirit, all the people of Nigeria will jog on together and make this Federation one of which we Nigerians can be proud.

I support this Motion, but I would like our brothers from the North not to feel that this is directed against them because discrimination is practised by Southerners against Southerners and by Northerners against Northerners. It is not just a question of one section practising discrimination against another.

[SENATOR NZEREM]

We must condemn the spirit of discrimination wherever it exists and deplore it wherever it rears its ugly head.

I beg to support the Motion.

The Minister of Health (Chief the hon. Dr M. A. Majekodunmi): I think this Motion has generated a bit more heat than we expected.

As far as Government is concerned it is a perfectly harmless Motion. It is not intended to doubt the integrity of the Government. The mover of the Motion has himself begged leave of the President to correct the heading of the Motion to read: Discriminatory Practices in the Federal Territory. The very text of the Motion is exactly in accordance with the principles of Government policy.

We are committed to promoting the unity of this country and we cannot promote the unity of this country without frowning on any discriminatory practices. We have not been accused this morning of carrying out discriminatory practices, as far as the Government is concerned. If there are any discriminatory practices in the Federal territory, as the last speaker has said (the practices occur between Southerners and Southerners or between Northerners and Northerners), these things shall, quite rightly, be the concern of the Government and we should condemn them.

Unfortunately, in the heat of debate, hon. Senators have said things which cannot really be calculated to promote the unity of the country and which might be provocative to one section of the country or another, and I would like to appeal to Senators to forget that, because whatever one says in the heat of debate, it is not something which one has thought out very carefully.

We have the Government here, headed by the Prime Minister, who is a Godfearing man, and I assure you that he is very fair in all his dealings, and he himself will not tolerate any discriminatory practices on the part of any Minister or on the part of any arm of the Government which he controls.

We are ourselves trying to live up to the ideals which are enshrined in our National Anthem that "our flag shall be the symbol that peace and justice reign". When justice reigns there is no room for discrimination. And again, in the National Anthem, we pray to help us to

build a nation where no one is oppressed. These are the principles which we, as the Government, put before us and any Motion like this, which seeks to deplore any discriminatory practices, as far as we, the Government, are concerned, whether it is accepted or withdrawn, we accept it.

We wholeheartedly accept this Motion, as the Government, because it is the bedrock on which our policy is based.

No-one, during the Debate to-day, has actually given us any concrete examples of any act of Government which could be regarded as discriminatory. Therefore, we cannot possibly say that we do not accept this Motion. If there are any acts of Government which are discriminatory it is up to hon. Senators to point them out to us because only then can we examine our consciences and re-examine our policies.

I would like to assure the Senate that Government accept this Motion and we see nothing wrong with it. It is in keeping with our own policy and we ourselves are careful not to practise any discriminatory acts or do anything which can possibly be construed as being discriminatory.

We must, naturally, give opportunities for all sections of the community to take an active part in the building of this Federation and that is exactly what we are doing; and this has been welcomed by all parts of the House.

We accept this Motion and I would like to move, That the Question be now put.

Question, That the Question be now put, put and agreed to.

Main Question put accordingly and agreed to.

Resolved: That this House deplores all forms of discriminatory practices, either in the National Policy of the country or in the Public Service Administration of the land, which are capable of creating tribal disaffection among the several millions of the peoples of the Federation, thereby endangering the solidarity of the nation.

Sitting suspended: 11.40 a.m.

Sitting resumed: 12 noon.

ORDERS OF THE DAY

LAW REFORM (CONTRACTS) BILL

Order for Second Reading read.

The Attorney-General and Minister of Justice (Dr the hon. T. O. Elias): I beg to move, That a Bill for an Act to make provision for frustration and enforcement of contracts be read a Second time.

As hon. Senators must be aware, when the Speech from the Throne was delivered at the last Budget Session, and in my main speech to you, I outlined a programme of Law Reform upon which the Federal Ministry of Justice was about to embark. In the various meetings that have taken place since that time I have brought before you from time to time business of legislation which form part of that programme. To-day, I am asking you to consider very carefully the provisions of this Bill, which has two main parts.

The first part concerns the frustration of contracts, or, to speak more correctly, the frustration of the adventure of a contract.

This is an English Common Law doctrine which, although abolished already in England since 1943, has remained part of our own law. The doctrine is to the effect that where two parties enter into a contract and through no fault of either side the contract becomes impossible of performance, the loss shall lie where it falls. This means that the party who has rendered services under the contract or who has paid money in advance is unable to recover for these services or recover the advance which he may have paid in part fulfilment of the contract.

This doctrine has worked hardship during the years and it is the aim of this Bill in the first part to abolish it and to make other provisions for the assessment of damages in cases where parties have entered into a contract and that contract has subsequently become impossible of performance.

It is important to emphasise that the impossibility of performance of such a contract must not have been brought about by the act of either side—it must have arisen through circumstances beyond their control or, as we say in legal language, “the contract must have been discharged through supervening impossibility of performance”. If this happens after this Bill has become law, then both sides would have to look to the Court for redress of whatever loss they may have suffered.

The Court would be able to look at the contract and the circumstances of both sides and allow the damages resulting to both sides or to one side to be assessed on the basis of the extent to which his expectations or their expectations might have been disappointed as a result of the frustrating event.

The second part of the Bill concerns contracts that require to be evidenced in writing. Many of us may have had dealings with the law in this regard—dealings in which one has found oneself sharply pulled up by the Court and told that one is not able to get any redress on this particular contract because one cannot produce documentary evidence of it. Again, this is part of the legacy of English law which we inherited, Article 2, of 1st January, 1900. Certain types of contracts carefully listed in section 4 of the Statute of Frauds, 1677, were required to be evidenced in writing in order for them to be enforceable in a Court of Law. If there was no writing one would not be able to enforce the contract. Now this has been part of our own law until now, and we are seeking in Part 2 of this Bill to abolish all the various types of contracts that are so unenforceable unless evidenced in writing, with the exception of two main types.

The first type concerns contracts relating to land. If a person is selling land or buying it, or if he is leasing land or if he is the tenant, or if he is mortgaging land—in whatever capacity he enters into contracts or agreements with another person relating to transactions of land, he would still need to substantiate his claim by documentary evidence, but in this respect we have allowed certain exceptions, because as a result of a series of decisions in our Courts we have evolved another doctrine of our own, which takes account of the prevalence of illiteracy in our country, so that in certain circumstances if one of the parties to the suit happened to be an unlettered person, then the Court would look at the circumstances of the case and if there were other supporting pieces of evidence he might not necessarily lose. A great deal depends on circumstances, and we have allowed that exception to remain.

We have also allowed an exception under the doctrine of part-performance. If A enters into a contract with B, and A has part-performed his own part when B now tries to break the contract, if A is able to prove that

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there is some such early contract or agreement in existence upon the basis of which he has part-performed or purported to part-perform, then the Court may, on the grounds of conscience, allow him to get redress against B because the lack of a document will not be allowed to be used as an instrument or engine of fraud, as we say.

The second line of exception which we have allowed in Part 2 of this Bill concerns contracts of guarantee. We distinguish this type from contracts of indemnity.

A guarantee exists where A takes a primary liability for B with regard to Third Party. A father for instance goes to the U.A.C. or to the Barclays Bank and says, you supply goods to my son to the value of £50 a month, or you allow my son to have an overdraft at your bank up to £50. This is not an isolated illustration. Friends may oblige each other in this way. If the person then wanting to sue the guarantor goes to the Court, the Court will still expect him to prove that there is good evidence of such primary liability. Otherwise everybody who feels that he has lost something under a contract can always allege that someone else has guaranteed the contract to him.

We have allowed that the rule requires written evidence to stand. But in all other forms of contract or legal agreement in this country, we have made it unnecessary for one to have to produce written evidence before one can succeed; provided of course that you are able otherwise to substantiate your claim.

I think that I have tried to simplify the purposes of the Bill and that you will appreciate that these are really necessary at this stage of the development of our law. They are designed primarily to introduce necessary and long-overdue reforms in our law, and I commend them to the serious consideration of hon. Senators.

I beg to Move.

The Minister of Health (Chief the hon. Dr M. A. Majekodunmi) : I beg to second.

Senator M. B. Chukwubike : This is a welcome Bill and I support it. The move to codify the laws of this country is progressive and commendable.

The hon. the Attorney-General and Minister of Justice deserves the praise of this hon.

House. It is good and timely to reform our laws so as to reflect Nigerian culture. We are now an independent country and the time has come when we shall do away with some foreign customs and pay more attention to Nigerian ones. We are, therefore, looking forward, from time to time, such reforms so that in the very near future our laws will reflect purely Nigerian culture.

I beg to support.

Senator P. C. Ndu : I rise to support this Bill. In doing so, I would like to say that the Bill is non-controversial.

First of all, I have to congratulate the Government for introducing this Bill at this particular time when the volume of commerce is increasingly great in this country. The Bill, as I see it, tends to protect the weak to claim from the other party whatever expenses he might have incurred before the contract was actually completed.

With these few remarks, I beg to support the Bill.

Senator Alhaji Abubakar Bale : I rise to support the Bill brought up by the hon. Minister of Justice. I have to congratulate the hon. Minister for his effort to scrutinise our laws and to bring out for consideration weak points which need modification. The laws which we inherited from the days of colonialism now need modification.

The enforcement of the law will attract people from overseas to come and join us in all aspects of life in this country. If they fear that if they come here they will not be well-protected by the law, they will not come. I would now call upon the hon. Minister to look farther ahead and rectify all the anomalies in our laws so that they might keep pace with the advancement of our country.

I beg to support.

Senator S. Eytayo : I rise to support this Bill. In doing so I would like to associate myself with the expressions of congratulations that have been showered upon the Attorney-General and Minister of Justice. Whatever I say, I say it from the layman's point of view because I am not a lawyer.

This is an opportune time for introducing this Bill because the laws which this Bill seeks to reform have been found to work hardship on the people in the country where these laws were originally made. For this reason, these laws are being reformed. There is, therefore, no reason why such laws which have been found to work hardship on the people of the country of origin should remain on the Statute Book of Nigeria. I think it is high time that these laws were removed from the Statute Book of Nigeria.

According to the Minister, we have been informed that only two aspects of these laws are to be reformed. The first is on the frustration of contracts, and the second is on the enforcement of contracts. It appears to me that hitherto only one party had been favoured by the old law while the other party had not been catered for. And what this Bill seeks to do is to reform the law in such a way that both parties to the contract will be benefited after the frustration of the contract. Therefore such a reform is welcome indeed.

In the second place, it is said that the other part of the law to be reformed is the enforcement of the contract whereby after a contract has been made, in writing, it will be binding upon both parties to the contract. This also is a good gesture.

With these remarks I beg to support.

Senator H. N. Udoh : This Bill is a very welcomed one. I am grateful to the Minister of Justice and Attorney-General of the Federation. We in this House, although it appears that we are rather very drastic, are to formulate the policy of the country and we are looked upon to do that. When the Government introduces a Bill which we find is very useful for the nation we express our gratitude to the Government. The Government has a target.

I realise that people in Lagos do not know what hardship those in the Regions had been facing. And this Bill seeks to bring a calm atmosphere to the people in the rural areas. The Minister of Justice made references to leasing of land, and so on. Many people in the rural areas have been asking, when the time will come for the Government to modify our laws and certain things which other people use to deny some people their rights by asking : "Where is your document?" There are

certain things for which when documentary evidence is not available, other forms of available evidence should be considered.

Therefore, I am supporting the Bill and I am grateful to the Government, especially to the hon. Minister of Justice and Attorney-General, for introducing it.

Senator P. A. Ogundipe : I beg to support the Law Reform (Contracts) Bill which has been presented to us by the hon. Minister of Justice. I do not have much to say on it because I am a layman and not a lawyer, but I am greatly impressed by the fact that the Minister of Justice realises that there is quite a lot of illiteracy in this country and that many well meaning people enter into contracts with other people in good faith but are not able to write or read and they later on find that they are defrauded.

In some cases, even written evidence written for an illiterate fellow may not have been written in his interest. Because he cannot read or write, he only believes that the document is in accord with what is read to him. He could, therefore, be easily defrauded.

This Bill is very progressive and it is something for which we should congratulate the Minister of Justice on seeing that lack of documents should not be used as an instrument of fraud in our law courts. Therefore, I wholeheartedly support the Bill and wish that more progressive reform Bills like this one will continue to come from that Ministry.

I beg to support.

Senator E. A. Lagunju : I do agree with the points raised by some other Senators that this is a non-contentious Bill and should receive the blessing of this House.

At times we have our apprehensions about some of the things resulting from lack of documentary evidence. While we do agree that there is still a lot of illiteracy in the country, and that some people may only be able to give oral explanations which should be sufficient, I am also sure that we all realise that even in some cases where written documents are produced, one way or the other lawyers will frown even at the written document and pronounce them null and void. The situation will be more complicated in oral explanations, in which case many witnesses and other things are needed before a case could be won.

[SENATOR LAGUNJU]

This Bill, I think, serves the moment and may help us for some time ; but I am sure that the Minister of Justice will, as time goes on, do all he can to bring in some other modifications.

It is a pity that the only language we use in preparing legal documents is the English language. I think the time will soon come when we will allow all other languages in the country, which are as good as the English language, to be used in the preparation of documents. If documents are prepared in the language understood by the parties to the document or to the contract, then I am sure that that will save a lot of trouble.

All we are discussing now stands well in theory but, when it comes to going to the court of law to prove our claims, then, of course, we will realise that we can get stuck one way or another, because our oral explanation or whatever is available will be challenged by the other fellow who may deny whatever oral explanations we may have. It is always very difficult to deny what is put on paper, but if what is put on paper is not properly worded and if the parties concerned do not understand the language in which the document was drawn, the case will be lost all the same.

I am happy that the Minister of Justice, being the type of man he is, will from time to time do all he can to revise our laws.

We are doing all we can to wipe out illiteracy in this country and if somebody can read and write either Yoruba, Ibo, or Hausa, I consider that person literate and, to my mind, any document prepared for such a person cannot but be valid.

I support.

Senator Dahlton O. Asemota : I have got very good reasons for saying that this Bill is certainly welcome like all the other Bills which have been presented to us in this Senate.

What worries me very much about this Bill, however, is this. Sometime ago, we were told in this House that a contract was awarded to a certain firm to construct the Shagamu-Benin road and for one reason or another that contract was not proceeded with. It is quite likely that the money given for the work has

not been utilised for the purpose. We would want an explanation from Government about this.

We would also want assurance from the Government that when awarding contracts they would give more considerations to the people of this country.

Senator P. A. Ogundipe : I do not see how this question of the contract for the Shagamu-Benin road has any relevance to this Law Reform (Contracts) Bill. I think probably the Senator is taking the word "contract" to apply to the Law Reform (Contracts) Bill !

The President : The point is well taken. Will the Senator not refer to the Shagamu-Benin Road ?

Senator Asemota : The point is well taken but what I was referring to is the question of law. What steps have been taken by the Government to investigate why that contract was not allowed to be carried out and what legal investigations has Government made to see why this work has been delayed and we are still suffering from their delay ?

The second point is that I think that the Government should give more consideration to the indigenous people of this country when awarding contracts. I do not know how contracts are awarded ; whether by publications or by inviting contractors to take the contract. However, it would appear that all the major constructional works in this country to-day are left in the hands of expatriates.

Senator Zanna Medalla Sheriff : On a point of Order, Mr President, the Bill does not relate to the award of contracts.

The President : The point is well taken. Will the Senator avoid talking about contracts ?

Senator Asemota : Why I brought up that point is that, although I quite agree that the Bill is to enable the legal aspects of contracts to proceed without any much difficulty, if contracts are given to people who have not got the means to fulfil it eventual resort to court cannot be avoided, and the case will cost very much.

I think it is time for us to tell the Government to avoid giving contracts to people whom they know will only bring about such troubles which have primarily caused the introduction of this sort of legislation.

They should see that the people who are the indigenous people of this place are considered first before awarding contracts to expatriates. That will save a lot of trouble.

That is the only thing I have got to say about this Bill.

I support it.

Senator Alhaji Abubakar Bale : There is an important matter which requires explanation to the Senators of this Senate.

I know that sometime ago the President of the Senate did not want to call people to order frequently. But since yesterday I have seen that some Senators have been called to order from time to time.

This is something which I do not think the President wants and I do not think that we want it too. So I think we should be relevant in our speeches and not make subjects of debate irrelevant issues that could be done away with.

Senator Chief P. I. Acholonu : I thank you, Mr President, for giving me the opportunity to speak on this Bill. I thank the Attorney-General and Minister of Justice also for his sense of responsibility in trying to see that some of our laws in Nigeria are codified.

Some of our traditions and customs in this country have suffered a great deal because they are not codified and do not conform to modern standards. We may take the question of the preparation of documents for example. To make a document valid, it must be stamped; it must contain the names of witnesses to the agreement; and what is more, it must be prepared by a qualified person. I however think that the codification of our laws will remove many anomalies from which we have suffered in the past.

But it must be understood that before the advent of the British and even before the introduction of written agreement, a friend or an in-law could approach any friend for loan without entering into any agreement whatsoever because at that time it would be regarded as an insult if my son-in-law approached me for a loan and asked him to enter into a written agreement before I gave him the loan.

However, I wish to thank the Attorney-General for simplifying some of these things and for his efforts to effect a reform in our

legal system. It is my hope that other aspects of our laws will in future be codified.

With these few remarks, I support the Bill.

The Attorney-General and Minister of Justice : I must thank hon. Senators for the various points which they have made.

Question put and agreed to.

Bill read a Second time ; immediately considered in Committee ; reported without Amendment ; read the Third time and passed.

WIDOWS AND ORPHANS PENSIONS BILL

Order for Second Reading read.

The Minister of State (Senator the hon. Dr E. A. Esin) : I beg to move, That the Bill be now read a Second time.

As hon. Senators are no doubt aware the Widows and Orphans Pensions scheme is a contributory one which provides pensions to widows and children of deceased officers.

The pensions payable to the dependants of an officer are calculated by applying the Benefit Tables contained in the Ordinance to the contributions made by the officer to the scheme. From time to time, Revised Benefit Tables are introduced after a trial review and it is the practice to apply these Revised Tables only to contributions made after the date of their introduction.

In 1954, an Ordinance was passed which introduced revised Benefit Tables with effect from the 1st April, 1950, and it was the intention at that time, in accordance with the usual practice that the new Tables should only apply to contributions made after that date. Unfortunately, the wording of the amending Ordinance did not correctly reflect this intention, but purported to apply the new Tables to all contributions made to the scheme.

Clauses 9 and 11 of the Bill now before the hon. Senate amend the original Ordinance so as correctly to reflect the Government intentions and to ensure that the dependants of certain contributors do not benefit at the expense of others. The opportunity has also been taken to effect other minor Amendments to the scheme which are for a similar nature.

As is the case in any scheme, such as the Widows and Orphans Pensions Scheme, small amendments are necessary from time to time in order to ensure the smooth working of the

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scheme and to avoid administrative difficulties wherever possible. For example, Clause 2 of the Bill amends the Ordinance to make reference to a contributor's place of residence instead of his country of domicile. The Laws of domicile are more rigid in some countries than in others; and also more rigid than the laws of adoption; and it would be possible for a contributor to adopt a child, and for that child, although legally the child of the contributor, to be deprived of his share of any benefits under purely technical legal grounds of residence or domicile.

The other clauses of the Bill also have minor amendments which have become necessary because of constitutional changes both in Nigeria and elsewhere.

The Bill is a non-contentious one and, as I have explained, it has a two-fold purpose, firstly to correct the errors made in 1954; and secondly, to make certain desirable amendments to facilitate the administration of the scheme and to correctly reflect Nigeria's independent status.

I beg to move.

The Minister of Lagos Affairs (M. Musa Yar'Adua) : I beg to second.

Senator J. K. Nzerem : I think any attempt on the part of the Government to provide for widows and orphans is a very good one but I have my doubts. The first is whether those who are most deserving of help in this matter do receive the help. Is the Government assuring us that under the provisions of this Bill, the widows and orphans of the workers in the lower income group are going to benefit from this scheme? Or are the widows and orphans of those in the top scales of the Service, the expatriates who have made good provision for their widows and orphans while they are alive going to enjoy all the benefits?

It is a good thing to provide for widows and orphans but I think the widows and orphans of the most deserving class of people should not be neglected. The Government should be warned against continuing with the heritage which we have received from our colonial days when widows and orphans funds were applicable only to those domiciled outside Nigeria. I think as an independent nation, we must begin to check all these things to see that widows and

orphans funds are enjoyed by all our workers. If the provisions of the Bill apply to all classes of Nigerian workers particularly those in the lower income group to-day I will support it and I congratulate the Government for introducing the Bill.

Senator Chief Ezeogo Ugwuocha : I wish to associate myself with Senator Nzerem on this Bill. I have a sister who married a civil servant. They had three children and before her husband died he was contributing to a Provident Fund Scheme or a Pension Scheme. Unfortunately, this man died and the Government said this man was entitled to some sums of money. The Government asked for the relatives of the man to come and claim his pension. The members of his family went to Enugu and claimed the money. Government did not ask whether this man had a wife or children and they left the wife and the children suffering. I want Government to be careful when implementing this Scheme and see that they give the pensions or gratuities to the right people.

I support the Bill.

Senator T. Olamijulo : First of all, I must thank Mr President for calling me to speak. I tried throughout yesterday and this morning to speak but I was not called.

The President : The hon. Senator did not catch the President's eye.

Senator Olamijulo : Now that I have been given the opportunity to speak, on this Bill, I would like to suggest to the Government that when paying money to the widows and orphans of deceased civil servants they should not restrict the payment of the money to women married to the civil servants by the Marriage Ordinance. They should remember the wives the civil servant did not marry according to the Ordinance. The children of the women who were not married according to the Ordinance should also be remembered as they should enjoy what their father has left for them. I do not know whether this Widows and Orphans Bill is only for women married under the Marriage Ordinance; if it is, I would appeal to the Government to reconsider the Bill and see that children of women who were not married under the Marriage Ordinance are considered.

I whole-heartedly support the Bill.

Senator Chief S. O. Esangbedo : I rise to support this Bill. Since this Session of the Senate started last Saturday, I have not had the opportunity to speak. I am grateful to Mr President for giving me this opportunity to speak.

The Bill is a very good one and I hope it will be of benefit to all the people of the Federation. I whole-heartedly support the Bill.

The second point I would like to raise is about political disturbances. I think the President must have heard about the looting and burning of houses now going on in Ishan Division. A lot of fighting and malicious damage of property is going on in the area. I know that the Police are doing their best but I am not satisfied with the way and manner they are conducting their business there. I think that something should be done to stop all these atrocities.

With these few remarks, I support the Bill.

Senator H. N. Udoh : As a former Government Official, personally I do not oppose this Widows and Orphans Pensions Bill, but I would like to say that throughout the Eastern Region I have not heard or seen anybody who has benefited from this Scheme. Whenever I read anything in the newspapers about Pension Scheme for Widows and Orphans I am not very happy. The children of civil servants who we think should be well off when their fathers' die since their mothers and their fathers relatives would be given the gratuity and pension due to their father become the most wretched looking children in the country. They roam about the streets uncared for.

I agree with Senator Nzerem when he said the payment of these pensions should not be restricted to the Senior Civil Servants. I think now that we are independent we shall be able to see signs of these pensions being paid to civil servants in the lower ranks of the civil service. It should not be the same old story as in the days of our colonial masters.

With these few observations, I support the Bill.

Senator P. A. Ogundipe : I am neither supporting nor opposing the Bill but there is a point which is not clear to me.

It is clause 10—

“17A. (1) Subject to the provisions of subsection (2) of this section if a child of a contributor is, while of pensionable age, adopted by some other person, that child shall continue to be eligible to receive a pension or share thereof under this Ordinance as if the adoption has not taken place”.

But the second part seems to encourage the contributor who has adopted a child not to report to the Crown Agents because as soon as he reports the pension ceases.

The President : Order, I do not want to interrupt the hon. Senator but this point, strictly speaking, should be made at the *Committee Stage*.

Senator Ogundipe : I withdraw.

Senator Chief R. A. Umoh : I rise to support this Bill. In supporting this Bill I have to make some comments. I know that from time to time we have to make certain changes in our Laws in this country.

It is true that when we are all serving the Government there are certain groups of people who hold certain good positions in life because they have money and can spend it as they like and keep some for their children and wives. But certain people have been rendering selfless services to the Government in their less important positions. These people are paid their salaries but they have a good number of children and wives whom they find difficulty in feeding. They also experience difficulty in educating these children, especially as the cost of education is rising daily.

I call upon the Federal Government to think seriously about using this money in helping the children of the low income group servants who have been serving the Government faithfully. After all, at the death of such fathers the children will suffer more than the children of those who have money. This scheme should be strictly applicable to our own widows and orphans instead of to those of the expatriate officers.

I beg to support.

Minister of State (Dr the hon. E. A. Esin) : I thank the contributors, but it appears that they are labouring under a misconception or

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that they have not grasped the object of the Bill. For example, the hon. Senator Nzerem referred to the low income group.

If one reads this Amendment Bill and the original Bill one will find that this Bill is intended for the overseas superannuation scheme and not for any Nigerian officer for that matter. So, the low income group does not come within this range at all. But the Minister of Labour has made new provisions for them. So, these contributions do not apply to them.

However, I am very grateful indeed for Senators' contributions and I hope to take the matter to the Government informing them that hon. Senators have expressed anxiety for similar provisions to be made for indigenous officers.

Question put and agreed to.

The President : As this is one of the Bills which the Constitution requires should be passed by a two-thirds majority, I hereby direct that the Clerk do take a roll call.

The President : The result of the Division is as follows :

Ayes—30, Noes—Nil, Abstentions—Nil

<i>Seat No.</i>	<i>The Ayes</i>
3	Senator Asemota
5	Senator Bawa
6	Senator Chukwubike
7	Senator Ejaife
8	Senator Abaagu
10	Senator Chief Ugwuocha
11	Senator Chief Ojon
12	Senator the Oba of Lagos
13	Senator Alhaji Bale
14	Senator Chief Ndu
15	Senator Chief Olayeye
16	Senator Mrs Esan
18	Senator Nzerem
20	Senator Chief Acholonu
22	Senator Chief Obi
23	Senator Olamijulo
25	Senator Fulani
27	Senator Chief Esangbedo
30	Senator Chief Nakoku
33	Senator Udoh
34	Senator Evitayo
35	Senator Yesufu
36	Senator Ukattah
37	Senator Ogundice
38	Senator Sheriff
39	Senator Chief Umoh
40	Senator Lagunju
41	Senator Alhaji Ungogo
42	Senator Alhaji Abudu
	Minister of State, Dr E. A. Esin

WIDOWS AND ORPHANS PENSIONS (AMENDMENT)

BILL : CONSIDERED IN COMMITTEE

Clauses 1-9, ordered to stand part of the Bill.

Clause 10—(NEW SECTION 17A ADDED TO ORDINANCE).

Senator P. A. Ogundice : The point I was trying to make during the debate on the Second Reading is that the statements in Clause 10, 17A (1) and (2) are rather contradictory or are not clear.

The first part says that a child of a contributor, if adopted by another, and as long as he does not make the adoption known to the Crown Agents, will continue to enjoy the pension. The one in section 2 says that if the child of the contributor is adopted and the contributor in writing addressed to the Crown Agents, makes it known, the child is no more eligible to receive the pension.

It appears as if Part I of it is encouraging some sort of dishonesty so that a child may be adopted and it would be in the interests of the person who has adopted it not to make it known to the Crown Agents. I think such a person should be penalised and it ought to be that as soon as the Government knows that the child of a contributor is adopted, whether he makes it known in writing or not, the pension should immediately and automatically be withdrawn. At least, that is how I understand it.

I stand to be corrected.

Sitting suspended : 1.0 p.m.

Sitting resumed : 3.00 p.m.

Clause 10.

Minister of State (Dr the hon. E. A. Esin) : Before sitting was suspended, there was a question by hon. Senator Ogundice on Clause 10, section 17A (1). The explanation given on this clause by the Minister is not very clear but I will read it—

“That is not the case as the children will only benefit by way of presents if the widow herself becomes ineligible.”

I do not know what is really meant, but that is the explanation the Minister has given, and I am sorry I cannot help the hon. Senator further.

Senator P. A. Ogundipe : The statement given by the Minister does not seem to have clarified the issue as I would have liked it. It seems complicated. It might be because I do not understand the legal terms but on re-reading the whole thing, I have seen another provision which makes the clause suitable. I do not know whether I am correct but the Clause seems to explain the point. It says "that child shall continue to be eligible to receive a pension or share thereof under this Ordinance as if the adoption had not taken place."

Having re-read it, I take it that since no letter was sent to the Crown Agents, the Crown Agents do not know of the adoption so that the child continues to enjoy the pensions. It means the contributor continues to contribute. The child is regarded as if the adoption had not taken place. I am, however, speaking from a layman's point of view. If that is the meaning, I think, I have no more questions.

Clauses 10 and 11 ordered to stand part of the Bill.

Bill reported without Amendment.

Third Reading—Wednesday, 29th November, 1961.

Senator Oba Adeniji Adele II of Lagos : I do not know whether there is any specific reason for delaying the passing of the Third Reading of the Bill we have just considered.

The Minister of State (Senator Dr E. A. Esin) : It is the wish of the Minister in charge of the Bill to have the Third Reading adjourned until tomorrow.

TAFAWA BALEWA SQUARE MANAGEMENT BILL

Order for Second Reading read.

The Minister of Lagos Affairs (Hon. Musa Yar'Adua) : I beg to move, That, a Bill entitled "Tafawa Balewa Square Management Act, 1961" be now read a second time.

This Bill seeks to replace the existing Lagos Racecourse Management Ordinance (Cap. 94 of the 1958 Laws) and has been drafted on the general lines of that Ordinance.

Just prior to independence my predecessor consulted the Lagos Town Council about the re-naming of the Racecourse and of important new roads to honour those of our great national

leaders who have moulded Nigeria into a nation. Hon. Senators are aware that important roads in Lagos have been named after His Excellency the Governor-General, the Premier of the Northern Region, and the Hon. Leader of the Opposition. At the same time, the area formerly known as the Racecourse was re-named Tafawa Balewa Square in honour of our respected Prime Minister and it is now necessary, therefore, for the Lagos Racecourse management Ordinance which provides for the management of the whole area and not only for that part of it which is used for horse-racing, to be amended to reflect this change of name.

At the same time, opportunity has been taken to provide that the area formerly known as the Racecourse should be Crown land and that the Board of Management should also administer the National Hall.

The remaining provisions of the Bill are simple, clear and non-contentious.

I beg to move.

The Minister of State (Senator Dr E. A. Esin) : I beg to second.

Senator E. A. Lagunju : This is a straightforward and noncontentious Bill. As a matter of fact, whatever we can do to publicise the name of our Prime Minister should receive the blessing of both Houses, and what is more, the Racecourse which has now become Tafawa Balewa Square is in the public eye. It is in a conspicuous place and its management should be properly looked into. It is, therefore, necessary to get a bill like this across and see that the Tafawa Balewa Square presents a beautiful picture.

Going through the whole Bill, I find something striking in Clause 8 (2) on page C525. It reads: "A court before whom any person is convicted of committing a breach of any by-laws, may, in addition to any penalty which may be imposed, order the person convicted to pay to the Board the actual or estimated cost of repairing any damage or injury done."

I am not a lawyer but this appears to be double punishment. I think it is too much to ask a person to repair the damage done especially when the repair costs a lot. For one thing labour cost rises as does the cost of other factors of production. I think that making

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a man to be responsible for the repairs which must be equally presentable is at least sufficient, instead of the court imposing some penalty which in itself might be very heavy, in addition to carrying out the repairs. In my opinion, this is double punishment. I think lawyers will be able to enlighten us on that and I am very happy that our respected President is a competent lawyer who will be able to tell us about this. But from the layman's point of view, I think it is double punishment. That is the major thing I have to say. Personally however, it is a welcome Bill. We want the Tafawa Balewa Square to be a beautiful spot and to be of national pride.

Senator M. G. Ejaiife : Mr President, Sir, I welcome this Bill.

I think that many nations would like to raise monuments in order to immortalise their various heroes. In this country we should, at least, be able to have monuments of stone to immortalise the names of our heroes in all the important places : streets, lanes, squares, and so on.

I think it is befitting that our present Prime Minister's Square, the Tafawa Balewa Square, has a Management Board. I am very happy that a Board is being set up to manage this very important Square.

On this Management Board, I would like the fact to be reflected that the Prime Minister is the Prime Minister of the whole nation irrespective of tribe, creed, region or party. In the past reference was made to discrimination on a similar kind of Board, and I would like to use this opportunity to emphasise the importance of the constitution of such a Board. In the appointment of members of the Board, we should consider people purely on their merits and not on the section of the country from which they come, or the party to which they belong. I would like the composition of this Board to reflect the fact that the Prime Minister is the Prime Minister of the whole country.

Section 4 subsections (2) (a) and (b) and also (3) (a) will give the opportunity of drawing the membership from various sections of the community. I would like to emphasise to the Government that, when the time comes to make up the Board, this important point should be taken to heart.

I wish to say no more than merely to emphasise that I support this Bill wholeheartedly.

Senator H. O. Abaagu : The Bill is really a very welcome one.

The alteration of the former name of the Square from "Race Course" to the name of "Tafawa Balewa Square", after the name of the present Prime Minister, is a practical acknowledgment of the part that he played in the emancipation of Nigeia from the yoke of imperialism. I would suggest that more things of this nature be done.

For example, if we look back on our history we will find that our heroes appear to have been forgotten. They may not have been forgotten entirely, but it does seem that at present they are being neglected. Certain heroes like Herbert Macaulay—I never met him in person but I understand that he was the first president of a national party which began this war of independence—a man of that stature is a person on whom we should bestow honour. We should find a conspicuous place, one of our public buildings, for instance, and name after him. I realise that there is a Herbert Macaulay Street, but it is not as conspicuous as I would like it to be, so we should find something which is more befitting to the man and do justice to his memory.

There are still very many other heroes : a man like the late Mbonu Ojike who brought "boycott the boycottables", is worthy to be honoured, likewise a man like Bode Thomas. These are the heroes. These are the people who stood firm. It is very proper, that we should remember them by naming our main streets and thoroughfares after them.

There are very many streets named after expatriates. I am not saying that it is very wrong to name any street after an expatriate. But we should remember that not many of these expatriates were very honest in leading us to the political status which we have now achieved. Most of them were very dishonest ; they did not try to help us towards our independence because they knew that if we achieved it, it would not be entirely to their benefit. Some expatriates were very honest. Indeed, some did show us the way. In respect of these few, I do not think that anybody would object to streets being named after them.

But if you look at Ikoyi, there are very many streets bearing the names of these expatriates, and I think that we should replace those with

the names of our heroes : heroes like Herbert Macaulay, Mbonu Ojike, Bode Thomas, and very many others.

This is what I wish to remind the Government. The sooner the Government tries to do honour to these heroes, the better I think it will be.

The Minister of State (Hon. Nuhu Bamali) : I would like to associate myself with the views expressed by a number of previous speakers.

This aesthetic-looking man, this upright God fearing man, our Prime Minister, deserves well of the country, and anything done to honour him will be very welcome to every true Nigerian.

The Bill is, as I see it, only a substitution of name, and I do not see anything that anybody can quarrel with. It is true that in our colonial days we had our streets named after people who not only were not known to the people, but who were inimical to our political growth. There is no doubt about that. While there were very many good expatriate officers, as the last speaker remarked, and good as they were, I do not see that we should have the names of foreign people for our streets. I have been through many streets in London ; I know that Britain was colonised by the Romans ; but they have no Roman street names ; they are all English names. In Rome, one does not find street names of Greek people who were the former masters of the Romans.

I was going to Ibadan the other day and I saw "Dick Road". What really does "Dick Road" mean ? What does it connote ? Nothing. I think that the time has really come when we should try to change all this.

I would go further and suggest that Port Harcourt should be renamed. It should be renamed after one of our stalwarts. I do not see why it should not be called "Port Zik" instead of Port Harcourt. We could call it "Port Herbert Macaulay." The time has come when the Government should take a definite stand about these things. The Port Harcourt municipality has started the ball rolling by changing many of the street names. But I am afraid they might think that the Government will not agree if they changed the name of Port Harcourt to "Port Azikiwe" or "Port Mbonu Ojike", or Port somebody-else.

I think this Bill is very welcome and we gladly give it our blessing.

Senator Chief Z. C. Obi : I rise to support the Bill, but I would suggest that we do not go to the extent of suggesting at the moment changing Port Harcourt to Port any-other-name.

I support the Bill.

Senator T. Olamijulo : I feel it is worthy of praise to call a spade a spade. Really, a man of the standing of our present Head of Department is worthy of praise—

Several hon. Senators : Head of Government !

Senator Olamijulo : Yes—Head of Government. He is really worthy of praise. As a statesman he is first-class ; when one hears him talk unprepared, not looking at notes, and giving detailed statements, one feels that he deserves remembrance. On the other hand, when one praises a man one instils in him something more. So, the naming of a street after him during his lifetime will make him feel that he is doing much for the country and that we wish him to be remembered. I feel we should do even more for such a man but this is the beginning so I feel we should all wholeheartedly support the Bill.

Senator Salihu Fulani : I have a few remarks to make on those that have been made by previous speakers.

One Member reminded the House that the composition of the Management Board should be countrywide, and I wish to sound a note of warning that when a member is going to be appointed, the whole Federation should be taken into account.

Another important remark I would like to make concerns what has been said by previous speakers about naming streets after expatriates. Anybody who has been outside Nigeria will know that one never sees a single Nigerian name anywhere in the world, and a sign of independence is that all the expatriate names at Ikoyi and Lagos and throughout the country should be done away with forthwith.

The naming of the Racecourse after our beloved Prime Minister is a sign of gratitude to those of us who tried to beautify Nigeria, and no amount of encomiums showered upon

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him would be sufficient. But the fact that his name is going to stay in the heart of the Federation of Nigeria is a sign of gratitude to us all. I highly commend the effort of the people who have given unanimous approval to such a Bill.

Senator A. E. Ukattah : In saying a word or two on this Bill, I do not mean to suggest to the Government of this Federation that Port Harcourt should be changed to Port Chike Obi. But I want to say that this Bill should have included the area now called King George V Stadium. Since that is not so, I think something should be done about that—we want all these names changed. We know that at one time we had a King known as King George V: the name has stood there long enough; it should be changed. If we want the name of any one of us, why should that Stadium not be re-named the Oba Adele Stadium?

Secondly, we, too, want our names remembered—we who have the honour to be the first Senators of this Federation!

Senator Chief O. A. Fagbenro-Beyioku : I want to say, that this Bill is one of the best Bills that have been passed, although it is a small one. It is not so much the Bill itself—but the gentleman to whom the Bill seeks to give recognition. It is not the Bill itself, because there is nothing in the Bill to be discussed—nothing: it is just the question of the management of the Racecourse. Now, we want the name to be changed to Tafawa Balewa.

Throughout the Federation of Nigeria to-day that name has become a household word: the little boy, the little girl, the woman in her kitchen, the man in the office, even the *juju* players and the Highlife players—they all sing of Tafawa Balewa.

The recognition that this country seeks to give to the selfless services of Alhaji the Right Hon. Sir Abubakar Tafawa Balewa is well deserved, and much will depend upon the Board of Management of the Tafawa Balewa Square to maintain that recognition to which we are giving sanction.

The place is a common place—the whole area is a common area; it accommodates playgrounds for the children, it accommodates the

Office of the Prime Minister of the Federation of Nigeria, several Ministerial Offices, it accommodates the Senate for the time being, and it accommodates the House of Representatives for the time being; so it is a very important place, and it shows how much we hold that man at heart and what great regard we have for him.

Another thing I want to say is that this reflects one of the things we discussed this morning: regardless of where he comes from, regardless of his particular area of origin in the Federation of Nigeria—we know he is one of the greatest Nigerians. That is what we want. But we want this to happen, not only in the Federal Territory but everywhere—at Abeokuta, Kaduna, Orlu, Bida and Ilorin, so that any Nigerian—irrespective of his place of birth in this Federation—will be given recognition. As long as he is an outstanding Nigerian we should not feel shy of giving him that recognition and placing his activities on record; we should not be afraid of praising his activities through the naming of certain areas, certain compounds or certain projects after him.

I pass now from the immediate to the future. It is not sufficient to have Tafawa Balewa Square alone and then to say “We have given sufficient recognition”. With the spirit of independence, we must be able to have statues and monuments raised in this country. We must have a monument erected to Alhaji Sir Abubakar Tafawa Balewa—we must have one for the great Zik of Africa, we must have one for the late Herbert Macaulay. If not for any others right now, we must have monuments standing in the names of these three stalwarts here in the Federal Territory of Lagos, so that when strangers come to visit Lagos we may take them to see them. We shall have many more to erect, of course, but we must do them one by one. I know very well that our President deserves one.

I think that this is an opportunity for us to pay tribute to the great contributions which the Rt. Hon. Alhaji Abubakar Tafawa Balewa has made to the progress of this country, and which he continues to make, and we pray God to spare his life to make more, in the interest of this nation.

I beg to support.

Senator Dahlton O. Asemota : I do not think that there is any home in Nigeria where the name Tafawa Balewa is not mentioned daily, and is not well-respected. The man who bears this name is worthy of respect. He has actually earned the respect which we all accord to him and we are now asking that the Race Course be renamed Tafawa Balewa Square.

While speaking on this question of changing name, I think that the time has come for the people of Lagos to remember their origin. I would be happy if they would remember where they came from. With due respect to the Oba of Lagos, he bears his name "Ado" which means "Edo" and which means "Benin". I think it would be a very good idea for some of the important streets to be named after the past Obas of Benin. There are men like King Overami, Adolo of the House of Oba, King Ehegbida, and there are still some of the Obas that lived in those days when Lagos was made. I think it is the right thing indeed if one could remember his origin apart from any other thing. I do hope that my hon. Friend, Chief Fagbenro-Beyioku who is a trade unionist will always remember that they are part and parcel of the people of Benin.

In continuing this speech, I would like to mention that our President's name should also be considered. A place like the Glover Street in Ikoyi, I strongly suggest, should be renamed Dennis Osadebay Street.

I beg to support this Bill.

Senator Fagbenro-Beyioku : On a point of explanation, I would not like it to go on record unchallenged, that the people of Lagos came from Benin. The point I want to make is that it is not the people of Lagos that came from Benin but it is the Obas of Lagos who originated from Benin. The actual people, the first people who inhabited Lagos were the Aworis. And this is the tribe to which I belong.

Senator Chief R. A. Umoh : In supporting this Bill, I would like to associate myself with the praises and all good things that hon. Senators have said about our hon. Prime Minister.

This reminds me of what we previously said about television. It is not only sufficient to name certain places after our great men. We should also try to project their personalities to children in different parts of Nigeria. It is only by television that we can do this. The country is advancing and, of course, we have to

move along with the modern world. We should also make it a duty to project the personalities of these people by way of television. This will bring our great men nearer to the people in that they will be able to see the people they have been hearing of.

I know that some people will say that they cannot afford to buy a television set. But we can all recall that when the radio first came to this country very many people could not buy it. But now everybody has a radio set. I know that this will also apply to television.

Everywhere we hear people singing songs connected with the names of our great men; men like Zik, Balewa, Awolowo and so on. In addition to this, we know that people learn things in many ways. We learn by hearing, by seeing and so on. So, while we are advocating that our principal places should be named after our great men, I should add that we should also make them appear on television at different times so that any child who wants to know them may go near a television set and see them.

I beg to support.

Senator H. N. Udoh : I rise to support this Motion. It seems that many hon. Senators have lost sight of the fact that Bill which we are discussing and which seeks to change a name was not introduced by this House. This name was not given by us. I am, therefore, saying that we should leave it to the leaders of the Government. They know what to do, and when they bring something good to us it is our place to give it a blessing.

However, it is not out of the way to make a suggestion. They may not remember certain names which some great historians were trying to pick up some minutes ago. I hope that that may help the Government in choosing more names for other places.

Nigerians are very hospitable people. We appreciate kindness. We love greatness and we like to make people feel that greatness must be encouraged. Now, greatness is the reward of what one does during one's lifetime.

But it is unfortunate that the only lady Senator is not here at the moment. I have noticed that no great lady's name was mentioned. So, on her behalf I point it out to the House.

We are choosing names now and I am sure that that will show the expatriates that they

[SENATOR H. N. UDOH]
are not the only people who can name places after their great men. Nigeria will always try to show their appreciation of the good work done by our country men. I can remember that in those dark days at Port Harcourt one of the important roads there was named "Aggrey Road". That is a very good thing. This shows that we appreciate kindness; we know those who are important.

So, without hesitation, I support the Bill.

Senator Alhaji Abubakar Bale : I rise to associate myself with the contributions made by the previous speakers in support of this Bill which seeks to change the name Race Course to Tafawa Balewa Square in honour of our dear Prime Minister. We have heard the deliberations of hon. Senators. These indicate how faithful they are to their Prime Minister.

I think that the hon. Minister who moved this Bill will take back with him other suggestions made by the hon. Senators with regard to the recognition of some of our important men who seem to be forgotten. These men have dearly fought for this country. Some lost their lives before we achieved our independence.

Even during the time of imperialism many places were named after the people who then held high posts. Now it is our turn to see what steps we should take to rename these places after our great men. This will refresh our memories with their names and they will live for ever, and they will never be forgotten.

We inherited some of the present place-names. But we are not the only nation which inherited some of their things from other nations. Now we have got to modify those things which we inherited to suit the purpose of our country.

I think the hon. Minister should try not only to do his best in the Federal Capital of Lagos, but also in all towns where such things exist, to make necessary modifications to accord with the time.

I beg to support.

Senator S. Eytayo : I rise to support this Bill.

No honour is too great for the Prime Minister because he is a man who is humble, unassuming and God-fearing. There is no doubt that

such a recognition should be accorded him as the Prime Minister of the Federation of Nigeria.

One note of warning that I would like to sound has been mentioned by former speakers, and that is that in forming the Board of Management for this Square, it should be made to reflect the composition of the whole of the Federation. The membership of this Board should not be drawn from one Region only, but from all the Regions forming the Federation of Nigeria.

One other thing which I would like to bring to the attention of the Government is that there are still so many foreign names which only remind us of our colonial days. I think it is time that we should go into these names and change them to the names of our own past and present national heroes.

With these few remarks, I beg to support.

Senator Chief P. C. Ndu : Much has been said about the renaming of the former Race Course after our hon. Prime Minister. This is quite all right.

But there is one other thing which I want to remind the Government of. There are heroes in this country who have not been mentioned and those people, hearing of the proceedings of this Senate on the radio, might think that they have not done well. Among these people are Dr Okpara, Sir Ahmadu Bello, Chief Akintola, and Chief Awolowo. Streets in Ikoyi, here in Lagos, should be named after them and these should be in conspicuous places and not in a place far remote from notice. The street that is named after Chief Awolowo is not prominent at all.

Streets should not be named after Chief Awolowo in Lagos only, but in Enugu, Port Harcourt and Kaduna, and Sir Ahmadu Bello's name should be found on streets in Lagos, Onitsha, and other places.

An hon. Senator : What of my own name ?

Senator Chief P. C. Ndu : The hon. Senator's name should be mentioned too, so also must the name of our President here. Streets in Lagos, Port Harcourt and Kano should bear his name.

With these few remarks, I beg to support.

Senator Chief Ezeogo Ugwuocha : There is one point that strikes my mind and on which I will err my views on this important Bill. It is this. We have been talking about important personalities, but there is one thing which all of us have forgotten to mention while talking about renaming streets after our important personalities.

We find people bearing non-Nigerian names such as John, Peter, Abraham and so on. We have our own traditional names from time immemorial. If we are talking about changing names of streets, we should tell these young people who are called Peter, John and Abraham to change their names to their real national names. We have to Nigerianise and Africanise our names. People who talk of change of names of streets and squares, should also think of the persons, including leading personalities, bearing foreign names. These need changing too.

That is my own contribution to this debate.

I support.

The Minister of Lagos Affairs (Hon. Musa Yar'Adua) : I have nothing more to say than to thank hon. Senators for their contributions and to commend the Bill again to the House.

Question put and agreed to.

Bill accordingly read a Second time ; immediately considered in Committee ; reported, without Amendment ; read the Third time and passed.

ADJOURNMENT

Motion made and Question proposed, That the Senate do now adjourn—(The Minister of Health).

ALLEGATION OF MISCONDUCT

Senator M. B. Chukwubike : I feel that this is the most suitable time for me to express my disappointment about what happened during the debate this morning on Senator Chief Fagbenro-Beyioku's Motion.

This is the highest Legislature in the country. Its Members are not only supposed to be mature, but also responsible. Members of this hon. Senate are not expected to make irresponsible or inciting statements, and I

must say that no Member of this House had ever made such a statement until this morning. The statement made by an hon. Senator during the debate on the Motion referred to above was far too short of what is expected of Members of this hon. House.

We are all aware that our newspaper reporters are always too keen to cash in on such things, and tomorrow one should not be surprised to find that the newspaper reporters have made a headline of the incident. After all, it must be realised that our newspapers are read far and wide in all parts of the country and outside.

The Senator, as we all remember, jumped up and said that there would be no unity and peace in this country. Even when the President of the Senate called him to order, the hon. Senator still stood by his words. It is most unfortunate that such a thing should happen. I am, therefore, calling on this hon. Senate to dissociate itself from the angry statement of the Senator in question.

Senator E. A. Lagunju : While I do agree up to a point with the Senator who has just spoken, I am sure that the President and this hon. Senate do realise that although we may say that this is the House of mature men, but even at the age of 80 years there may be somebody who is temperamental. And the fact that somebody is temperamental in this House does not mean that such a person is expressing the minds of the whole House.

I, therefore, think that it is uncalled for to ask the Senate to dissociate itself from the views expressed by the hon. Senator in question. After all, the views he expressed were purely personal to him, just as I am entitled to my own views on this matter.

It is true that the newspapers may make capital out of the incident. If they do, I think many of us expressed views that were quite different. Most of us spoke in the morning and our expressions were quite different and, in fact, most of us expressed our wish for the unity and peace of this country. We expressed our belief in the oneness of this country, and I am happy that we have men at the head of affairs who are conscious of the fact that we want this country to remain united.

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[SENATOR LAGUNJU]

I think we all agree that the pronouncements of the hon. Senator in question were not worthy of this hon. House. The hon. Senator must have made his statement on the spur of the moment, and I am sure we all regard it as such.

Senator A. E. Ukattah : I really see nothing that should alarm anybody here. But the point that I wish to make is that the statement made by the hon. Senator Chukwubike is not quite complete in the sense that the Senator who made the irritating statement to which he has just referred has not been named. For instance, many of us contributed to the debate on the Motion. As a matter of fact, I was the Seconder of the Motion. The Mover is here too and I cannot remember that any alarming statement was made here this morning.

I would like the name of the Senator who made the alarming statement to be mentioned.

Senator Chief Ezeogo Ugwuocha : Why I associate myself with the matter now on the Floor of this House is that I wish to remind Members of the Senate that there was a time when the Senator who made the controversial speech now being discussed pointed out to the Members of the Senate that he circulated letters to this House asking hon. Senators to opt for a unitary form of government in the country. When the statement was made, the leader of his party immediately disowned the statement both in the newspapers and on the radio.

The Minister of Health (Chief the hon. Dr M. A. Majekodunmi) : But we do not know the Senator you are talking about.

Senator Chief Ezeogo Ugwuocha : If Senators want his name to be mentioned, I say, he is Senator Doherty.

Senator E. A. Lagunju : On a point of Order. I think it is out of place to discuss something like this when the hon. Senator in question is not present. It is like hitting below the belt and it does not befit the dignity of this House.

The President : As a matter of fact, that is not a point of Order. But hon. Senators will have noticed that I was a bit reluctant myself for the simple reason that the hon. Senator is not in this House. That is why I have been reluctant to keep on calling other Senators. But will Senator Ugwuocha please proceed.

The Minister of Health : It was not clear to us what hon. Senators were talking about until the name of Senator Doherty was mentioned. And now that his name has been mentioned, I think it will be unfair to discuss him while he is not present here.

Senator Chief Ezeogo Ugwuocha : I am sorry if in mentioning Senator Doherty's name, I was out of Order. I withdraw it.

I only want to tell the Senate that we did not take his statement into any account, because the leader of his party Chief Awolowo, who was in the Northern Region campaigning for election when the circulation of the circular letter to this hon. Senate took place, has disowned the statement made by the hon. Senator. Therefore his pronouncement should not annoy hon. Senators in this House.

Question put and agreed to.

Resolved, That the Senate do now adjourn.

Adjourned accordingly at ten minutes past four o'clock.

SENATE OF THE FEDERATION
OF NIGERIA

Wednesday, 29th November, 1961

The Senate met at 10 a.m.

PRAYERS

(The President in the Chair)

The President : Order. Order. Hon. Senators, I draw your attention to the Order Paper. There is a technical fault and I would ask you to delete "Notice of Motion". The heading will then be only "Orders of the Day", not "Notice of Motion and Orders of the Day". The Clerk will proceed to read the Orders of the Day.

ORDERS OF THE DAY

AMENDMENT TO THE CONSTITUTION OF
NORTHERN NIGERIA*Adjourned Debate on Question (25th April):—*

Question again proposed, That, in accordance with the provision of subsection (4) of section 5 of the Constitution of the Federation, the House signifies its consent of the Constitution of Northern Nigeria (Amendment No. 2) Law, 1961, having effect.

The President : Senator Chief Olayeye was on his feet when the Motion was adjourned.

Senator Chief J. S. Olayeye : In continuation of my speech on the Amendment to the Constitution of Northern Nigeria which was interrupted at 11.45 last Saturday I have a few more points to make. In brief the amendment does not ensure the unity of Nigeria as a whole. It is important that we are governed by the same law since we are all Nigerians. It is not fair that one law should apply to the North, another to the West and another to the East. If we want to be united the same law should apply to the whole country.

I do not expect that justice will be done if a judge of the Sharia Court of Appeal is allowed to sit with the Judges of the High Court and give advice. The dissatisfied party in the lower court will not be happy when he goes to the High Court and finds that the Judge who tried his case in the lower court is present to take part in the High Court.

A similar thing happened in my area before. Judges of the Native Court were allowed to take part in the Appeal Court. There was such

dissatisfaction that numerous petitions were sent to the Resident and eventually the practice was discontinued.

I do not say this to embarrass our Northern brothers, they are my friends. But what I am quarrelling with is the motion under debate in this House. That is all. We are all Nigerians and here in Parliament we are one body. It is not fair that I should go to the court and find the law penalising me while it exonerates a Muslim.

I am appealing to the Minister of Justice to see that we have one law in this country, instead of amending one law to-day and amending another tomorrow. My people will not be happy to see that the law that applies to the North is different from the one that applies to the East or West or Lagos.

In short, I oppose the Motion.

Senator Alhaji Abubakar Bale : I am sorry I was absent on Saturday, the day that this Motion was first brought up. I learnt the debate was heated as is the case with anything which concerns the North in this House.

Before the Debate was adjourned last Saturday, hon. Senators said that there should be one law for the whole of Nigeria. I regard that as an impossibility and I will give my reasons. In many parts of the North, the people have been deciding their cases according to Moslem Law before we all agreed to a Constitution for the whole of Nigeria. When the British people conquered the North the British Legal System was introduced and even then the British Legal System was introduced in conjunction with the Moslem Laws that have been in use before the British people came. Both the Moslem Law and the English Law were working side by side; so that every section of the country could be happy. If one is a Moslem, one is tried in a Moslem Court and if one is a Christian one is tried in the Magistrate Court. That has been going on for a long time and I do not think that has caused any dissatisfaction or division among any section of the people in the North.

All we are being asked to do now is to amend our Constitution so that a Judge of the Sharia Court can sit with two other Judges in the High Court to explain to the other two Judges Moslem Law so that they can reach a fair decision in their judgement. All this Motion

[ALHAJI BALE]

seeks to do is to provide for the smooth running of the judicial system in the North. It does not mean that a non-Moslem will be tried in the High Court of the Northern Region according to Moslem Law. It is only when a Moslem is to be tried that the presence of a Judge from the Sharia Court will be needed to see that the accused is given a fair trial according to Moslem Law. All the Judge of the Sharia Court is to do is to explain to the other Judges what should be done in accordance with Moslem Law. That is all ; no more, no less.

Senator Dahlton O. Asemota : On a point of information. The hon. Senator appears to be diverting from the subject of the Debate. I do not think any Senator is quarrelling with the arrangements made in the North. All we are saying is that this Amendment is such that should form part of the Agenda when the Constitution of Nigeria as a whole is being discussed and that the Senate should not be used as a Customary Court where every little thing can be brought for redress.

The other point we are stressing is that there is no urgency that this Bill should be passed by this Senate now. I think it should be left to the Constituent Assembly which the Prime Minister will arrange later.

Senator Alhaji Abubakar Bale : Nothing can be understood unless it is explained. All I am trying to do is to explain why this Motion should be introduced into our Constitution. The job of the Grand Kadi is just to help the other Judges. The decision of the Judges is final. The accused will not be freed simply because he is a Moslem.

I see no reason my dear hon. Senators why this Motion should be delayed. All it seeks to do is to make provision for the Judge of the Sharia Court to sit in the High Court to give advice on Moslem Law.

Hon. Senators go on saying they do not hate Northerners but it seems to me that they hate that Region. If we say we are one then we should love what our fellow countrymen love. If the love is onesided we will make no progress. Hon. Senators will all agree that before Judges can come to a decision on a case they must have the facts before them and they must have somebody to lead them to the facts. If we say we should have only one law in Nigeria do hon.

Senators think that will be possible ? It is not possible. There are certain things which should be taken into consideration as far as Moslem Law is concerned before a decision can be reached. We are not saying that non-Moslems should be tried in Moslem Courts.

I remember when the Penal Code Bill was brought here some Senators did oppose it. That is why I said when things concerning the North are brought here they are not given the support they should be given by hon. Senators of this House. I do not think this is fair.

The Motion affects only our brothers in the North. If the Judge of the Sharia Court is going to be the only Judge for the High Court, I will say this Motion should be rejected ; it should not be passed. I hope hon. Senators will consider all that I have said. They will see that this Motion does not affect our normal way of life at all. The Government only wants justice to be done.

I whole-heartedly support the Bill and I call upon all hon. Senators to support it.

Senator Chief Mrs Wuraola A. Esan : I was just going to say that these men will not allow me to express my opinion.

I do not support this Bill not because it comes from the North. The last speaker said we are in the habit of saying that things from the North are not good. I would be the last person to say that. Any good thing that comes from any part of Nigeria belongs to us women who must share in it. We accept these good things whether they come from the East, West or North. Therefore, any good thing will definitely be supported by the lone voice of the woman who is in this Senate to represent the majority of the population of Nigeria. I am objecting to this Motion not on the ground that I am a Southerner but because I am a Nigerian first and foremost.

In the world to-day, Nigeria is regarded as an underdeveloped country. This is so because we have not got sufficient money to make atomic bombs and threaten people in other parts of the world. It is not because we lack commonsense. Although commonsense is not often common and definitely not common in the markets nowadays. In this House, we should be able to use our own commonsense.

The Federal Government is the custodian of the Constitution of the whole of Nigeria. Therefore, we must criticise in this House and in the Lower House with a view to helping the Government of Nigeria to succeed. We shall not help the Government by giving all sorts of advice and encouragement to the Government to divide us. It is not necessary to argue much on this Bill. After all, we are not debating as Senators who belong to different political parties or as Senators who belong to different Regions. We all here belong to Nigeria. We are given the mandate and are paid from public funds to direct the Government aright. So, we are going to give our direction inspite of being called partisans of a particular region or area of the country.

Justice is the weapon of the ordinary person to get redress from any court of law. If we have no justice or if our justice is controlled, where are we going in Nigeria? In the Northern Region, there is the Alkali Court and also this Grand Kadi at the Zaria Court of Appeal. Now we are being asked to provide for this man to be transferred to a higher court. I am a layman and have not studied Law, but ordinary people like myself must refuse to support this Bill.

We in Nigeria are very religious whatever our denomination, Moslem, Christian or pagan. In any case, we are a religious people and that is why we are able to frame our Constitution in order that we may all be living happily together. Peaceful co-existence comes from this Constitution but the base of this Constitution is now being tampered with by these piecemeal amendments.

Sometime ago, we criticised the Penal Code not because we thought that it will not be good for the Northern Region but because if we allowed it to be passed another amendment to the Constitution might follow. This Bill has proved us right now. If the Penal Code is exercised in such a way that it does not interfere with the liberty of other people, it is all right.

In this august House, we are ready to fight for justice in any part of the country. But we must be very careful when dealing with the Constitution. It is sure that the Constitution must be revised some time but this revision

is not going to be done by us laymen. People learned in Constitutional Law must be constituted into a body to revise the Constitution for the benefit of the country. Therefore, let us leave all these amendments to that particular body. That is all our argument. If the body that is to do this work finds it necessary to give the Grand Kadi more power to exercise even in Lagos, we shall be satisfied. Let us not touch the Constitution because of a minor amendment.

The hon. Senators from the North say it is a nice thing to make the Grand Kadi sit in the Northern High Court. But how would it sound to the outside world if we here who should unite our people misdirect the Government to do something that everyone of us here will not like in future? Our Prime Minister who is a God-fearing man is doing his best to unite us.

I am only advocating that our Northern brothers should keep cool and see our own view point and not tell us that we are doing all this because we do not like the Northerners. We do like them and whether we like them or not we must accept them because they are part and parcel of the country and without the Northerners a part of the Nigeria that we are proud of will not be there. We are not against the Northerners. We are only against the Constitution that allows them to pass their own laws—laws that may not be satisfactory to other ethnic groups in Nigeria. That is all. If the Constitution is bad, it will be noted that most of us here are not responsible for the wording of the Constitution.

I am not capable as a layman to say that the Constitution is bad or not. But from recent experience we all agree that our Constitution needs revision. Please, I emphasise this please, let us use our commonsense whenever anything like this crops up. We should not disagree for such reasons that will make us a laughing stock. If we disagree because of cogent reasons, on things that will be beneficial to all of us in Nigeria, it is all right. Therefore, I am asking this Upper House not only to reject this Bill now but also to go and study the Bill. Let a competent body study it and see if it can be brought back to us, after taking into consideration the criticisms that have been levelled against it in both Houses of Parliament. That

[SENATOR CHIEF MRS ESAN]

body will then make concrete suggestions that will be acceptable to us and beneficial to the people of this country.

Moslem is a religion and Muslims are everywhere in Nigeria. They are in the South as well as in the North. Our respected Attorney-General is a Muslim too. The Muslims in the other Regions of Nigeria need this protection as do the Muslims in the North. That is why I am saying that this provision should not be limited to the Northern Region. If it is necessary to have a Grand Kadi to advise us, let the authors of this Motion go back and study the whole thing and see if it will not be necessary for Moslems in all parts of the country to have the services of the Grand Kadi.

I, therefore, beg to oppose the Motion.

Senator Chief Z. C. Obi : I rise to support this Motion which seeks to amend the Constitution of Northern Nigeria. I am doing so not because of the effect it will have on the Northern Region alone. I fully realise that the Lower House and this hon. Senate are part of the law-making machinery of this country; but in the Council of Ministers, we have the Attorney-General who is more or less the custodian of all Nigerian laws and there is no doubt that this Amendment has passed through the Council of Ministers.

Senator Chief J. S. Olayeye : On a Point of information.

The President : I have tried to drive this point home to hon. Senators many times. I have said that a Senator can only raise a point of information if something which that hon. Senator had said is being misinterpreted. And certainly the hon. Senator raising a point of information has not said anything.

Senator Obi : As I was saying, there is no doubt that this amendment has been properly scrutinised by the Department of the Attorney-General. I know that we in this House take equal responsibility for every wrong action of the Government, but the Attorney-General knows very well that if he brings anything here that will be inimical to the interests of certain sections of this country, he will eventually be held responsible.

I would like to remind this hon. House that a few months ago, a Bill seeking to amend the Northern Regional Penal Code was passed. Up to the moment, I am sure nothing adverse has been said about the working of that law in that Region. I do expect that when we shall have passed this amendment, it will be the duty of the Attorney-General always to let us know when the amendment begins to work in the wrong direction.

I therefore express my support for this Amendment.

Senator Sanni Dingyadi : I rise to support the Motion before this hon. Senate. I am sorry to say that to-day I am going to talk in quite a different way from that to which I have been used. I used to be very mild, but I am getting a bit hot about this Motion.

Senator Dahlton O. Asemota : This is the Upper House and the hon. Senator should not be hot. Otherwise what would he expect Members of the Lower House to do.

Senator Dingyadi : I would like to comment on some of the speeches made last Saturday in this hon. Senate. Hon. Senators spoke in a way that seemed to show nothing but disregard to the actual requirements of the Motion. They showed great disrespect to the views of their brothers in the North; they spoke in a way which can only be interpreted to constitute a challenge to the integrity of our Alkalis; they accused the Federal and the Regional Governments of trying to introduce this Amendment which seeks to weaken the unity of this country, and the Amendment itself was described as untimely and unnecessary.

Senator Chief A. O. Fagbenro-Beyioku : On a point of explanation. I made a speech on Saturday morning and the hon. Senator Dingyadi has just referred to speeches made on Saturday morning. Unfortunately, the hon. Senator was not here and I think he has not read his *Hansard* very well because throughout the debate on Saturday, no speech was made which tried to insult either an Alkali or the Grand Kadi. Infact, nothing that was said was intended to create ill-feeling.

I feel therefore that the hon. Senator has been misinformed and before he continues his speech, I want him to take note of the fact

that nobody has ever insulted or doubted the integrity of the Grand Kadi. Rather there was commendation of his activities as an expert in the administration of Moslem law.

Senator Dingyadi : I read all the speeches made on Saturday in the *Hansard* very carefully and summarised everything that was said in all those speeches and what I have just said is the actual summary of what I have read. Some Senators went to the extent of saying that they could remember the sort of things happening in the Native Courts. I am sure one hon. Senator said that; and if one turns to the *Hansard*, one will find that others said that that sort of thing is weakening the unity of the country.

The Prime Minister in the course of his speech said that he was very angry, and he was sure that the Grand Kadi or the Judges would be angry to hear that any suggestion was made to the effect that the Grand Kadi would influence the judgement of the courts. I read all these things from the *Hansard*, and I think I am right in my assertion.

May I know whether hon. Senators are really speaking seriously on this matter or they are just playing politics with it. Politics should not in any way be allowed to come into such an important matter in the Senate. I do not know whether hon. Senators are strengthening the unity of this country or trying to weaken it. I think that they are really beginning to weaken the unity of this country and my reasons are as follows. I wish to tell hon. Senators that unity can only be maintained by the exercise of tolerance and respect of one another's views; we can never achieve the unity and solidarity we are all craving for if we are not tolerant of one another, if we disrespect one another's point of view, and especially if we go to the extent of doubting the integrity of one another.

I say, Mr President, that hon. Senators showed clearly in their speeches that they challenge the integrity of our Grand Kadi.

I wish to sound a note of warning. The North is always, and will always be, ready to co-operate with the rest of Nigeria, but not at the expense of its humanity.

May I ask, what is in the minds of these hon. Senators about the sitting of the Grand Kadi among the Judges of the High Court? Are they regarding him to be so dishonest as to try to drag the court to a dishonest decision?

If not, why are they opposing his sitting with the Judges of the High Court over matters which are purely Moslem? As an expert in Moslem Law he will be a great help to the Court.

I remember that long before the establishment of the post of Grand Kadi in the North, Judges of the High Court always invited our Alkali to assist them in the Court.—

Senator E. A. Lagunju : Point of Order. Standing Order 26 (1) (Revised edition)—“Rules of Debate: A Member shall not read his speech, but he may read short extracts from books....”

The President : The hon. Senator was refreshing his memory. Will the hon. Senator please proceed.

Senator Dingyadi : I consider this subject as a very delicate business. I do not want to say what I do not mean to say, that is why I keep on referring to my notes. I just want to say what I mean to say, not more.

Long before the establishment of the Grand Kadi post in the North, it was the established custom for Judges of the High Court to invite Alkalis to sit with them when hearing appeals from Moslem courts and to advise them on the Moslem way of doing things. I do not think that anybody would quarrel with that.

This Government is asking this hon. Senate nothing more than to support this Bill which seeks a small amendment to the Constitution to allow the Grand Kadi to sit with the Judges of the High Court only in matters which are purely Moslem. He is not going to drag the Court to any dishonest decision. He is going to advise the Judges on the Moslem Law and on the interpretation of the Penal Code on the Moslem Law. I am sure that nobody actually doubts the integrity of the Grand Kadi, and that nobody thinks that he could be so bad as to attempt to influence the Court to take a wrong decision.

Why are we denying him of this very useful privilege which concerns millions of the people of the North? As I said before, it is only by respecting the wishes of the people that we can cement our unity. But if we in this country show any tendency to disrespect the wishes of the millions of the people of the North, what will be the fate of our unity? We have to be very frank in what we say. There is nothing to hide about it.

[SENATOR DINGYADI]

If hon. Senators fail to pass this Bill now, I know that, under the provisions of our Constitution, it shall become law in six months time. But if we try to throw it away, it will hurt the feelings of the whole of the people of the North. We realise that this thing is not going to do any harm to anybody who is not a Muslim. This Grand Kadi is going to help to take a decision on matters affecting purely Moslem affairs. We Moslems respect the Grand Kadi. We respect his knowledge. We respect his advice. He is going to advise on Moslem matters; he is not going to advise on Christian matters. Why are we denying him this privilege? What will be the feeling of the people of the North? Will that cement the unity of the country? I say no, Mr President.

I therefore call upon hon. Senators to think again about this Bill and to come to a decision whereby every Member of this Senate will support it whole-heartedly. It has nothing to hide. It has nothing harmful to anybody. It is purely a Moslem matter. The Christians have nothing to do with Moslem matters, and the Grand Kadi will not take part when a Christian law is going to be administered. It is only when a Moslem law is being interpreted in the court that he will be invited, and this practice has been established a very long time ago.

Therefore, I commend this Bill to all hon. Senators in this House, and I beg them to think again—those of them who had opposed it—and to come to our side and let this Bill pass without further amendment or further discussion.

I beg to support.

Senator Salihu Fulani : There has been some misapprehension about this Bill which—

Senator P. A. Ogundipe : Point of Order. I thought the hon. Senator who is now trying to speak had already spoken before?

The President : I do not think he has. Please proceed.

Senator Salihu Fulani : There has been a lot of misapprehension on the part of our brothers from other parts of Nigeria about this Bill. All that the Bill seeks to do has been

expounded by the previous speakers. But I would like to enlighten this House a little bit on the judiciary set-up of the North.

In the Northern Region to-day, there are at least five categories of courts, and I will go through them briefly. First, there is the Sharia Court in which the Grand Kadi is the President and all Appeals from lower courts go to him. Another set is what you all know here and which is common throughout the Federation of Nigeria, that is, the Magistrate Court. A Magistrate sits and hears complaints or Appeals, not only from the Moslems, but from every section of the community in the Federation of Nigeria. Another one is what we call a mixed court. Those of us here who have benefited by going to such places as Zaria, Kano or Jos, know how these courts function.

The Presidents of such courts are chosen, not from a Moslem community, but from people who come here from Lokoja or Lagos or even from Ibadan. Those people sit as Presidents and they have assessors or jurists who help them with their cases. Now, that is a sign that the Northern Region is very very considerate.

Another, is the Alkali, which many people complain about. The Alkalis are very learned in their own way and they solely try Moslem people. Up to a short while ago if you were not a Moslem, and a case was preferred against you before the Alkali, you had the opportunity of opting out. That privilege was often abused and has now gone over-board.

The fifth system which we have in the North, is what we call the Presidential Court. In parts of the Northern Region you have areas which are predominantly non-Moslem and, again, you have pockets of Moslems in this or that village and the head of that community is given a warrant to be a Judge. He has the advice of Elders who sit beside him and who know the traditions of the people, who know how people behave. Those people sit down, in company with the President, and hear cases (in most cases Moslem) and they have their own court in that particular way.

So you see, hon. Senators, that the Northern Region is utopian so far as judiciary is concerned. I do not think there is any other

Region in this Federation which has such a notable and noble system of judiciary as we have in the North.

I am sure those people who have spoken either for or against—especially those who spoke against—this Motion have done so with some motive behind their speeches. Now that their fears have been allayed, they realise that the Northern Region is making a legitimate demand to allow the Grand Kadi to sit with the Judges of the High Court. As has been pointed out by the Ministers of Justice, he is only one among two Judges. There must be three people. How can one person, one single person, enforce his own decision on two people, whilst the other two are learned in their own way? All this Bill seeks to do is to give the Moslem Grand Kadi a chance of interpreting—I emphasise that word—interpreting to the other two Judges who are not Moslems and who are not learned in Moslem law, the trend of their case.

This Bill, which is being put before this august House, has been given its blessing from the Northern House of Assembly and, as you know, the North is predominantly Moslem. Ninety-nine per cent of the people are Moslems.

(*An hon. Senator: No!*). Even so, ninety-eight per cent. (*An hon. Senator: No!*). However, nobody can deny that the Northern Region is predominantly Moslem, that is a pure fact which cannot be denied. When you see this Bill has been passed through the House of Assembly it means it has the backing of millions of people in the North.

If we have not trampled on what you always call "Fundamental Human Rights", how could you try to deny the teeming million of the North of their wishes which have passed through the House of Assembly and say that the Motion should be deferred? What sort of attitude can that be? Is that fair, I say? Is that fair? Is that tolerance?

I am sure this august House has other things to do than try to delay a thing which is purely Moslem in nature and which has not hing to do with any discrimination of any form and from any angle.

I do hope that, having listened to various speakers on this point, this hon House will not hesitate to give unanimous approval to the Bill.

The Minister of Health (Chief the hon. Dr M. A. Majekodunmi): I rise to move that the Debate be now adjourned.

The Attorney-General and Minister of Justice (Dr the hon. T. O. Elias): I beg to second.

Question, That the Debate be now adjourned, put and agreed to.

Adjourned accordingly sine die.

WIDOWS AND ORPHANS PENSIONS (AMENDMENT) BILL

Motion made and Question proposed, That the Bill be now read the Third time.—(The Minister of State, Dr the hon. E. A. Esin). (Interruption)

The President: Order. We finished the Committee stage of this Bill yesterday, and the Third Reading was adjourned until to-day.

In accordance with the requirements of the Constitution I direct that the House proceed to a Division. Will the Clerk please call the roll.

The Senate divided.

The President: Order. The result of the Division is as follows:

Ayes—39. Noes—Nil. Abstentions—Nil.

The Ayes

Seat
No.

3	Senator Asemota
4	Senator Chief Beyioku
5	Senator Bawa
6	Senator Chukwubike
7	Senator Ejaife
8	Senator Abaagu
10	Senator Chief Ugwuocha
11	Senator Chief Ojon
12	Senator the Oba of Lagos
13	Senator Alhaji Bale
14	Senator Ndu
16	Senator Mrs Esan
17	Senator Dingyadi
18	Senator Nzerem
19	Senator Hunponu-Wusu
20	Senator Chief Acholonu
21	Senator Garba
22	Senator Chief Obi
23	Senator Olamijulo
25	Senator Fulani
27	Senator Chief Esangbedo
28	Senator Doherty
29	Senator Dadi
30	Senator Chief Nakoku
31	Senator Odutola

- 32 Senator Adamawa
 33 Senator Udoh
 34 Senator Eytayo
 35 Senator Yusufu
 36 Senator Ukattah
 37 Senator Ogundipe
 38 Senator Sheriff
 39 Senator Chief Umoh
 40 Senator Lagunju
 41 Senator Alhaji Ungogo
 42 Senator Alhaji Abdu
 Minister of Health, Dr M. A. Majekodunmi
 Minister of State, Dr E. A. Esin
 Minister of State, M. Nuhu Bamalli

Bill read the third time and passed.

PENSIONS (STATUTORY CORPORATION
 SERVICE) BILL

Order for Second Reading read.

The Minister of State (Dr the hon. E. A. Esin): I rise to move that—A Bill entitled the Pensions (Statutory Corporation Service) Act, 1961 be read a Second time.

When the various statutory corporations were created, the officers serving in the old Government Departments which the corporations replaced were given the option of transferring to the corporation. As the only alternative would have been retirement on abolition of office, the transfers were more or less compulsory. In addition, immediately after the creation of the corporations, there could be no definite assurance as to how they would work and many of the officers concerned expressed apprehension on this score. For these reasons and in order to persuade as many officers as possible to accept transfer, Ordinance No. 21 of 1952 was enacted.

The provisions of this Ordinance make it possible to grant to an ex-Government officer transferred to the service of a corporation a pension calculated as at the date of his transfer to the corporation with appropriate abolition of office addition if for any reason, short of being sentenced to a term of imprisonment on a criminal charge, he leaves the service of the corporation in circumstances not entitling him to benefits from the corporation.

This provision was, and is, a very desirable one as far as newly formed corporations are concerned but with the passage of time the position has changed. There is no good reason why an officer in the Public Service who now transfers to the service of one of the corporations should be in a position to obtain a pension in respect of his Government service

if he resigns from the service of the corporation when he would not be entitled to such benefits if he had remained in the Government service.

The Bill now before this hon. Senate seeks to amend the original Ordinance to limit the provisions I have mentioned to a period of three years from the date of creation of a new corporation. At the same time it preserves the rights of officers who have already transferred to the corporations now in existence.

The Bill itself, is short and straightforward and I am sure hon. Senators will agree that the restrictions it imposes are highly desirable as they ensure that officers are not in a position to obtain retiring benefits at a date earlier than that on which they would normally be entitled.

I beg to move.

The Minister of Health (Chief the hon. Dr M. A. Majekodunmi): I beg to second.

Senator A. E. Ukattah: This is a very simple Bill. I wish to congratulate the Government for bringing this Bill. When these corporations were first created they consisted of former Government Departments and those people who left the Government Service to join the Corporations were in a position to choose whether to be in the corporation or to be in the Government Department. Those of them who chose to remain in the corporation had their fears as to what might be their position. At that time, it was necessary to give them the opportunity to make their retiring benefits continuous.

Now, it would be very impudent to continue with that system. While limiting the period to three years from the date of creation of a corporation, the Government has provided a safeguard and has provided a measure that is calculated to prevent squandermania of which the Government has been accused by some people in this country.

I whole heartedly support the Bill.

Senator Chief A. O. Fagbenro-Beyioku: The point I want the hon. Minister of State to make clear is this. A man had served in a Government Department for about twenty years and at the inauguration of a Public Corporation he opts to be seconded to the public corporation. When he gets to the public corporation Government continues to

accept liability for the pension which he has already earned for his previous services to the Government. What happens if before three years he feels dissatisfied with conditions in the corporation and it is not possible for him to go back to his former Department his vacancy having been filled and there being nothing left but to resign his appointment? It is not quite clear to me what this Bill that the Minister of State has just introduced seeks to do. Is the Bill saying that simply because he has resigned and he has not completed three years with the corporation he will not be entitled to the pension which he has earned with the Government Department? Before I proceed I want to be clear on that.

The Minister of State : The officer is entitled to be paid pension after serving the Government for ten years. If he serves the Government for less than ten years, he will not be entitled to pension. But, if he agrees to transfer to the Corporation he will be entitled to pension from the time he starts his service with the Corporation, if even for only one year.

The President : What the hon. Senator has just raised would have been better raised at the Committee Stage.

Senator Fagbenro-Beyioku : I think if I am satisfied now, there will be no need for me to raise it at the Committee Stage again. I only want to make sure that people who have opted to join the Corporation will not be hard put by the Bill which we want to approve because agreeing to it the way the hon. Minister has just explained could mean that a man may forfeit certain things provided he has not completed the three years limit. When we come to the Committee Stage, I will try to expatiate on that point because it is not quite clear to me.

Question put and agreed to.

Bill read a Second time and immediately considered in Committee.

PENSIONS (STATUTORY CORPORATION
SERVICE) BILL :

CONSIDERED IN COMMITTEE

Clauses 1 and 2 ordered to stand part of Bill.

CLAUSE 3 (SECTION 4 OF THE PRINCIPAL
ACT AMENDED)

Senator Chief Fagbenro-Beyioku : I would like to speak on subsection (2)—

“Where after the passing of the Pensions (Statutory Corporation Service) Act, 1961, an officer is transferred to a scheduled corporation and at any time within three years from the establishment of the scheduled corporation leaves its service in circumstances set out in subsection (1) of this section, he shall be deemed to have retired on the date upon which he was first employed by the scheduled corporation and be eligible for a pension accordingly in those circumstances ;”

If after he has served two years and nine months he leaves the service of the Corporation, according to this law it will be assumed that he left the service as on the first day he was transferred to the Corporation. This means that the two years and nine months he served in the Corporation will not be taken into account. I want to know if there is any justification for that since his services with the Government department and the Corporation should be continuous. I wonder why we should put this restriction that he must necessarily be with the Corporation for three years before his services can be reckoned. This point is not clear to me.

The Minister of State (Senator the hon. Dr E. A. Esin) : In the past when one is transferred to the Corporation the time was unlimited. But now the Government has found that some people have taken advantage of that fact. So, the Government has limited the time to a period of three years. If one leaves the service before that time one is not entitled to any pension. Even in the Government Service one is not entitled to pension until one has been in the Service for at least three years. So, if one who has served the Government for the stipulated number of years and is entitled to a pension is transferred to the Corporation he must serve the Corporation for three years.

The Law stipulates that Corporations are new establishments which are well founded and which have become part of the machinery of the Government of this country. So, it is not just a matter of having to beg people to transfer to them. Therefore, this Law is made for that purpose.

Senator Chief Fagbenro-Beyioku : I am not satisfied yet but I have not given any notice of amendment so I cannot proceed. I think I have to take this matter up with the appropriate Department of the Government.

Senator T. Olamijulo : Will the pension which that man can earn in the Government Department still be accruing or not ?

The Minister of State : If he is entitled to it.

Senator Chief T. A. Doherty : Senator Fagbenro-Beyioku's point is quite in order because it says that 'three years' should be deleted now.

Clause 3 ordered to stand part of the Bill.

Clause 4, ordered to stand part of the Bill.

Bill reported without Amendment, read the Third time and passed.

SHERIFFS AND CIVIL PROCESS

(AMENDMENT) BILL

Order for Second Reading read.

The Attorney-General and Minister of Justice (Dr the hon. T. O. Elias) : I beg to move That, a Bill for an Act to repeal the Sheriffs and Civil Process Act, 1961, and to make other provision for the appointment of Sheriffs and to amend the Sheriffs and Civil Process Ordinance in its application to the Federal Territory be read a Second time.

Hon. Senators will recall that last April at the Budget Session we passed an Act to make reorganisations in the administration of justice so far as Sheriffs and Baliffs are concerned. The existing law is that the Sheriff and his Baliffs are officers under the Inspector-General of Police. That Act enabled us to change that arrangement and put the Sheriff and his Baliffs under the Superintendent of the Court.

Before we brought that Bill, there was a good deal of correspondence between the Federal Government and the Regional Governments based largely upon the recommendation of de Commamond, the former Chief Justice of Lagos, who was appointed in 1952 to go into this whole matter and report. Since that Act became law on the 1st of June this year, we have received representations from one or two regions pointing out that although they agreed that this Bill should go forward they would like to be left free to make some other arrangements in their own area.

The second reason for bringing this Amendment is that the Superintendent of Prisons has represented that this Bill makes him the public hangman for the Federation, the task which he is not very anxious to assume. And so, it has become necessary for us to provide that the public hangman shall be appointed by the Sheriff under the Superintendent of the Prisons' authority.

I draw the attention of hon. Senators to the Amendment which I propose should be taken along with this Bill. The Amendment is to Clause 1. It should have appeared as part of this Bill when it was moved in the Lower House but somehow between the Draftsman and the Government Printer something has got left out. Therefore, with the permission of the President, I am proposing to add to Clause 1, at the end of 'Federal Territory' the following words : "so, however, that section 5 of this Act shall apply throughout the Federation." So that the whole of section 1 subsection 1 will now read : "This Act may be cited as the Sheriffs and Civil Process (No. 2) Act, 1961, and shall apply to the Federal Territory, so however that section 5 of the Act shall apply throughout the Federation."

If hon. Senators will turn to section 5 they will find that the only words that appear are "the Sheriffs and Civil Process Act, 1961, is hereby repealed." By a technical principle of interpretation, that will not be sufficient to repeal the Sheriffs Act with respect to the Regions because this amending Act relates only to the Federal Territory. So, that Clause 5 would only have the effect of limiting the Amendment to the Federal Territory in respect of all the provisions of this Bill but would still leave the Act passed last April applicable to the Regions.

The Bill, as I have said, has already passed through this House before and the reasons that led to this which I gave in April were, and still are, that the old arrangements have not proved satisfactory from the point of view of the courts and of the lawyers and also of the administration of justice in this country.

I am sure that many hon. Senators must at one time or another have had something to do with the Sheriffs and the Bailiffs, and must have known something of the difficulties

that have arisen on that score,—processes not served on time, allegations of collusion between the bailiffs and the persons upon whom the process of the court must be prosecuted, and general complaints about the incompetence of the Bailiffs in the discharge of their duties.

Hon. Senators will remember that when I introduced that Bill, I also introduced another Bill which sought to increase the existing scale of salaries of these various officers in the court so that we could encourage the more enlightened and more upright class of our citizens to take up these duties because we feel that it is not enough to be amending substantive laws as we are doing; it is also necessary to make sure that those who help to execute those laws especially on that level are people of integrity who know their job and have a sense of social obligation to the community they serve.

I beg to move.

The Minister of State (Dr the hon. E. A. Esin): I beg to second.

Senator Chief Ezeogo Ugwuocha: This Bill is non-controversial but there is one observation that I want to make. I have seen several bailiffs who have deliberately delayed the process of action. I do not know the reason for this but I remember that last year action was taken by a certain community against another community. Up to this moment, action has not been taken and the members of the aggrieved community have sent delegations upon delegations to contact the bailiff.

I have to appeal to the Federal Government to see to it that in implementing this Bill efficient and honest people are employed to perform this duty.

Senator Chief A. O. Fagbenro-Beyioku: There is only one aspect on which I would like to speak and that is the appointment of Deputy Sheriffs. All Registrars in the Chief Magistrate Courts will now become Deputy Sheriffs. The Bill further states that these Deputy Sheriffs can perform the duties of the Sheriffs at any time and that whatever they do cannot be questioned by anybody. Well, I cannot just understand where we are going!

I am happy however to note that in introducing the Bill the hon. the Attorney-General

said that when the original Bill was brought before this House, cognizance was taken of the remuneration to be attached to the various posts, but the Deputy Registrars of the Magistrate Courts will now be called upon to perform the duties of Sheriffs. This means that they are now taking on additional responsibility. I wonder whether or not the Government is going to give any consideration to that point and effect necessary improvement in the salaries of these registrars.

Apart from that, the most important thing is that a line of distinction should be drawn, otherwise we shall no more have Deputy Sheriffs. All we shall have is Sheriffs because the present Bill provides that every Registrar in the Chief Magistrate Courts shall become a Sheriff and in as much as a Registrar can perform the duties of a Sheriff at any time and without question, I think we should simply say that he is a Sheriff.

The other point I would like to raise is on the question of the execution of death sentences. The Bill says that the Sheriff shall appoint a hangman. I have a feeling that the time has come when we should be thinking seriously about this death sentence.

Sometime ago, there was a move in certain parts of the world to abolish the death sentence. We are not a race of murderers and nobody will be scared if the death sentence remains in the Statute Book; but it seems to me that the death sentence is a legalised way of committing murder. I think it is high time we gave consideration to abolishing it and substituting life sentence.

Several hon. Senators: No, no.

Senator Zanna Medalla Sheriff: On a point of Order! I am not quite sure if the point the hon. Senator is making is relevant to the issue on the Floor of the House. The hon. Senator is talking about murderers and death penalties!

The President: I must say that if the hon. Senator looks at the back page—Clause 4, it does say something about the appointment of a hangman, and a clever legislator can really weave in the question of death sentence. Unless the hon. Senator dwells too much on it, he will not be out of Order.

Senator Fagbenro-Beyioku : That is the only observation I wish to make. I think we should start thinking of abolishing the death sentence and I still hold to that view.

Senator P. C. Ndu : Before I say anything in support of this Bill I wish to make certain corrections. Yesterday on the Floor of this House I made a statement which has been credited in the *Hansard* to Senator H. N. Udoh.

Senator Fagbenro-Beyioku : On a point of Order !

Senator Ndu : The second point is—

Senator Fagbenro-Beyioku : On a point of Order !

The President : Only one of us can speak at a time, and in fact, only one Senator should be standing at any one time. When a point of Order is raised, the Senator speaking will please yield to hear the Order !

Senator Fagbenro-Beyioku : The point which the hon. Senator is raising should have been raised at the beginning of the meeting this morning under a point of explanation, when proper note should have been taken not when a Bill is being discussed.

The President : The point is well taken.

Senator Ndu : This Bill is straightforward but there is one aspect of it with which I am much pleased. That point is that the Government has now thought it wise to take away the responsibility of serving writs of *fife* from the Police and transfer it to the Courts.

The other advantage is that the Police will now have sufficient time to look after their duties of watching the properties of the public. Criminals are very many now.

With these few remarks I support the Bill.

Question put and agreed to.

Bill read a Second time and immediately considered in Committee.

SHERIFFS AND CIVIL PROCESS
(AMENDMENT) BILL :
CONSIDERED IN COMMITTEE

CLAUSE 1—(SHORT TITLE, ETC).

The Attorney-General and Minister of Justice (Dr the hon. T. O. Elias) : I beg to move an Amendment to clause 1 subsection

(1) in the following terms :

That after the words "Federal territory" add, "so however that section five of this Act shall apply throughout the Federation". The reason is as stated.

Question, That the words proposed to be inserted be there inserted, put and agreed to.

Clause 1, as amended, ordered to stand part of the Bill.

Clauses 2-5 ordered to stand part of the Bill. Bill reported with an Amendment.

Motion made and Question proposed, That the Bill be now read the Third time.—(The Attorney-General and Minister of Justice).

Senator H. O. Abaagu : I just want to place it on record that we are vehemently opposed to the opinion expressed by one of the speakers that death sentence should be quashed.

Question put and agreed to.

Bill accordingly read the Third time and passed.

Sitting suspended : 11.43 a.m.

Sitting resumed : 12.07 p.m.

LAW REFORM (TORTS) BILL

Order for Second Reading read.

The Attorney-General and Minister of Justice (Dr the hon. T. O. Elias) : I beg to move the Second Reading of a Bill for an Act to abolish the terms of common law employment, to amend the law relating to the measure of damages for personal injury or death, to provide for the liability of occupiers and others for injury or damage relating to persons or goods lawfully on any land or other property from danger due to the state of the property or to things done or omitted to be done there and for purposes connected therewith.

Yesterday, in this House, we passed a Bill for the reform of the Law of Contracts. This Bill is designed to carry out further reforms in the law of Torts.

There are two aspects of that law which we intend in this Bill to reform. The first relates to the doctrine of common law employment, and the second to the liability of owners and occupiers of premises to third parties coming to those premises.

The English Doctrine of Common Law, which has been abolished in England since 1948 but which still forms part of our law here, is to the effect that where an employer employs two or more servants to carry out work, whether in a factory or on the road or anywhere else, and one servant injures his fellow servant in the course of their employment for the common master, then the master is not liable for such injuries.

This principle is an exception from the general rule of law which is still part of English law and which is the law in Nigeria to-day that, ordinarily, the employers of labour are liable for the Torts, that was the civil wrongs they might do to third parties in the course of their employment.

What constitutes "course of employment" is a difficult point but it is generally understood in the courts to mean that the servant must be actually engaged on the type of work which he was doing when the injury occurred, either to the fellow servant or to a third party. The servant must not have committed this wrong against another when on a frolic or jaunt of his own.

If, instead of taking the most direct route to the place of work or to the place which involves his travelling from the place of employment to another in the course of his work, he goes out of his way and takes his own route or to do his own private business, and injures another, then the employer is not liable.

Now, the doctrine of common employment has worked a good deal of hardship in England and, in the rising industrialisation of this country, we think it necessary that the discrimination should be abolished here, as it was abolished many years ago in England.

The general trend of the law in most civilised countries to-day is towards making those who employ new means of locomotion or transportation responsible to the harm they cause to ordinary people. This is necessary because if we leave a servant to sue another servant, if injured in the course of their common employment, we find, usually, that the fellow servant is not worth suing.

There is a principle involved here that the employer undertakes that, in employing his servants, he has used reasonable care

and skill to appoint proper people to work on proper aspects of his job so that he is really guaranteeing the skill and care of every servant that he employs vis-a-vis fellow servants. If both are engaged in the same factory and the employer employs someone not so competent to run a machine then, of course, if a fellow servant is injured thereby, it is only reasonable to make the employer liable for such injury because he might have prevented the accident if he had taken proper care to appoint a skilled person.

This is not limited to factories; it goes beyond the factory on to the streets and wherever two or more persons are in the common employment of a master.

There is a principle, also, which should be borne in mind in this connection and that is that the servant who has caused this injury to his fellow servant does not go scot-free altogether. The employer can usually, in the Service Agreement, provide for the deduction by instalments or in some other way, from the pay of the negligent servant who has thus involved him in the dangers to a fellow servant and thereby recouped himself. But the immediate injury done to the fellow servant can only be remedied if there is swift redress and only the employer will be in a position to provide that.

Whatever private arrangements he will make to recover his money from the servant that has thus involved him should be a matter between him and that particular servant.

The second aspect of the Bill which I would commend to hon. Senators concerns the liability of owners and occupiers of land towards third parties. When you own a piece of land or you are an occupier of it in the sense that you are perhaps the tenant who is in charge of the whole premises, the law lays upon you several types of duty with respect to people coming into those premises. I think it is useful, briefly, to mention the four capacities in which third parties can come upon another's premises for this purpose.

The law distinguishes between four different classes of visitors towards land. The first is the contractor—the responsibility of the occupier to a contractor. A contractor is anyone who comes on your premises as the result of an agreement between two of you. If you erect a public staging, say, to witness,

[MINISTER OF JUSTICE]
a procession, and ask those people to come onto that staging and pay you fees in respect of the use they will make of the staging, if the staging gives way and the people are injured, you will be liable as for breach of contract because you say this thing you have erected is safe and people who can, will come onto it.

The same applies to ordinary premises where, for instance, someone has a common interest in some business transaction and he has come as the result of an agreement or contract between you. If he is injured he should be able to sue you as for breach of contract.

The second category of visitors is what we call invitees. An invitee is anyone who has the law on his side to come onto your premises. He may be an electric meter reader or he may be a Sanitary Inspector, he is an invitee and the law expects you to owe him a duty of care, not only to warn him of unusual dangers that may exist upon your premises, but also of dangers of which, as a reasonable person, you ought to have been aware.

If he is injured in the capacity of an invitee in that sense (you need not issue an official invitation before someone becomes an invitee for this purpose) then you are liable to him.

The third group consists of people whom the law describes as licensees. These are people who may not be, for instance, your own visitors, as the owner of the premises. They may be visitors or members of the family of your tenant. In such a case they will be in the position of licensees and the duty laid upon you by the law is that you should make sure that you warn them of those dangers of which a reasonable person like you should be aware. No more; no less. You are not bound, as in the case of invitees, to warn him of hidden or unusual dangers.

The fourth group consists of what I would call trespassers—burglars, thieves or people coming on to your premises without any lawful excuse, who have no common interest with you in coming on your premises, whom you have not invited, who are not under a contract or agreement with you; they must take the premises as they find them. If they are injured as a result of coming on in that way they will not be able to recover a penny from you. But the law goes on to say that you are *not* expected to set traps deliberately to catch

such trespassers. If they are injured as a result of your setting a trap for them then other considerations would apply and you may be liable.

These distinctions appear to be very simple the way I have tried to put them but when specific cases occur in the courts they are not so easy at all. Since this doctrine has been part of English Law and of our own, many cases have come before the courts and the Judges have found it very difficult, extremely difficult, to know into which of these four categories to put a particular complainant because the varieties of the circumstances and the occasions are almost limitless and one person that appears to be an invitee may turn out to be a licensee after all. It is that area most especially that difficulties have arisen in the courts; to distinguish between an invitee and a licensee, so as to know what particular type of duty is owed to him in this respect.

Sometimes too, the law finds it difficult when there are distinctions. For instance if you go to any of the public parks in Nigeria, and on an occasion when you are supposed to pay some entrance fee and some fellow smuggles himself in through the back-door and finds that he is also injured, in certain circumstances the court may feel that they cannot treat him really as a trespasser. The justice of the case may require that those organising the particular function should have taken care to prevent harm coming to anyone in any case. So, it is these sort of difficulties that have led to this Bill being drafted in this form and the effect of it will be to divide all those who come into another's premises into two categories. Those who come there on their lawful occasion and those who do not. The former will be able to sue whether they pay to enter or not, whether they are invitees in the sense I have explained or, whether they are licensees. All these three people have a lawful right to be on the premises, the right may vary but we now substitute a common duty of care for the distinctions that exist at the moment in our laws. The law does not affect the legal position of trespassers who will continue to take the premises as they find them.

There are other aspects of the Bill to which attention might be usefully drawn. For example, if you look at section 9 you will discover the attempt we have made there to deal with the situation existing between Land-

lord and Tenant. We have sought to protect tenants who are usually in a weaker position *vis-a-vis* the landlord by saying that where the landlord originally enters into an agreement with the tenant to carry out repairs to the premises he has leased, it is only fair that if those premises should injure anybody coming on them the landlord should be liable rather than tenant.

There are other aspects of the Bill which I am sure will commend themselves to the House. I want finally, to draw attention to section 5, 10 (4) and others in which you will find the Government making definite provision for the situation where the crown, that is the Government, is the landlord or is the person affected. We have placed the Government on the same basis as any private individual employer of labour or occupier or owner of premises and thereby amended again another aspect of our law which up till now has required any complainant against the Government to adopt the rather tortuous procedure of bringing a petition of right and getting the authority of the Attorney-General before being able to sue the Government in this respect. We intend later at some future date to bring another Bill to be named—The Crown Proceedings Act—a Bill which will have the effect of carrying out similar reforms in respect of other aspects of our law.

I beg to move.

The Minister of Health (Chief the hon. Dr M. A. Majekodunmi) : I beg to second.

Senator Chief A. O. Fagbenro-Beyioku : I am very happy that we have this Bill before this House. To abolish the English Common Law of Tort under which employees have been covered in the matter of injury and to seek to have our own is something which is welcomed but in the ordinary acts of Common Law and the Law of Tort I want to be quite sure whether the conditions stipulated under section 4 (a) as to the taking into consideration of workmen's compensation and other benefits from the National Provident Fund would be quite in order; because in the existing English Law which we now use it is possible for a man to sue under a Statutory Law and at the same time it is possible for him to sue under the common law even though he may not receive two forms of damages in the case of accident.

Again, in the English Law which we now use when we sue for personal injuries particularly as between employee and employer the court would not necessarily be bound by the fact that a man has been paid some substantial amount under the workmen's compensation or that the man will enjoy some benefit. The Court may take it into consideration, but it is not going to form the basis of the judgment. I am not quite sure whether from the provisions of this Bill employees who may suffer injury will not be at the mercy of the employer particularly where the employer seeks to find cover under the Workmen's Compensation Act. The Workmen's Compensation Act as we have it now would only compensate the worker when he loses say one finger or one arm. The degree of incapacitation will then be assessed by a Medical Officer and some percentage of his earnings awarded for the particular injury which the worker has suffered. But if one has to claim under the law of Tort or the Common Law then one has to claim for what we call general damages. It means that one claims not for the loss of the finger alone but for the convenience and the unpopularity arising out of that loss throughout one's life. So, I would like an explanation as to whether we are properly covered.

The Bill, as it stands, is very good and I like it very much but at the same time, although I am always the workers' mouth piece, in this particular case I am not able to satisfy myself on the section of the Bill which gives the employer the right of action against a third party.

In the Law Reform (Torts) which we are now considering one may have to pay compensation if the employer A has a contract with B to be supplying food to A's canteen, Mr B supplies food which results in some employees working under A suffering from illness and not being able to go to work. A loses their services but has to pay them some compensation. Under the Common Law, A can sue B provided that the provisions supplied are not tinned food of which B has no knowledge.

I want to know whether that is also covered here because if it is, the employer, when he makes such a claim before the court and gets it, will be encouraged to pay his employees the necessary bonus whenever they fall victim of such situations.

[CHIEF BEYIOKU]

There is another point on which I would like to be enlightened. I have read through the Bill but perhaps the Attorney-General will draw my attention to it. The point is about personal injury. The fact is that I came in late when the Attorney-General was introducing the Bill. I would like to know what happens if an employee causes an injury to another employee.

For instance a firm owns motor vans. A driver is under instruction to go along Broad Street and deliver some goods. He is to go along the Broad Street, right down to the end of the road to Niger House. But the driver will not go through the Broad Street; he goes through Nnamdi Azikiwe Road, to John Street, to Broad Street and then to Niger House. There is another employee in the same van with him who perhaps as a result of a collision or accident in the course of that journey was knocked down. What happens?

Some cases of this nature have been decided in which the employer has been liable. In some cases there have been doubtful judgment. In this case, I would like the hon. Attorney-General to direct us as to what provision we are making in our law for these situations when they do arise.

I read of one tricky case which helped me in solving a problem some years ago. It was a case of a man who left his house and was going to work one hour before he was actually due to resume his duty. A tram was provided for his use by the employer. So, in his effort to take that tram he fell.

An hon. Senator : On a point of order, the Motion before us concerns labour and the hon. Senator has been talking directly on labour conditions and trade unionism.

Senator Chief Fagbenro-Beyioku : Perhaps the hon. Senator forgets that we are discussing personal injuries arising from this Bill.

As I was saying, this employee fell in his attempt to climb the tram. So, there was a point as to whether in Law he was entitled to a claim since he had not actually resumed duty and the employer was not responsible for

his action. I must confess that this is a very important thing to me. I must take my time to study the Bill because it will change my old line of argument to a new line of argument. And as a party to this Law, I must have to know the real background to the Bill. I think I am very happy at the introduction of this Bill and it has my very full support.

The Attorney-General and Minister of Justice (Dr the hon. T. O. Elias) : I am grateful to the last speaker for the various points he has raised. I can assure him that when he has had time to study the Bill I am sure he will find it more satisfactory than it appears on the surface because I think it may justifiably be regarded as part of what I regard as the "workers' charter".

The first point that I thought I should clear up concerns the issue as to what constitutes a course of employment. As the hon. Senator pointed out if he had been here a few moments before he did he would have known that that was exactly the point which I took some time to explain : this whole business of the master not being liable for any injury caused by a servant outside the course of his employment. If the servant injures a third party when he is on a frolic or just on his own, then the employer is not liable. As the hon. Senator was mentioning several of his instances, it struck me as if he had been reading some industrial Law books because they were particular instances of decided cases. I do not want to worry this hon. House with citation of cases but for almost every sentence he uttered one could give a direct case on it. That aspect of it is taken care of by the law.

The second important point which the hon. Senator raised a little earlier on is also well taken care of by this Bill, the point about whether the employee can still sue, apart from this Bill, in cases of what we call the failure of the Minister to take due care with respect to the servant. That is under the ordinary law of negligence or nuisances. The employee is still as free, after this Bill as he always has been to sue his employer on the ground of Common Law. This Bill seeks to supplement his right as against the employer and give him statutory rights in the well defined instance of the employer creating some special risks.

If one becomes an employer or one establishes a factory or puts a motor car into circulation so that one increases the risk of the ordinary people, of course, these people should be able to sue for the risk they suffer from these things one puts about. And as for putting what we call delicarious matters into circulation, that is anything that is likely to injure another, whether in the form of soft drinks like coca cola or in the form of selling cars or establishing machinery in factories, the Law tends nowadays to place a higher duty upon the owners or occupiers of such things *vis-a-vis* the ordinary people.

I think that the Bill, if looked at more carefully, will be found to be indeed a progressive measure designed to increase the sense of social obligation of those who are now captains of industry, or employers of labour in their relation to the weaker sections of our community.

Question put and agreed to.

Bill read a Second time; immediately considered in Committee; read the Third time and passed.

ADJOURNMENT

Motion made and Question proposed, That the Senate do now adjourn—(The Minister of Health).

APPEAL FOR GOODWILL IN THE SENATE

Senator M. G. Ejaife : I would like to ask your leave to say a few words about "tempers" as I have seen them these few days. It is true that one of the Motions have been adjourned indefinitely.

The President : Will the hon. Senator please raise his voice a bit. I can overhear some hon. Senators saying that they do not hear the hon. Senator.

Senator Ejaife : It is true a Motion which has been debated for some time in this House has been adjourned indefinitely but I cannot get away from the feeling that certain hon. Senators in this House have very strong feelings on the matter. In the interest of unity, peace and amity, I would like to say

that we have no ill-feelings against anybody. I think our Northern brothers must have felt very very strongly about this matter because hardly did any one get up to speak without making reference to Alkalis. A Minister of State actually got so annoyed that he walked out of the House. That point actually gives the impression that feeling was really high, and I would like to give an assurance that all that is being done here is to foster unity. At this stage of our development, we cannot afford any split, or any deliberate attempt to encourage anything that will split this country. We want to work together, move together, speak together and ensure that the task of nation building will be a united effort of the teeming millions of Nigeria.

The matter on hand is probably one of misunderstanding and I think it will be a very good thing, if, although we might have made up our minds on certain issues before coming to the Senate, we should be prepared to compromise and yield to others' points of view. If we adopt this line as a principle, we shall feel less strongly as we did when discussing some other Bills.

We all appreciate very much that the strength of a chain is in its weakest link and if we notice anything happening in the North, and on which we think we could help, I think the Southerners would feel very much that it is their duty to help. There was a time, when invitation was sent to the North from the Western Region that young boys should be sent to all the schools in the Western Region with a view to accelerating the pace of education in the North, and all the Principals of Secondary Grammar Schools were encouraged to admit two or three boys in each Grammar School. This I think was a very good gesture but the invitation was rejected. I think that if from the various parts of country such assistance was given it would definitely promote inter-regional unity.

An effort was made in this House some time ago in the form of a proposal to set up inter-Regional colleges. That is one way of strengthening the bond of unity in this country; but I think the debate, as it went this morning, gave the impression that some of our brothers were more or less disappointed.

[SENATOR EJAIFE]

My aim in standing up to speak is to give the assurance that we have a feeling of oneness and that anything that could be done to foster unity should be done. But it seems there is suspicion because some hon. Senators referred to "improper motives".

Senator Chief A. O. Fagbenro-Beyioku : On a point of Order ! I doubt if the hon. Senator is not trying to debate an issue.

The President : Will the hon. Senator Ejaife please sit down. I have said many a time that two Senators cannot stand at the same time.

Senator Fagbenro-Beyioku : I think the hon. Senator is debating the very Bill which now stands adjourned !

The President : I do not think that point is well taken.

Senator Ejaife : I am not debating any particular Bill. I am only trying to make an appeal that if we make speeches here, such speeches must not be construed to have arisen out of improper motives, because some of our Northern brothers made reference to "improper motive". I am not drawing attention to it because I do not want to exacerbate the feelings which I said were already too high.

The President : That was a point of Order. But nobody has raised it.

Senator Ejaife : I do not know that it is ; I was only saying that feelings were very high and the more such things are mentioned the more feelings will rise.

I think I may use this opportunity to mention a point which touches me and which perhaps touches other Senators as well. We all regard ourselves as members of one Nigeria, and we have also debated the question of our Northern brothers coming to the Federal Territory. The more of them we have, I think, the happier we shall be.

The President : Order ! Order ! Obviously, the hon. Senator is now taking this opportunity to talk about the Motion moved by hon. Senator Fagbenro-Beyioku, and replied to by the Minister of Lagos Affairs. I think we should

not overdo these things³; there must be a line. I thought the hon. Senator was making a general appeal for goodwill.

Senator Ejaife : I was only trying to illustrate.

Senator Alhaji Abubakar Bale : Following from the words which I have heard from the last speaker, I just wish to say a few words. He might have been unduly worried that feelings ran high during the debate on the last Motion. It is usual for feelings to run high during debates on certain matters that are laid on the Table of the House. But that does not mean that there is something between the holders of the two opposing views. It was just something which happened at that particular moment. That is how we take it. We do not take it home. (*Applause*). And, of course, I assure the hon. Senators of this House that we do not come to this House to create any breach of the peace or trouble whatsoever. No, we will not. Whoever does it will answer for it immediately.

The President : At this point I think I might draw the attention of hon. Senators to the procedure of raising matters on a Motion of Adjournment. At least there has to be a prior notice to the Chair. If it is a thing that affects a Ministry, the Government Bench ought to have notice of it so that somebody can come and answer. I hope that we shall abide by that rule.

Although the subject raised by Senator Ejaife did not apply to any Ministry, the Chair ought to have known in advance what was coming on.

Senator Chief O. A. Fagbenro-Beyioku : I want to give notice of a Motion which I wish to raise on Adjournment on Friday, 1st December. I would like to raise some points on the trade agreement with Poland.—

The President : Order, order. The best way of doing it is to put it in writing, one to the Minister who is likely to answer and one to the Chair.

Question put and agreed to.

Adjourned accordingly at seven minutes to one o'clock.

SENATE OF THE FEDERATION
OF NIGERIA

Thursday, 30th November, 1961

The Senate met at 10 a.m.

PRAYERS

(The President in the Chair)

PAPERS

The following Paper, which has been published as Legal Notice No. 142 of 1961, in the Supplement to *Official Gazette* No. 29 of 2nd November, 1961, copies of which have already been distributed to Members, is deemed to have been laid on the Table :

The National Provident Fund General Regulations, 1961.

ORDERS OF THE DAY

DEFAMATION BILL

Order for Second Reading read.

The Attorney-General and Minister of Justice (Dr the hon. T. O. Elias): I beg to move the Second Reading of a Bill for an Act to make provision with respect to libel, slander and other malicious falsehood and for purposes connected therewith".

In the last two days, I have been bringing before this hon. House, various Bills connected with reforms to our Laws of Contract and Tort. To-day, I propose to submit for your consideration and approval the Bill on defamation. This Bill will round off the present series of reforms in our laws particularly the Law of Tort.

As hon. Senators may be aware, the word defamation in law covers all forms of character assassination whether this be in permanent or transient form. Any statement that is published of another person which tends to lower him in the estimation of right thinking members of the community is deemed to be defamatory of that person. If it is in written or permanent form, it is called libel, but if it is merely spoken or in a temporary form by sky writing then it is said to be slander.

But there are varieties of this which make the distinction often very difficult. For example, if I spoke words defamatory of another into a

microphone, it has always been held until recently in England that that would constitute slander but if the same defamatory words have been read out of a script into the same microphone, then it would constitute libel. Difficulties might arise if I spoke and read parts of what I put into the microphone. Then it would be difficult to distinguish between libel and slander and the rules governing both type of defamation are not always the same. So that the distinction is important for the purposes of the rights of the individual.

In this Bill, we have sought now to make it possible for anything said over the wireless telegraphy to make all libel so as to abolish these distinctions that might defeat the ends of justice in some cases.

We have also introduced, as hon. Senators will find in section 6 of the Bill new reforms of that aspect of the law of defamation which has to do with what we call unintentional defamation. Where someone publishes matter defamatory of another by merely referring to, say, Mr John Ojo, he may have one particular John Ojo in view, but as the law stands to-day, as many persons as claim the name John Ojo, whether he had them in contemplation or not would be able to sue him as many times over and sue and get the same amount of damages or more according to the discretion of the Judge in a particular case. We feel that that sort of gold digging action should be discouraged from now on, and the defamer should be held responsible only where it can be shown that he had a particular person or class of persons in view who are easily identifiable and that he has been motivated by malice.

It is not that he will get a blank cheque—I mean the defamer—it is that from now on emphasis will be laid more on purposes and directions of his mind at the time the defamatory matter was published rather than on the mere accident of his intending to defame A and B, C, D, up to X, Y, Z, also happen to bear the same name and can sue him. Immediately this is brought to his notice by those who feel that they have been affected by the defamatory matter, he is expected here to publish an apology and to make offers of amend so that the injured feelings or the reputation of the defamed persons can be properly assuaged. This is the main purpose of that section.

[THE MINISTER OF JUSTICE]

There is nothing in this Bill which affects the existing Law of Criminal Libel or Criminal Defamation. That law has not been affected at all because in the law of Criminal Libel the greater the truth of what is published the greater is the libel of which the publisher will be guilty. And, we feel that that is best left as it is under this Bill.

The newspapers and journalists will find that this Bill also has removed some of the difficulties under which they work at the moment. There is a real sense in which it can be said that the effect of the existing law of libel is to place the press at the mercy of the speculative litigant. And hon. Senators will find that from the instance I have mentioned—the case of the un-intentional defamation of another—the press is particularly open to attack. We have sought in this respect to mitigate the rigour of the rule on that subject.

I must warn, however, that this is not to be regarded as a charter of immunity to those who choose to pedal dirt. We do not want to encourage the promotion of the gutter press in Nigeria and I am sure, that a careful study of this Bill will reveal that, although we have relaxed the law in several respects, we have also retained some of the aspects of the existing law in order to protect the legitimate right of every individual to his own reputation.

I beg to move.

The Minister of Health (Chief the hon. Dr M. A. Majekodunmi) : I beg to second.

Senator J. K. Nzerem : I think the hon. Attorney-General and Minister of Justice deserves every commendation for bringing forward this Bill. The law of libel, as a layman in law understands it at present, works such very great difficulty on the ordinary man. I have sometimes wondered why some people have made fantastic claims of damages for defamation. I have known some people whose reputation and character I should say are not worth anything at all but who have succeeded by what I may call the machinations of the English Common Law to get very huge awards from courts of justice. I think the time has come for such things to be things of the past.

I have tried as far as a layman is able to read the Law and understand the provisions of this Bill. I think I have nothing but admiration

for them. Although there are a few parts which naturally I am not expected to understand the explanation which the hon. Attorney-General has so well given has enlightened me.

There is one aspect of libel, slander and defamation which I would have loved to see dealt with in this Bill. During election campaigns in this country many people believe that the law of libel, slander and defamation is suspended, so they go out of their way to say all sorts of bad things about the people who are contesting the elections against them. I would love to see specific provisions inserted on this point because even when a man is contesting an election he is entitled to his good name.

I have one little difficulty which perhaps I will raise when the Bill is in Committee and I hope the Learned Attorney-General will, as usual, clarify that point.

I beg to support.

Senator Chief A. O. Fagbenro-Beyioku : I only want to thank the hon. Attorney-General for bringing this Bill before the House. This is one of the things we very much like to see and which we feel that if properly executed will help the country a great deal.

We know too well that in this country either consciously or unconsciously people have indulged in the game of slander and libel and just talk any bad thing about other people. The Law has existed all right. However, one aspect of the Law which I like very much is the allowance given for an explanation. I feel that is the main point in this Bill because some things may not be done intentionally. Afterall, we do not do everything intentionally although before one does anything one is expected to think it over and be sure of one's facts. Yet there are times when one makes certain statements which perhaps contain some other factors unknown to one.

According to the existing Law, it will cost one a large sum of money to exonerate oneself in the court of law. But the Attorney-General has now, to a large extent, relieved people who might make that mistake and, as a result, unintentionally or unconsciously aggrieve some other people. They now have the benefit of explaining themselves without the usual very heavy costs.

This Bill is welcome. Again, I thank the hon. Attorney-General and say that we look forward to seeing more of such progressive bills from him.

Senator A. E. Ukattah : I just want to say a few words of congratulations to the hon. Attorney-General and Minister of Justice. Hitherto, those of us who have not been going to the court do not realise the difficulties that have been encountered by the Nigerian Bar and Bench in administering justice because of the type of Law and the legal system they are using. Most of the cases they are handling here are quite peculiar to the whole of the country, and yet they base their decisions on the English Law. It is only when we have a bill of this nature that we are given a clear picture of the difficulties. Therefore, our respected Attorney-General, who has been able to come out and eliminate these difficulties, should be congratulated. Afterall, if there are difficulties in administering justice then justice cannot be readily and cheaply available to the citizens.

Very generous provisions have been made in this Bill one of which applies specifically to newspaper men. I only wish to sound a note of warning that the privilege given to them under this provision should not be abused.

I beg to support.

Senator T. Olamijulo : I feel we should thank the Government and especially those responsible for making this improvement in the Law.

There are two points that we should note. There are times when during election campaigns the campaigner is watched to see how far he is going and how he can be caught, especially by the influential man who threatens him with all sorts of things including court summons and a lock-up in the police station. But as this Law has been amended, I think safeguards are given to those poor people who are sought after by their opponents. These poor people can be sent to jail or heavily penalised if they make a minor slip of tongue.

At the same time, everybody is made to realise that anybody who speaks unduly about anybody else is going to be well penalised. Therefore, this Law has two sides because it warns those who are after the poor people and at the same time warns the poor people to watch what they say.

Once again, I thank the promoter of this Bill and I support it wholeheartedly.

Senator S. Eyitayo : If your daughter is beautiful, say so, it does not mean that by saying so you want to make her your wife.

The President : Will the hon. Senator raise his voice a bit ?

Senator Eyitayo : By this, I want to congratulate the Attorney-General and Minister of Justice for bringing this Bill before us this morning. It is a welcome Bill, it is non-contentious and we are happy to have the Bill.

I want to support some of the former speakers, the hon. Senators who have remarked that the Attorney-General should do something to save the good name of our people during electioneering campaigns. It has been said that during electioneering campaigns the parties contesting say very many uncomplimentary things against one another and they usually go unpunished. Therefore, we are looking to the Attorney-General in the expectation that he will consider making some laws to protect the good name of the people of this country, especially during electioneering campaigns.

Another thing that I would like to say is that I do not understand this section 4 and, during the Committee Stage, I would like the President to allow me to ask for an explanation under that section.

With these few words, I beg to support.

The Attorney-General and Minister of Justice : (Dr the hon. T. O. Elias) : May I draw the attention of the hon. Senators to section 12 of the Bill which reads as follows :—

“A defamatory statement published by or on behalf of a candidate in any election to a local government authority or to Parliament shall not be deemed to be published on a privileged occasion on the ground that it is material to a question in issue in the election, whether or not the person by whom it is published is qualified to vote at the election.”

You will see there that we have taken care of the points raised by the hon. Senator.

Senator Chief T. A. Odutola : I am very close to the end of the seat and it is always very difficult for the President to see the people here.

The President : The hon. Senator is right, because I always forget Senator Esangbedo. (Laughter).

Senator Odutola : As many hon. Members have said, the Bill is welcome. The main point in the Bill is that where a man unintentionally says anything or writes anything which is libelous or defamatory about somebody and he apologises, that will be the end of it, I do not think it should be allowed to remain like that because there are quite a number of people who would do it intentionally and would come back to apologise. But the good name is already destroyed; and that is very common in this country.

I want Government, in dealing with this Bill, to warn people seriously about it because, when a man soils the name of an hon. Gentleman or even a gentleman like some of our Ministers or some of our hon. Senators, he knows that what he is saying is not good and yet he says it.

I remember some years ago somebody published something about one prominent Member of the Nigerian community in Lagos. After publishing this work, he was upbraided and he published an apology and then wrote under it a note saying that the harm had already been done. What it would mean, then, is that one can just get up and publish anything one likes about somebody and then apologise. But how many people will read the apology? It is therefore necessary that people are warned not to take advantage of this Bill which has given them the privilege to say whatever they like about someone without thought of the after effects.

Apart from that, I know there are quite a number of people in this country—I will say some of the newspaper men—who will publish something defamatory and when they are asked to apologise or when they are informed of what they have done, they will not take the necessary step until they get to court and then they return from the court and try to get the matter settled. I think these sort of things have got to be put right by Government.

I believe that, in the past, it has been possible for people to take chances with the law in order to proceed against people who have said quite a lot against them or probably against somebody who happens to bear the

same name as they do. That is quite understandable, but if we are talking, for instance, of Chief Osadebay; we have not got two hundred Osadebays in this country. If a man wrote something about Chief Osadebay and, on being called to task said, "I am sorry, I think I made a mistake, I thought it was somebody else," that could not be regarded as unintentional.

I am not saying that this Bill is not good, it is good, but I would like Government to make an arrangement whereby people will be informed that this Bill is not giving them licence to say whatever they like.

One hon. Senator said that some people who did not have a good name or prestige went to court and got fabulous sums of money for being defamed or slandered. I do not think that is fair to the judges of our courts, who are so reasonable, that if they feel that somebody has not got a good name that can be defamed, they will not punish the other man for it. I am sure that some people who go to court to claim damages for libel, are more interested in the money than in their good name.

I support the Bill.

Senator Chief T. A. Doherty : The Bill is quite welcome in many aspects. But why should it be restricted to the Federal territory of Lagos? That is what I cannot understand. There is one aspect of it which I cannot clearly understand and that is section 10.

The Attorney-General and Minister of Justice : Might I answer that, Mr President? It is part of the general thing that the Federal Parliament is held not to be competent to pass any Bill beyond the Federal territory of Lagos.

The other subject mentioned by the previous Senator will be found to be covered in section 6 of this Bill. All the points he raised were present in our minds—and I think a few more than those he has mentioned specifically—but if the hon. Senator would read carefully through section 6 (which, alone, covers about a page and a half of the Bill) he will find in subsection (3) and subsection (5) of that section 6 the answers to all the questions he has raised.

What the hon. Senator will not find there will be what is in the discretion of Judges. We cannot legislate on the question of damages,

and must leave the Judge unfettered in his discretion to know how much to award according to the circumstances of the case.

All the other points raised by other hon. Senators have been well taken care of and Senators will find that these points have already been dealt with in the subsections.

Senator Chief T. A. Doherty : May I continue now, Mr President ?

The President : Yes, except that we are now out of Order as it seems we are turning the whole matter into a Committee Stage.

Senator Doherty : The other point is that there is nothing in the Bill which refers to proceedings in Parliaments. All we have here concerns proceedings in Court, but nothing has been said about proceedings in Parliaments.

The Minister of Justice : That is true because there are others of our existing laws that have already dealt with that point. We have deliberately omitted it.

Question put and agreed to.

Bill read a Second time and immediately considered in Committee.

DEFAMATION BILL : CONSIDERED IN
COMMITTEE

Clauses 1 to 3—ordered to stand part of the Bill.

CLAUSE 4—(SLANDER AFFECTING OFFICIAL
PROFESSIONAL OR BUSINESS REPUTATION)

Senator S. Eyitayo : I would like an explanation of Clause 4 which reads : "In an action for slander in respect of words calculated to disparage the plaintiff in any office, profession, calling, trade or business held or carried on by him at the time of the publication it shall not be necessary to allege or prove special damage, whether or not the words are spoken of the plaintiff in the way of his office, profession, calling, trade or business". May I know why it is not necessary to prove special damage. I would like that point explained.

The Attorney-General and Minister of Justice : The point raised by the hon. Senator Eyitayo involves a technical use of terms which I do not think I should go into details about on this occasion, but I would explain that the term "special damage" in the law of slander according to the existing rules that we have

adopted means that one must prove that one has really suffered some proprietary or financial loss as a result of the slander which has been published by another person about one. There are three excepted cases involved : (1) imputing unchastity to a woman ; (2) alleging that someone has an infectious or contagious disease when he has not got it ; and (3) alleging that a person is incompetent or otherwise not good for a particular office or profession or business which he at the moment practises.

We are doing away with these requirements and in this class of cases we are not going to call upon the individual to prove that he has suffered monetary loss in order for him to sue, because this thing affects his livelihood, and if one is allowed to slander a person in that way and make such a person lose his office or if one imputes unchastity to a married woman, it will be very difficult to prove such a charge in terms of £.s.d. The woman so libelled may not be able to show that she has suffered a damage of £100 pounds because she has been libelled but she may have lost a good husband as a result. So, proceedings of such intangible heads of damage should be excepted from the general requirements ; when a person is suing for loss of reputation he should be able to show that in terms of cash he has suffered so much ; that is the general rule.

This section however seems to make an exception in such cases, and say that where allegations of that kind are made by an individual, that individual should be made to suffer whatever the Court considers suitable without calling upon the person slandered to show that he or she has lost money as a result of the libel.

Senator Nzerem rose—

The President : Does Senator Nzerem want to say anything ?

Senator J. K. Nzerem : The point has been cleared by the Attorney-General.

CLAUSE 4—(SLANDER AFFECTING OFFICIAL, PROFESSIONAL OR BUSINESS REPUTATION) *ordered to stand part of the Bill.*

Clauses 5 to 15—ordered to stand part of the Bill.

Schedule, ordered to stand part of the Bill.

Bill reported without Amendment ; read the Third time and passed.

NIGERIAN EX-SERVICEMEN'S WELFARE
ASSOCIATION (AMENDMENT) BILL

Order for Second Reading read.

The Minister of Internal Affairs (Alhaji the hon. Usman Sarki): I rise to move, That a Bill for an Act to amend the Nigerian Ex-Servicemen's Welfare Association Ordinance be read a second time.

This Bill is only to simplify and centralise the accounting procedure of the Regional Councils, and to enable the Association to give directions to the Regional Councils on all matters appertaining to the accounts of N.E.W.A.

This Bill has been considered necessary. In fact, it is non-controversial. It only provides for the preparation by the Regional Councils of annual statement of accounts and for the audit of such accounts. It is in the interests of the Association that it should be given power to give directions of a general nature to the Regional Councils to ensure uniformity in the keeping of the accounts of the Association, and to be able to have at headquarters surplus cash with the possibility that the sums could be invested for a short term.

As I said before, this Bill is non-contentious, and I hope that hon. Senators will give it an easy passage.

I beg to move.

The Minister of Health (Chief the hon. Dr M. A. Majekodunmi): I beg to second.

Senator E. A. Lagunju: This is really a welcome Bill and is one of the things that we have all been pressing for in this House. Anything that helps to promote the unity of this country is always welcome.

This is particularly something that deals with our ex-servicemen. We know that our ex-servicemen deserve all the encouragement that the country can give them. Here is something dealing with uniformity in keeping the Association's accounts. Any money that is allocated to our Ex-servicemen's Association should be well spent. We have no quarrel whatever with anything that helps to promote the uniformity in keeping their accounts in order to ensure that the money allocated to them is well spent, and that if there is any surplus, it is invested in a way that will help to promote the welfare of these ex-servicemen.

I beg to support the Bill.

Senator Salihu Fulani: I think that this is a very welcome Bill. The fact that the whole of the accounting procedure of the N.E.W.A. is going to be centralised is commendable on the part of the Government. I congratulate the Government for bringing up such a Bill.

I support.

Senator H. N. Udoh: In supporting the Bill, I have a few observations to make. The Government should look carefully into Bills concerning the N.E.W.A. I remember that sometime last year, when the Association's Bill was tabled the debate was very heated. In fact ex-servicemen should be given proper attention. There are many of them about whom nothing is known. Some are suffering silently in their various infirmities. It is only in the townships that those who are privileged to be there are reckoned with. Many of them do not even know that there is an Association of this kind.

During the outbreak of the last war, all the corners of the country were combed for people to enlist in the army. After the war, they were all thrown out and neglected and nobody cared about their fate. In my little corner, I asked them, "What is the use of complaining? Get yourselves together. I hear that such and such a person is at the head of your affairs". They said that they had written and sent delegations, and that there was no response.

Last year, as I spoke in this House, I appealed to the Government to send officers to the various villages and towns to encourage the people to enlist in the army. In my own area nothing like that has happened, and perhaps it is the same thing in some other places. I am making this suggestion once again that these people should be encouraged, not only those of them who are in Lagos and in other townships, but all ex-servicemen wherever they may be. If they are cared for, many more will enlist in the army. I do not think that we have got one-tenth of the number that we require to enlist in the army.

This Bill is welcome. When money is involved in any business and the accounting is up to date, many people will be interested.

Senator Chief T. A. Odutola: The Bill, as the other speakers have said, is very

commendable and I must associate myself particularly with the last speaker.

At the outbreak of the last world war, seventy-five per cent of the people that were recruited did not come forward on their own. I happened to be one of those in my own area who were asked to name people, send for them, and they were enlisted. They did not come on their own. Some of these people died; some came back maimed and some deformed in various other ways. But nobody cared for them after they had come back.

If we find it necessary to force people to serve, after they have served I think we should find it also necessary to care for them. It looks as if the whole thing is one way traffic. As the last speaker has said, there are thousands of them in this country, but nobody cares to look after them.

It would be absolutely necessary also for the Government to make it clearly known to our people that at the time that they were being recruited to fight during the outbreak of the last war, they were fighting for a cause which, probably, they did not know. Now, they should come forward on their own to enlist because, whatever they are doing now is in the service of their own nation. It is one thing to enlist in the army of one's own sovereign nation, and quite another thing to enlist in the army just because we are a member of the Commonwealth, as we call it.

I therefore appeal to Government that in getting our boys to enlist in the Army, Government should explain to them the necessity for it. People who are good enough to enlist either in the Navy or in the Army are people that can be regarded as looking after this country. If they are not there, anybody can come across from the neighbouring countries to just brush us aside. I think everything possible should be done to encourage the people in the Army and the Navy.

This is a very nice Bill and I think as time goes on Government will make necessary arrangements to see that our boys from every part of the country are carefully educated and are told the necessity of coming forward to enlist in the Army.

Senator A. E. Ukattah : I know that this Bill deals with a particular matter—the accounts of the N.E.W.A.—but I cannot think of the N.E.W.A. without my mind going back to the horrors of the last world war. I know really that we may not have the time to speak on them since they are not mentioned in the Bill but I think if the President would permit me I wish to say that our men were made to fight in the last war not as a result of our own territorial ambition, not because we were fighting for our father land, but because we happen to be a colonial territory. The masters who pushed our people into the war are now looking after their own people. What help have we got from the British War Office? Whatever may be said, I would say that the time has come that N.E.W.A. which I know is a body created by Government to cater for the welfare of the Ex-servicemen of this country should be re-organised. The people who gave the best of their youth to fighting, not for this country, should be looked after.

Those who come from the provinces where these very unhappy men are moving about know exactly how they suffer and whatever the Government may do, if they do not remember them when re-organising N.E.W.A., Government will not be doing everything in their power to make sure that these men are happy; Government will be doing a lot of injustice to them. If we do not compensate them for the work already done it will be very difficult to get people to join the Army. These points should be borne in mind and Government should do something for our Ex-servicemen.

I would also suggest that the War Office in London which dragged these men to the jungles of Burma should continue to send money to help them here in Nigeria.

Senator Chief Mrs Wuraola Esan : I like to associate myself with previous speakers, but I would say that this Bill has not done enough to cover the difficulties arising from the problems of N.E.W.A. that is facing Nigeria now.

I happen to be the matron of a group of Ex-servicemen and, there are two groups of Ex-servicemen. The well-known group who are benefiting from the N.E.W.A. fund and another group that are neglected entirely. This is the group that will cause a lot of trouble if we are not very careful. I am very pleased

[SENATOR MRS ESAN]

that in moving this Bill the Minister said that the Minister of Labour would bring forward during the Budget Session next year, a concrete proposal to take good care of the Ex-servicemen. I will be very pleased if the proposal will include the establishment of an industry mainly for Ex-servicemen.

During the last Federal Elections, we had minor discontent among the Ex-servicemen. Some of them wanted to form a political party for Ex-servicemen. Ex-servicemen are heroes of war and they should be treated as such so that they will not be living to create disunity but to help in fostering unity. When Ex-servicemen begin to form political parties because the Government has neglected them so much, they will feel that the only way they can be better off is to have Ex-servicemen who will represent them in Parliament and this will get Nigeria nowhere.

I support this Bill but I would like the Government to give the Minister of Labour concrete suggestions to be included in the proposal which he hopes to bring before this House during the Budget Session next year. If this is done, we will be safer from the possible result of the discontentment now present among Ex-servicemen.

The last point I would like to make is that women should be encouraged to join the Army. Although we have women in the Army now, they are not the type I am thinking about. If the Government takes good care of Ex-servicemen this will induce the right kind of girls to join the Army. When I say girls, I am thinking of the highly educated ones who will be more beneficial to the country if there is another war, because if there is any war it will not be a war of carrying guns and firing.

Senator Alhaji Abubakar Bale : This Bill is non-controversial. I notice that some hon. Senators are talking about the formation of an Association which is not the aim of the Bill. The Bill deals only with the accounts of N.E.W.A., the preparation by regional councils of annual statements of accounts and for the audit of such accounts.

Most of the observations made by Senators this morning deal with the formation of N.E.W.A., how these important men will be well looked after and remembered because of the service they have rendered to this country.

We all know how important they are but at the moment we are dealing with the accounts and the accounts only.

With these few remarks, I support the Bill.

Senator H. O. Abaagu : Any consideration given to this Bill which concerns Ex-servicemen will not be too much. To treat these Ex-servicemen well is to take care of the security of this country. Ex-servicemen really need some encouragement. The life of these men before they enlisted for the war was quite normal. Some of them were farmers, some of them were clerks and some of them had different callings.

I remember that when these people came back from the last war, the Government issued a circular instructing all employers to give a certain percentage of employment to ex-servicemen. That instruction in the Government Circular was carried out for a certain period of time and afterwards it was forgotten. It should be noted that only a small percentage of these ex-servicemen were employed.

Senator E. A. Lagunju : On a point of Order, I do not think the hon. Senator is relevant. He is speaking outside what we have before us. The Motion before us is about auditing.

The President : Will the hon. Senator be guided accordingly ?

Senator Abaagu : I have deviated from the subject matter because of the condition of these people which I want the House to take note of. Therefore, I hope this little digression does not do much harm to the parliamentary procedure of this House.

What I really want to emphasise is that these people should be properly taken care of and that concerns their accounts which the Bill seeks to take care of. What the Government should really do to help ex-servicemen get their living is to try to provide employment for them by way of resettlement where they can be rehabilitated. They should also be provided with funds. I would suggest that if applications for loans are submitted to our Loans Board, the Board should give priority to the applications from ex-servicemen.

If we do not take care of these ex-servicemen we may be compelled to enforce conscription

when the unexpected happens. I think this is a matter that concerns the national security and we must deal with it very carefully.

I understand that there is some discontent already in the Command Pay Office where a lot of the ex-servicemen are employed. There is some disharmony between the employed ex-servicemen and the ordinary people who went direct into the service. The ex-servicemen there have not been properly absorbed into the permanent service of the Federation while the ordinary people who came in as first-class clerks have been absorbed into the permanent service.

Senator Chief A. O. Fagbenro-Beyioku : On a point of Order, the point which the hon. Senator is raising is entirely out of order. And I beg to move that the Question be now put.

Senator Abaagu : I close my observations by reminding the Government that ex-servicemen should be properly looked after.

The Minister of Internal Affairs (Alhaji the hon. Usman Sarki) : I appreciate the points raised by the hon. Senator. I know this Bill only concerns the Accounts and the Accounting Procedure but the existing arrangement, I must confess, needs a great deal of improvement. And this is one of the improvements that I am trying to effect.

The arrangement is that we have got an Ex-servicemen's Welfare Association, a body established by the Federal Government to cater for the welfare of all ex-servicemen of this country. But these ex-servicemen have got their Regional Councils. Therefore, even if the Federal Government votes some money this money will be sub-divided for these Regional Councils' use according to their needs. These Councils have been allowed to expend this money the way they like.

But to my mind, these Regional Councils should be able to get direct instructions or directions from the Federal Government through the Nigerian Ex-servicemen's Welfare Association. In fact, that is the only purpose of this Bill. I think the present functions and duties of the N.E.W.A. are not flexible enough to do the job of present day Nigeria. It will be noted that the N.E.W.A. was formed during the war and, I think, even the membership of this Association needs some adjustment. And

I am in the process of doing that. I am sure that by the next Budget Session I will be able to make a full statement about my arrangements to reorganise the N.E.W.A. to cater for the welfare of ex-servicemen.

Question put and agreed to.

Bill read a Second time and immediately considered in Committee.

NIGERIAN EX-SERVICEMEN'S WELFARE
ASSOCIATION (AMENDMENT) BILL :
CONSIDERED IN COMMITTEE

Clause 1, ordered to stand part of the Bill.

CLAUSE 2—(SECTION 15 OF ORDINANCE
REPLACED)

Senator J. K. Nzerem : Clause 2, subsection (2) says :

"As soon as possible after the end of each quarter every regional council shall forward to the Association a copy of the accounts and records and of all prepared vouchers relating to that quarter and any other information in relation thereto which the Association may from time to time request".

I am afraid that unless this subsection is made a little more specific "as soon as possible after the end of each quarter" could drag on to six or ten months or even one year. So, I think it should be said that it should not go beyond the ensuing quarter. If it is left as flexible as it is, even after two years they will say it is as soon as possible.

Clause 2, ordered to stand part of the Bill.

Clauses 3 and 4, ordered to stand part of the Bill.

Bill reported without Amendment, read the Third time and passed.

AGRICULTURE (CONTROL OF PROCEEDINGS)
BILL

Order for Second Reading read,

The Minister of Economic Development : (Alhaji the hon. Waziri Ibrahim) : I beg to move, That the Bill be now read a Second time.

The object of this Bill is to make other provision for the bringing of prosecutions for offences under the Agriculture (Lagos) Ordinance, 1959 and the Agriculture (Control

[THE MINISTER OF ECONOMIC DEVELOPMENT] of Importation) Ordinance, 1959 while still requiring the consent of the Director of the Federal Department of Agricultural Research.

The reason why this Amendment is necessary is that it is not right for a professional or a technical officer to prosecute. It is preferable to avoid police action on the part of the Department of Agricultural Research.

If this hon. House approves this Bill, it will be for the Director of Public Prosecutions to take action and not for the Director of Agricultural Research.

Question put and agreed to.

Bill read a Second time ; immediately considered in Committee ; reported, without Amendment ; read the Third time and passed.

POOLS BETTING CONTROL BILL

Order for Second Reading read.

The Minister of Internal Affairs (Alhaji the hon. Usman Sarki, Sardaunan Bida): I beg to move, That the Bill be now read a Second time.

Two reasons have prompted this Bill. Firstly it is the Government's desire to prohibit the import and export of foreign football coupons because of the drain on our resources of spending. The amount invested by the Nigerian public in overseas football pools has been estimated to be between £3 million-£4 million annually. It is clear that Nigeria cannot allow such a situation to continue.

A similar situation arose in Canada when the United Kingdom football pools operated there and the Canadian Government prohibited their operations and it is exactly the same step we propose to take here.

Secondly, the Government has considered it its duty to protect the Nigerian public who have invested by filling in football coupons by assuring that their winnings are honoured. This can only be effected by issuing licenses to those firms that comply with the prescribed conditions.

This Bill does more than to achieve these two aims and as the subject appertaining to football pools is residual, the Bill only applies to the Federal Territory of Lagos. Of course, the control over the betting business

in Nigeria will not be effective enough until it is countrywide and this fact has, I think, been accepted by all the Regional Governments.

The Eastern Regional Government has agreed to participate with the Federal Government and to make a legislation similar to this. The North Regional Government have also intimated that they will, in due course, pass legislation in that Region to control pools betting business. The Western Government is, however, still giving thought to this proposal.

I do not intend to take much of your time in going over this Bill, which is a necessary one, and I am confident that hon. Senators will support it.

I beg to move.

Senator E. A. Lagunju : This is really a welcome Bill. The Minister has pointed out the reasons why the Bill is very necessary at this particular time.

We do not want anything that will drain our limited financial resources and, if it is true that foreign pools have been draining from this country about £4 million a year, then it is high time the Government did something to see that our limited resources are kept within this country for our national use.

The hon. Minister has pointed out the second object which of course, is to protect the Nigerian public. People who patronise pools should be sure that their winnings are honoured and that they get what they deserve. So, personally, I have no quarrel with the Bill.

But something is mentioned under Clause 2. It is stated in the explanatory terms that "Minister" means the Federal Minister charged with responsibility for pools betting business". In most of the Bills we have already passed special mention is made.

Senator Dr A. A. N. Orizu : Point of Order. That point should be raised during the Committee Stage.

The President : Let him develop his point.

Senator Lagunju : What I am driving at is that in most cases when we have something presented to us like this, something that should be purely explanatory, we are often told who the Minister is ; that is the Federal Minister of Internal Affairs or such and such a Minister. But here, I do not think it gives that precise

definition. Here, it says "Federal Minister charged with responsibility for pools betting business". He is one of the Ministers and there should be that precision. (*Interruption*). That is my own personal opinion and I think I am entitled to my opinion, under the protection of the President.

At the end, when it comes to section 5 (3) "The issue or renewal of any licence shall be...."

Senator Dr Orizu : On point of Order. Cannot we leave this until the Committee Stage ?

The President : Order. Order. If it is a general reference, the hon. Senator is in order, but if he is intending to draw an answer over the clause, then it is better left to the Committee Stage.

Senator Lagunju : It is a general reference Sir.

The President : Will the hon. Senator please proceed.

Senator Lagunju : What I am saying refers to Clause 5 (3) which says that "the issue or renewal of any licence shall be in the discretion of the Minister, and no appeal shall lie from the refusal of the Minister to issue or renew a licence ; and the Minister shall not be required to assign any reason for the refusal." Of course, we have betting rules and I hope the Minister will not do anything that is *ultra vires*. As a matter of fact, no Minister acts on his own ; there is always what is known as collective responsibility or team spirit. So I think in the event of a refusal of licence, there will always be substantial reason why the Minister in charge may refuse to grant or to renew a licence. We all know that power intoxicates, and absolute power corrupts absolutely. I am not imputing any motive but I sincerely hope that the Minister will use his power with discretion so that when it comes to refusing to grant, or cancelling a licence, commonsense will prevail.

With these few remarks, I beg to support the Bill.

Senator Alhaji Y. M. Abudu : I support this Bill which seeks to control pools betting and to protect the stakers in Nigeria. I would, however, like to draw the attention of this hon. House, and particularly, the attention of the Government to the evil effect that pools betting has in Nigeria. It does

more harm than good, and we cannot leave our people to continue to ruin themselves because they want to become rich overnight.

Anybody who has taken the trouble to investigate will have found that many of the stakers have been ruined, and I think it is the responsibility of the Government not only to protect these people but also to redeem them for their own sake. The reason for the misfortune of these people is that they labour under an illusion. They think that by staking one shilling, they may be able to win £75,000 ; that is what is working in their minds.

Another point is that if one goes to offices or schools and in fact anywhere for that matter, one will find nearly everyone filling football coupons. Many clerks will not do the work for which they are paid, school children are not conscientious in their studies ; they all waste valuable time in filling football coupons. So, I advise that instead of the Government legalising this pools business, it should legislate against it, especially when we have all known the degree of havoc pools betting is doing to our people.

I beg to support.

Senator T. Olamijulo : The fact that the Government is aware of the danger that is ahead, and that a lot of money is being taken away from this country should prompt Government to take serious action about this matter. Our purse is gradually being drained as a result of this pools business, and I am happy that now the Government is giving consideration to the matter. I feel however, that the matter should be looked at from another angle.

We cannot drive away entirely the propensity of people to become rich overnight but at the same time it is only reasonable that the Government should endeavour to retain the money being spent on this business in this country by introducing a method different from that which is operating now. Why should not the Government promote this business itself ? As a matter of fact, people will have more confidence in the Government than on poor individuals. I think the Government should undertake the promotion of this pools business. That will definitely safeguard the interest of our people. Furthermore, our people will certainly win more dividends than they are

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winning now from abroad, and all the money staked in this venture will be retained in this country.

With these few remarks, I support the Bill.

Senator Salihu Fulani : I support wholeheartedly the views of Senator Abudu on this particular issue but I think I have to sit on the fence. The effect of this pools business on school children is very great. Anyone who has been a teacher or in fact, anyone who has been to every nook and corner of this federal capital, will be surprised to find football pools business going on everywhere. Most of the people want to get rich overnight and the only way through which they try to do it is the pools business. I was once a victim of this business myself. I bought some football coupons and spent a lot of money on them, but up till to-day, the people who brought the coupons to me have not been seen again. There are a lot of people who have fallen victims like myself.

I therefore think that the Government should try and exercise a certain amount of control over this business. As has been said by hon. Senators, the whole country has been losing a great deal of money and I would suggest that the whole of the pools business should be nationalised, and that all foreign pools houses should be done away with.

With these few remarks, I support the Bill.

Senator Chief T. A. Odutola : This Bill, as said by several hon. Senators, is a welcome one and I hope that when we say that we do not want all our money to be carried away by foreigners, we do not mean "six of one" and "half-a-dozen of the other".

I may not be correct, but from my own information, I understand that foreigners are being encouraged in this country to set up this business. If the Federal Government is not going to establish a pools business by itself just as is now being done in the Western Region, whereby people buy coupons and when the coupons are drawn, the winners take their share and the balance goes to the coffers of the Government, and is used for the benefit of the people, then the purpose of the Bill will be defeated. If foreigners are encouraged,—and it does not matter how much capital they have in the business—whatever profit is made by them is taken out of the country. I think that the Government should take great care to see

that foreigners are not encouraged. These foreigners may be good to-day, they may be good tomorrow; it does not matter how good they are, they are not going to allow their money to remain in this country.

If it is the wish of the people to continue in pools business, it is all right, but let the business be controlled by the Government and whatever profits accrue from it, such profits should go to the coffers of the Government and be used in the interests of the people of this country.

Senator J. K. Nzerem : This Bill is connected with pools betting, and anything for that matter, whether it is betting or gambling, is one on which I look with disfavour.

One need not be a moralist to know the incalculable harmful effect of this thing on the youths of this country. As part of the Government, we have a duty to do everything to discourage it. We know what firm grip this get-rich-quick mania has on the people in this country to-day.

As some hon. Senators have said, if one goes to the schools to-day one finds that half of the time is wasted by school children on filling football coupons; the teachers do likewise. Things are worse in Government offices; and we sit and look and say that if people want to bet they can go on betting! I think the Government should take a very firm stand against this sort of thing. I know that we must choose the lesser of two evils. I am not going to blame the Government for the amount of money that has been poured out of this country in pursuit of football betting in England and elsewhere. The Government is right to stop it. Perhaps the only way by which it can stop it is to license the pools agents.

I consider that if betting must be done, it must be done in the way the Western Region is doing it; I think that is the best. I think the Government should not allow betting to continue as it is at present, rather it should make people to pay very heavily for the licence so that the licence holders may charge the stakers heavily too, and perhaps in that way, discourage people from betting.

I do not like the whole business of betting. I know there are many conscientious objectors to it in this country, and the sooner the Government begins to think about the way of ridding us of this evil, the better. That is my contribution.

Senator Chief O. A. Fagbenro-Beyioku : I do not think that there is anything to quarrel about this. We are in a free world, and everybody should steer his course.

But there are two things I observe in this Bill which, in my opinion, may be cutting across our rights. There is a section in the Bill which provides that, on suspicion, letters could be opened. In the first instance, if the addressee was found, the letter would be opened in the presence of the addressee. If the addressee could not be found, it would be opened in the presence of the sender. But if neither the addressee nor the sender could be found, the Postmaster-General, or anybody, in his absolute discretion, could open letters. I do not think, simply because we want to correct one evil, that we must find ourselves in another evil of trying to deprive our people of their rights.

In the Customs, if one orders some packages and they arrive and are suspected, the Customs do not immediately, without the knowledge of the owner, confiscate or open or check those packages. They are advertised in the *Gazette*. It is where one does not appear that the Government lays hands on the packages, handles them as it likes and disposes of them as it likes.

I am trying to suggest to the Government to consider this aspect of the Bill, because in our own bitterness we must not do things that will deprive people of their fundamental human rights. When I post my letter, I should feel that it is safe, otherwise there will be an abuse of this section. We know the political situation in this country to-day. In an endeavour to get certain facts, they can declare, "Oh, I suspect" and open letters indiscriminately, without seeing either the addressee or the sender, and if there is no coupon in the envelope they deal with it anyhow. Although we want to correct some faults, they should not be corrected like that. Two wrongs do not make a right.

The other aspect of the Bill which I feel runs across our fundamental human rights is, in this country, we are a free people. If anything would deprive us of our privilege or facility, we must know why we are so deprived. If we need to take any corrective action, we should take that corrective action.

If we need to make any improvement, we should do that. But to say that any Minister of State can deny one of one's right without any

reason, and that once he has denied one of that right that person cannot question him, either in a court of law or by petition or by appeal to any higher authority, will, I feel, be doing too much. It might, in my opinion, amount to our working against our Constitution which guarantees everybody in this country freedom to do such things as are lawfully necessary.

We know that we are trying to stop foreigners from carrying our money away from this country through this pools business. But at the same time, I still feel that the thing should continue. As many as can stake, let them stake. After all, a good gambler is a good sportsman—if he loses he loses, and when he wins he wins. If the Federal Government is not prepared to run it yet, let the business be in the hands of Nigerians. And it should be one hundred *per cent* Nigerian. (*Applause*). The promoters should be one hundred *per cent* Nigerians. There should be no Asian, no Ghanaian, no Englishman, no German. And I think that in issuing licences, that should be one of the main criteria by which people should be judged.

I do not think that we have anything to quarrel with in this Bill. I think it is welcome if the Government will take care of those points that I have raised.

Senator Chief P. C. Ndu : I rise to support this Bill and to congratulate the Government on introducing it. In fact, whatever is worth doing at all is worth doing well.

It seems to me that the Government will be well advised to get on with the arrangement of getting the three Regional Governments to agree on the same level. If this is done, it will facilitate the work of the Postmaster and the Customs to be able to know when anything goes out of this country through pools betting.

There is another aspect of pools betting which I want to mention on the Floor of this House. At times, a man gives school fees to his children to pay, and they return the next day to report that the money is lost. It was not lost. The truth is that the children spent it on football pools betting. Also, at the end of the month a husband gives food allowance to his wife, and before the 21st or 25th of the month the wife complains that the money has finished, whereas she had used it for football pools betting.

It is very good that the Government is now trying to control it. I support the Bill.

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Senator H. O. Abaagu : Although I am not opposing this Bill, I think that it has come out too soon, taking into account the inability of the Government to set up a national pools betting business, or to encourage any other group of people to put up something similar to the ones being run overseas. If we want to tell people not to do a particular thing because it is foreign, we must be able to provide locally the equivalent of that thing. As the Government has not been able to set up one, and has not been able to get people to set up one, I think it will be an injustice to the people who love gambling to tell them not to do a particular thing when we have not got another thing to offer in its place.

I would like to know from the Minister whether this Pools Betting Control Bill covers sweepstakes because sweepstakes are not as injurious as Pools Betting. It takes only two minutes to fill a sweepstake coupon but in the case of a football coupon, a lot of time is wasted. One finds teachers, clerks and other categories of workers wasting time filling football coupons. Sweepstake is as profitable as Pools Betting because I remember one of our big businessmen in Nigeria to-day—Mr Ugochukwu—did benefit from sweepstake. Government should try as soon as possible either to set up a National Pools Betting Company or to encourage individuals or groups of people to set up Pools Betting Companies that will compare favourably with what obtains overseas.

I beg to support.

Senator Chief Mrs Wuraola Esan : I wish to say that I do not support any form of betting but once betting has come into this country through men and not through women then we have to take things as we find them. This Bill is supposed to control Pools Betting but going through the Clauses of the Bill, I do not think that it will serve the purpose it is expected to serve efficiently because it has failed to mention that children and people of a certain age should not take part in betting. There are children nowadays who do not think that Pools Betting is wrong. Some of them even spend their pocket money on Pools Betting and if we leave Pools Betting for every person who feels he can float a Pools Company to do so there will be no end to the wasting of money and time in this country.

I am advocating that the Government should nationalise Pools Betting and should not allow just anybody who feels like starting a Pools Company to start one. I am not advocating this because I do not want Nigerians to take part in anything that is profitable—this is a very easy way of getting money in Nigeria to-day. Even if hon. Senators look at this morning newspapers they will find cases of people arrested for forging Pools Certificates and things like that.

Sometime ago, some Senators complained of the decline of morals in our schools. The children do not stay in the school all the days of their lives? The children must be at home at one time or the other and mothers and fathers play a great part in the building up of a child's character. We should start to teach morals to our children now.

A Senator mentioned the habit of some women who spend food money on Pools Betting. When the wife sees the husband spending the greater part of his money on betting what do we expect the wife to do but to follow the husband's example? There is no harm in trying and nobody is exempted from gambling. Gambling is in the blood of everyone of us. Once a person sees another person gambling and goes away with plenty of money he will also like to try. It is easier for children to indulge in Pools Betting because they get easy money through the pocket money given to them by their parents and guardians. We should add a clause to guide the men in the Pools Betting business as to the age of the people who should patronise them. If we do this, we shall also be giving moral instructions outside the classroom.

I support the Bill.

Senator Alhaji Abubakar Bale : I wholeheartedly support the Bill but I wish to move one Amendment. I think it was Senator Mrs Wuraola Esan who suggested that school children should be exempted from Pools Betting totally. I think if a new clause is inserted in this Bill it will do a lot of good to children. My Amendment is that there should be an age limit.

Senator A. E. Ukattah : I really find it difficult to say I support this Bill. One hon. Senator said that we are in a free world, meaning that we should all engage in gambling. If

we are in a free world, we can make it a freer world by making wise use of the opportunities at our disposal. I cannot see why we should be called upon to give legal sanction to gambling. I am speaking my mind. I really do not like this type of Bill.

Already Pools Betting is doing a lot of harm to the people of this country. The other day, somewhere in the Eastern Region, one trader was busy filling his football coupon with a view to getting perhaps one million times the money he has and, as he bent down filling his football coupon a more clever man who had no pencil and no coupon carried away some of his goods. Hon. Senators can imagine that kind of thing. Everywhere in Nigeria we find people filling football coupons. Even when you visit a friend, you knock at the door, you are told that he is not in but later on you may find that he locked himself up in his room filling football coupons. Go to our offices, the man you meet first, a messenger, has a pencil in one hand and a football coupon in the other hand. He has no time to listen to the question you are going to ask him. That is the sort of thing that goes on everywhere. How can anybody like that do his work well?

Since it has come up and we are now giving legal blessing to it, all I wish to say is that personally I condemn it. And, our Heads of Departments should be very careful. They should exercise maximum vigilance over the people working in our offices. Already, the time taken filling football coupons is so much that it affects the volume of work done and, the volume of work done at the moment does not justify the salary received. These people are paid out of the money collected from the taxpayers of this country. Let the Heads of Departments be vigilant and make sure that while Pools Betting or gambling is being legalised by this House those who wish to take part do not do so at the expense of the time that should be used for working in the interest of the nation.

Senator S. Eytayo : I wish to associate myself with those who expressed their dissatisfaction with pool betting. Pool betting by any name it is called, whether it is in the form of lottery as is done in the Western Region, or staking as is done in football coupons, or even betting as is done in horse racing, is abomination in the sight of God.

Therefore, I would not be a party to it and join the people who say that because it is done by such and such a Government or because it is done in the United Kingdom, it should be legalised.

I would like the Minister to consider those two points mentioned by the hon. Senator Fagbenro-Beyioku. I think we are going beyond what we seek to do. We are going beyond the fundamental human rights that have been entrenched in our Constitution when the Minister can refuse to issue or renew any licence without any reason given. I think this is working against the Constitution. I am not supporting this Bill but I am saying that those hon. Senators who are supporting it should bear in mind that it is working against the Constitution to empower the Minister to refuse to grant or renew licences without any reason given. I think that fundamental human right has been infringed, when a person applies for a licence and the application is refused by the Minister without any reason.

An hon. Senator : The reason will be given.

Senator Eytayo : But it is not expressly stated in this Bill that the reason will be known to the applicant. Therefore, it is working against the Constitution. But whether it is doing so or not, I personally am opposed to any form of betting. Therefore, I am not a party to it and I am not supporting it.

Senator Dahlton O. Asemota : I have only a few observations to make on this Bill. First of all, the hon. Minister of Internal Affairs told us that between £3 million and £4 million disappeared every year from this country. But he has not told us what proportion of that amount has come back to this country. After all, if one spends about four million pounds one must get something back. I think it will be interesting to know this fact. If the Minister knows the amount that goes out of the country yearly surely he is also in a position to assess, to a reasonable extent, what portion of that amount has actually come back to the country. Until one knows all such facts one is not justified in condemning such an activity. If we assume that about £4 million actually leaves this country yearly that is all right. But how much of that amount has actually come

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back? Some people have been winning. For example, somebody in Kano won £75,000 and another man won £40,000 in Lagos.

An hon. Senator : Is the hon. Senator a staker?

Senator Asemota : I am very much inclined to be one. The other point which I would like to mention is that the Minister is trying to put us in the same line as Canada because a similar situation existed in Canada some time ago and they thought it wise to change from that practice to their own and do away with the foreign pools. We should not really be copying other people without knowing exactly what benefits they derive from their experiences. The situation in Canada at that time might probably be different from what it is in Nigeria to-day. If the hon. Minister tells us that Canada has enacted a law against betting in that country he should also tell us the benefits that Canada is getting out of this arrangement. That is one of the points that I feel the hon. Minister should clarify when he is replying to our points.

The other point I would like to draw the attention of the hon. House to is in Clause 4 of the Bill. With the permission of the President, I read: "4(1) Where an officer of the Posts and Telegraphs Department not below the rank of Head Postmaster or an officer of the Customs and Excise not below the rank of a Collector suspects that there are in any goods or postal articles matters relating to pool betting business not licensed under this Act, he may cause the postal articles or goods to be opened and if any such matter is found therein he shall judge the goods or articles in question to be forfeited." I think that is too wide a scope to be given to any member of the Post Office. Already, this practice exists in this country.

Some time ago, I read in the newspapers that in certain post offices they already seized people's letters. They seize letters they suspect contain names whose owners they do not know. They open these letters and discover one or two things in them.

If this situation is allowed to go on without any check the privilege about the type of parcels that they can open is going to be abused. I do hope that the Minister will not allow this sort of thing to happen in this

country because it is going to create a lot of trouble and unpleasantness in the minds of people.

Clause 4 (2) says: "Where any goods or articles are opened in pursuance of the foregoing subsection and no such matter is found therein, it shall be the duty of the officer who authorised the opening of them to cause them to be properly closed and thereafter to be treated as if they had not been opened". Is that not a cheat on the part of the Government? Why should the Government suggest such a thing? This means that anybody can open my packet and then close it in such a cunning way that I would not know. Why should the Government suggest such a thing? In fact, the Government is actually encouraging the postal authorities to indulge in this bad practice.

Senator A. E. Ukattah : On a point of order, Standing Order 25 (9) says; "A Member desiring to speak shall rise in his place and if called upon shall address his observations to the President or the Chairman". The hon. Senator was addressing the Minister.

Senator Asemota : What the hon. Senator wanted me to do is to turn my attention to the President. I was speaking to the President but whilst doing so I could not help turning to my right or left.

In that case, I think it has too wide a scope and, therefore, it is a dangerous clause. I hope the Government will look into it.

Next I refer to Clause 5 (3): "The issue or renewal of any licence shall be in the discretion of the Minister" (*Interruption*). That is the one that I am referring to. "The issue or renewal of any licence shall be in the discretion of the Minister, and no appeal shall lie from the refusal of the Minister to issue or renew a licence; and the Minister shall not be required to assign any reason for the refusal". If you read this together with Clause 4 (1) which I quoted before, where the Director of Posts and Telegraphs and the Chairman of the Board of Customs and Excise are allowed to open any package and close it quietly, without saying a single word, and expect people not to say anything about it, I think that is a little bit too much.

I hope, therefore, that the Government will look into this with a view to correcting it, even if they are against pools. I do not have

anything seriously against pools, and I think this legislation is most untimely because many people have benefited by them—I know many people who have. It is up to the Schoolmasters or whoever are responsible for looking after their people, to be vigilant enough.

I support the Bill.

Senator Chief R. A. Umoh : I would like to add my deliberations to the Bill now under discussion. I feel that pools betting has done more harm than good to the entire population of this country. It has impeded the progress of this country, both in time and money. By that, I mean it has detracted, both in the time that has been expended and the money that could have been used to buy other things in this country.

In the kitchen things are not running well, because of this very thing. In the office office work is being tampered with because of pools betting. In the schools, School Teachers are not doing their work well because they are filling their coupons. The children are doing the same thing—everywhere, everyone including servants. I feel, therefore, that we should discourage this kind of thing.

There is no reason why we should try to support this. I am very sorry but I am saying, personally, what I feel about it. The steward goes to buy something in the market but the next thing he does, because he sees his master filling coupons every day, he stands there in the market, doing the same thing !

Somebody has just spoken about the housewife and I do not want to say anything here because the point is known very well. Let us take the office example. In the office one finds the clerks trying to fill their coupons—even in the office ! A man is dying in the hospital and the nurse is called ; the nurse is busy filling her coupons instead of attending to the patient. What harm has this not done in this country and why should these football pools be encouraged ?

If a few people in the country win dividends it does not mean that the entire population of the country is benefitted. It is the work of the Government to do all it can to protect the people of this country from the hazards that are increasing from this type of business. Therefore, I am calling upon the Government that it is not even sufficient to control the thing. If the Government is thinking of

taking it over the money will remain in the country and will be used in doing different things in this country.

Take, for example, the fact that loans will be given out ; the loans will come from this money. Scholarships will be awarded and will come from this money and we shall be somehow consoled that the money has not left this country.

After considering the harm that has been done by these pools, for goodness sake it is time that we did something to stop it.

I wonder if I can support this kind of Bill ? I have made my observations.

Senator Zanna Medalla Sheriff : I rise to support this Bill whole heartedly. A lot of repetition has been going on in this House. I do not think that there is necessity to repeat the evils of betting.

I have very little to add to what the hon. Senators said. I associate myself with the remarks made by hon. Senators that the Government should either nationalise betting or make it an entirely Nigerian enterprise by the establishment of a Board to effect proper control, reviewing the issue of licences or renewals and any matters connected with it, with the Minister as Chairman or whoever is selected by Government to be the head of the Board. This is the only suggestion I have to make—the establishment of a Board to look into the affairs of betting from time to time.

Hon. Senators have said indirectly that the Federal Minister in charge.—If Mr President will allow me to cite the particular part I am referring to, it is Clause 5(3) about which fears have been expressed political considerations may affect the Minister's decision to issue or renew licences. The establishment of a Board membership of which could be drawn from all interested parties, will not allow the Minister to use his power as he likes.

Above all, we have implicit confidence in our Ministers. I do not think that such fears should be expressed at this stage. Once a fellow has been appointed a Minister I think he must be relied upon to use his abilities, without telling him what to do. I think he knows what he is going to do.

With these few remarks, I beg to support the Bill.

The Minister of Internal Affairs : I am very pleased to hear the contributions made by the hon. Senators. Personally, I do not want betting at all, certainly not. But I am speaking personally. I do not want betting—but there it is. Hon. Senators have mentioned the fact that fundamental human rights have been entrenched in our Constitution. Everybody, every member of the society, has got the right to do whatever he likes with his money. You can allow people to make fools of themselves and no one can legislate against it but the only thing the Government can do is to stop other people from exploiting the folly of these people that is exactly what this Bill is doing. We are only trying to control people who are prepared to bet; to check the racketeering scandals that are rampant in the country to-day in the form of this betting.

Members expressed fears in respect of clauses in this Bill about the Postmaster and Customs Officer. As free people we have been demanding that all heads of departments should be Nigerians and I hope Senators are not now coming back to shake our confidence in these people. They are Nigerians and I have the utmost confidence in them that they will discharge their duties creditably.

Furthermore, Clause 4 (3) provides that, "Any officer of a department mentioned in subsection (1) of this section, who otherwise than in the course of duty, discloses any information obtained by virtue of that subsection shall be guilty of an offence and liable on conviction to imprisonment for a term not exceeding three years". If any officer discloses anything that he might have seen in the course of his duties then he will certainly go to court and, if convicted, he will be sentenced to not less than three years. What more do you want?

The administrative arrangement in regard to the issue of licences are, I think, the responsibility of the Minister and the Ministry concerned. If a power is given to any Minister, he will use it according to the law. I am sure the Minister, will not take the power into his hands to please himself.

In fact, I remember I withdrew—not even renewed, I withdrew—a licence from a fixed odd firm just about two or three months ago. The promoter did not say a word because he knew exactly why I withdrew the licence—in the

interests of the people of this country. After all, what are we doing? If we say a licence must be issued to everybody we are not going to stop the mushroom companies or football firms that are springing up all over the country overnight.

I think we must give the discretion to the Minister either to refuse to give a licence, or to give it, if it is considered necessary. I am sure the applicant will know the reasons why he has been refused a licence. It will not be in the interest of the people to say A has done this and that is why he has been refused a licence. We do not want to show the reasons to the public but the applicant will know exactly why his application for a licence has been refused.

Senators need not express any fears, I am sure they will have confidence in me for the time being because the betting business may in future be removed to another Minister. At the moment I am doing it; even if I do not like it I have got to do it for the time being.

I want to refer to the point made by hon. Senator Asemota. I said that between £3 million and £4 million are leaving Nigeria every year and the hon. Senator wants to know how much we are getting in return. I am sure I cannot say exactly what is happening but I know that the amount is negligible, it is less than half-a-million pounds, and that is not very encouraging. We cannot allow £3 million or £4 million to leave Nigeria every year and expect to get £½ million in return. Nobody will agree with that.

We go about borrowing money, and asking people to come and invest money in our country. We cannot just allow this money to be frittered away by another means. We are not actually stopping betting but it is our duty to check and control it so that very large sums of money will not be leaving the country.

Several hon. Senators also spoke about nationalisation of the pools betting business. Well, I do not want to say a word about that in this Senate because the question of nationalisation has been fully dealt with by the lower House. All I want to inform Senators is that the Government has now established a Pools Betting Company in which the Government

has a controlling share. This has been done. It is true that some people like betting while others do not like it but if any attempt is made to ban it there will be a great deal of outcry from the public. It is not possible to ban the pools business without providing an alternative, and that is what we have done. We have established a company whose duty it is to establish a really well organised firm for Betting business, and that Company is called the Niger Pools Company, and the Government controls fifty-one per cent of the shares in that Company.

Hon. Senators also spoke about encouraging foreigners in pools betting. There is no question of encouraging foreigners, rather, we are trying to discourage them but betting is a business, a profit making business, there is a technique of doing it; it is gambling of course, but if you know how to do it, you win, and if you do not know how to do it, you lose. For about six months when the Government was contemplating establishing a Betting Firm in the country, I tried to get people to come forward so that we may consult together and form a sort of basis upon which the firm will be built, but nobody came. All those who came were agents of foreign pools, they were not promoters. How can we trust people who are agents of foreign pools with our public money? And it is important that I must get people who know how to do this thing to come here, to establish this organisation for us; and after a period of time Nigerians will take over and carry on with the business, and the foreigners can be asked to go. That is the agreement. The people are here now to impart their know-how knowledge of betting to our people so that when they go, our people will be able to continue with this betting business with a great deal of honesty.

I think I have covered almost all the points raised by hon. Senators.

Senator Chief Mrs Wuraola A. Esan : On a point of Order! The Minister has not mentioned anything on the suggestion regarding school children and betting.

The President : That, of course, is not a point of Order, but the Minister may wish to reply.

The Minister of Internal Affairs : I am sorry, Madam, but the Government is not forcing anybody to bet. Even the adults, if

they do not want bet they can leave it. I think the discipline of school children rests with the teachers; without the teachers the Government cannot do anything. It is the duty of school proprietors to see that their schools are kept clear of this gambling business. After all, if these school children do not bet, they indulge in lots of immoral things in schools and the Government cannot do anything about that.

Question put and agreed to.

Bill read a second time and immediately considered in Committee.

POOL BETTING (CONTROL) BILL : CONSIDERED
IN COMMITTEE

Clause 1—ordered to stand part of the Bill.

Clause 2—(INTERPRETATION)

Senator E. A. Lagunju : It is unfortunate I have not given any notice of Amendment. I would have liked to say that the last sentence of Clause 2 subsection (b) be amended. In any case, the Minister has made it clear that he is the Minister responsible and we know him to be the Minister of Internal Affairs. I do not know why that has not been put in the Bill. All we have in the Bill is, "Minister means the Federal Minister charged with responsibility for pool betting business".

Since it is a sort of temporary arrangement which may be transferred from one Minister to another, I am perfectly satisfied with the explanation of the Minister and since I have not given any notice of Amendment, I have no axe to grind.

Clause 2—(INTERPRETATION) ordered to stand part of the Bill.

Clauses 3 and 4—ordered to stand part of the Bill.

Clauses 5-7 ordered to stand part of the Bill.

Bill reported, without Amendment, read the Third time and passed.

ADJOURNMENT

Motion made, and Question proposed, That the Senate do now adjourn—(The Minister of Health).

Question put and agreed to.

Resolved, That the Senate do now adjourn.

Adjourned accordingly at 12.33 p.m.

SENATE OF THE FEDERATION
OF NIGERIA

Friday, 1st December, 1961

The Senate met at 9 a.m.

PRAYERS

(The President in the Chair)

PAPERS

The following Paper, which has already been distributed to Senators, is deemed to have been laid on the Table—

The Report of the Director of Federal Audit on the Accounts of the Government of the Federation of Nigeria for the year ended 31st March, 1961.

ORDERS OF THE DAY

LAGOS UNIVERSITY TEACHING
HOSPITAL BILL

Order for Second Reading read.

The Minister of Health (Chief the hon. Dr M. A. Majekodunmi): I beg to move—

That a Bill for an Act to provide for the establishment of a Teaching Hospital for Lagos and of the Management Board for the Hospital and for purposes connected therewith be read a Second time.

This Bill is one of the very many measures which the Federal Government proposes to take in the immediate future to lay the foundation for the expansion of our Medical Services throughout the Federation. It is our determination to bring the advantages of modern medicine to all our people wherever they may be, including those who are resident in the remotest areas of this country.

I would like to remind hon. Senators that during the Budget Session, we laid on the Table of this House a White Paper on Educational Development, and Government policy on Medical Education is summarised in page 7 of the White Paper which is Sessional Paper No. 3 of 1961. With your permission Mr President, I will read.

“As regards medicine, the University College Hospital at Ibadan will increase its facilities to enable it to admit a large number of students and to increase research facilities in the basic medical sciences. The Univer-

sity of Lagos will have a medical school and utilise existing medical institutions for training in clinical medicine. The University of Northern Nigeria will have a full-fledged faculty of medicine by 1970. Every encouragement will be given to Regional Universities to establish Teaching Hospitals of approved standard. It is intended to produce about 400 doctors per annum from the year 1975”.

This represents our policy and we are firmly and wholeheartedly committed to it, because we are convinced that we cannot really expand and improve our services until we have produced the indigenous personnel who will man these services. Most of the troubles that we have with our medical services to-day are because of shortage of personnel. There have been occasions when hospitals have been built and there are no doctors to man them. This is a most scientific attitude to adopt in solving a problem. We have given considerable thought to this and we have decided that if we are to make any advance at all, we must train our own personnel. We cannot depend on recruitment of personnel from abroad particularly in the field of medical services.

In medical services, the ailment of the individual is a very personal affair and he would very much like to discuss it with somebody who understands his language, who appreciates his prejudices, and it is in that person that he could really repose confidence. And in medicine, confidence in the doctor and the person who is administering treatment is most essential. That is why we feel that we must make a start, and this Bill seeks to establish here in Lagos a medical school where doctors will be trained. We hope that by the time this hospital is fully completed in all its stages, it will have 800 beds and it will be possible to produce from 100 to 150 doctors per annum here in Lagos.

The Bill itself is non-contentious. It is on similar lines to the Bill establishing the University College Hospital Board of Management at Ibadan. It is an improvement on that Ordinance. The powers of the Board are those normally given to similar Statutory Corporations to enable them to function properly, and the provisions for membership of the Board are contained in the Schedule to the Bill.

Hon. Senators will notice that a wide range of interests are represented. This is necessary in order to emphasise the Federal nature of the institution, and to ensure that the decisions and actions of the Board reflect the aspirations of Nigeria.

I beg to move.

Minister of State (Senator Nuhu Bamali) : I beg to second.

Senator E. A. Lagunju : This is a straightforward Bill, a bold step on the part of the Government and a commendable plan. As a matter of fact, the more teaching hospitals we have in the country the better it is for us, because if we want to increase our own manpower, we must be sure that we have men of the right quality. After all, health, we are told, is wealth.

Personally, I do not think hon. Senators will have any quarrel with this Bill because this is one of the things that we have been looking forward to seeing in this House. We are really very happy that the Federal Government has come out prepared to set up a University Teaching Hospital for Lagos. We sincerely hope that the Teaching Hospital will be set up as soon as possible, and that immediately this Bill is given the blessing of this House, in the course of a few months, we will see the Teaching Hospital in operation. At the same time, we sincerely hope that the doors of the Teaching Hospital will be open to all and sundry from all the different parts of the Federation.

I support the Bill.

Senator J. K. Nzerem : This is a most commendable Bill. In deed, I am not surprised at it, seeing that the Minister of Health in the Federal Government is a man of the calibre of the hon. Dr Majekodunmi who also is a Member of this hon. House.

Nigeria stands in need of many things. But I think that priority should be given to education and medical services. This, therefore, is a step in the right direction. If we have industrial and agricultural schemes and we have not the man-power healthy and vigorous enough to carry them through, all our efforts will be brought to nothing. The staffing of our hospitals in most parts of this country has been a matter more or less dependent on expatriates. Our people have gone out to India and to other parts of the world in search

of doctors. If we are able to develop our Teaching Hospitals in Ibadan, Ife, Nsukka and other places, we will be able to rely on our own resources in the matter of supply of medical personnel.

This is, as the last speaker has said, a very wise and bold step taken by the Federal Government, and every right thinking man in this Federation should support the effort of the Government.

But let us hope that we will not be planning the Teaching Hospital for the next ten years. Sometimes, we get grandiose plans which take very many years to mature. I would, therefore, remind the Government that this is something which is very necessary and urgent in this country and that they should take every step to see to its implementation in the very near future.

I wholeheartedly support this Bill and wish the Government every success in implementing it.

Senator T. Olamijulo : As the former speakers have already said, it is very essential for us in this country to have sound education as well as medical facilities everywhere to cater for our peoples' welfare.

Now, the Government of this Federation has taken it upon itself to cater for the people by establishing the Federal Teaching Hospital. That is a very worthy move indeed. At the same time, we should take note that those who are going to run it are the real type of people to man such a Teaching Hospital.

The Board of Management should have the right type of people at the head. The staff, at times, can be men of ability, educationally, but those that are going to be at the head of affairs should be the right type.

The teaching Institutions should be manned by those who have had teaching experience and as such the Board of Management should choose the right type of people to be at the head of affairs.

I notice that section 2 (2) of the Bill reads as follows :

"Any direction, notice, report, representation or request authorised or required to be given or made by or under this Act shall be in writing and may, without prejudice to any other method of service, be served by post."

[SENATOR OLAMIJULO]

I do not understand why this aspect of it should be in writing and I would like to receive the explanation of the hon. Minister of Health.

With these remarks I wholeheartedly support the Bill.

Senator H. O. Abaagu : The step taken by the Government to present this Bill is a very commendable one. It appears that the Government is now coming to the aid of the masses of its suffering people.

The congestion, especially in the out-patient departments of our hospitals, is due to insufficiency of Doctors. We, therefore, welcome the Government's proposal to establish a Teaching Hospital for the training of Doctors especially in Lagos because the congestion is more in Lagos than in any other part of the Federation.

This proposal may take sometime to effect. The Government may not be able to establish the Teaching Hospital this year or next year and when it comes into existence it may be another three to four years before it begins to turn out Doctors. Before this can be what is going to be done about the shortage of doctors especially in the out-patient departments of our hospitals? What are we going to do between now and the time when we shall begin to turn out doctors?

I suggest that the Government should go all out to look for doctors. This is one of the things on which we do not quarrel with the Government. Instead of the Government looking for the type of professional men we do not have in Nigeria, they go about employing administrative officers. After all, we can get our clerks to become administrative officers. But we cannot get anybody to be a doctor without a long period of special training. We do not, therefore, quarrel with the Government over appointments of this nature. If the Government employs an Indian, a Sudanese, a Pakistani or an Englishman as a doctor in Nigeria, we will not quarrel with the Government over it at all for the time being. We do not quarrel with that as we have not got enough Nigerian doctors.

I emphasise again that before we begin to turn out doctors in sufficient numbers to man our hospitals, the Government should take my suggestion and get a sufficient number of

doctors to man, particularly, the out-patient departments of our hospitals. It is a good thing and the Government should work on it.

Senator Dahlton O. Asemota : I just want to add a few words to what the other hon. Senators have said in congratulating the Government on this very wise move. In this country to-day, the ratio is one doctor to every thirty-five thousand people. This is most pathetic. As a result of this great difference prescriptions are prepared in advance before ever the patients go to the hospital. When the patients get to the hospital, whatever their ailments may be they are just given the next prescription! This is what is actually prevailing in some of our hospitals now.

Some hospitals which about a year ago had about eight doctors have seen that number reduced to two. This Bill is welcome and is very good news from the hon. Minister of Health. That we are going to be able to turn out about four hundred doctors in Nigeria by 1975 is very gratifying, but, in the meantime, I think we should not be prejudiced by our Nigerianisation policy as regards the importation of doctors from other parts of the world. If we wait until our Teaching Hospitals can produce enough Nigerian doctors the situation will get worse.

Therefore, I do hope that the hon. Minister will bear in mind that strict Nigerianisation should exclude the medical departments and that Government should go all out to bring in doctors from any part of the world to assist us in improving our present deplorable situation.

Another thing I would like to talk about is drugs and dressings. Although we talk about University Teaching Hospitals, all the hospitals we have at the moment are not sufficiently supplied with drugs and dressings. I know of what an hospital in my home town and one or two other hospitals have had to resort to doing in such crisis—they had to go to the missionary hospitals to borrow drugs. Some hospitals borrow or buy drugs from chemists.

I do not know whether it is the intention of doctors to stop ordering drugs to make room for sale for the chemists.

Government should take into consideration the fact that the building of hospitals is not the only answer. They must provide sufficient

drugs and dressings which, at the moment, are not provided by them. I hope that the Minister of Health will consider this aspect.

I whole-heartedly support the Bill.

Senator Oba Adeniji Adele II of Lagos : I rise this morning to speak not only as a Senator but also as the Oba of Lagos.

I think I should, first of all, express my sincere thanks to hon. Majekodunmi in particular and to the Government in general.

Since I became Oba, Senator Majekodunmi and myself have had a lot to do in connection with medical facilities in Lagos. We have had to confer together; our people in Lagos have had to submit petitions after petitions, and Senator Majekodunmi has always taken great interest in the matter in order to see to it that all that should be done is done and to see that we have all that we should have in Lagos hospitals.

As one hon. Senator has just said, the congestion in Lagos hospitals is beyond what I could explain here.

Senator Dr Majekodunmi as a specialist in charge of this hospital realised the position. While he was appealing in writing, I was appealing personally to the authorities that something could be done to see that more hospitals were built. As a result of the efforts of the Senator, the present hospital that we have there was built. The foundation of the one on the mainland was laid and so many improvements that ought to be done were done all through his energetic advice. What is more, when he was appointed a Senator, the women of Lagos in particular, and all people of Lagos generally, were very much disappointed. They did not want him to take up that appointment because it would deprive them of his services. In fact, the women asked me to appeal to him not to take up that appointment. I spoke to the Senator. His words were that he was taking the opportunity of this appointment to improve upon what he was able to do when he was in the service. However, the people still hope that one day he will return to the Medical Department, not as a Minister, but as a practising Doctor.

In Lagos, as hon. Senators know, the hospital is very much congested. The second scheme is a very laudable one, and we all appreciate it.

But before this is in fact started, and I hope that it will be started as early as possible, I think something should be done to relieve the present congestion. Doctors will take at least seven years to train. And in many places, the outcry to-day is, "there is no doctor". Some doctors from Ibadan were offered appointment some time ago. But I understand that when they came to Lagos they were turned away. They were told that there was no provision for them, or that they were not prepared yet to accept them in the Hospital here. I would like to hear something about that allegation from the Senator because I do not see why we should begin to turn away these doctors that we have actually trained ourselves, while we are crying that there is shortage of doctors. I cannot see the logic in that. I hope, therefore, that the Senator will explain the position to us.

Another point is this. Formerly in the hospitals patients were given prescriptions to go to the Dispensary of that hospital to get that prescription dispensed. But to-day in many cases, when a patient goes to the dispensary he is told that there is no medicine; and he is advised to go and buy the medicine outside. That is not fair enough. At present we say that we are having what is termed free medical treatment. Of course, many people who attend the hospitals are poor and yet when they are given prescriptions they are told that the medicines are not available in the hospital, and that they could go and buy them outside.

Some years ago when I was a Member of the House of Chiefs in the Western Region, we were told that the provision for medicine was exhausted. The Lagos hospitals applied for additional provision and they were told that they had already finished the provision in the Estimate and that they could not get more. But I remember when I was a Government official the estimate for medicine was always a difficult item of estimate. At any time the money was exhausted, what we generally did was to put medicine, under remarks column, "An item very difficult to estimate." But at that time they said once the estimate was exhausted they could only give us additional provision provided we were prepared to have this deducted from the provision for the coming year. I told them that the sooner they did that the better. When the time came they actually did it and I raised a very strong objection. However, I do not know what

[SENATOR OBA ADENIJI ADELE]

happened later. But it is a very bad practice to expect the doctors to be able to make correct estimates for the medicines they will use for a whole year. No doctor, no matter how clever he may be can estimate accurately how many patients he will attend to in any one day. And I feel that that particular point is very essential, and should be looked into.

As I have said, many people are turned out of the dispensaries with the excuse that there is no medicine. They are advised to buy the medicines outside. And many people are too poor to afford the cost. Many of them come to me and I have to give them money to buy medicines. But it is not all of them that can come to me. I am now appealing to the Senator to see to it that sufficient provision is made for medicines in hospitals so that anybody who goes to the hospital will be in a position to get his prescription dispensed in that hospital.

Another point on which I would like to speak is the recruitment of people from outside this country. An hon. Senator touched that point earlier on. A Lagos proverb says, "A dry dog is very sweet but before we roast it and get it dried, what shall we eat? That exactly is the position now. While training these doctors what are we going to do to maintain the present position and see that some improvement is made? Here, the question of recruiting doctors from outside Nigeria comes in. I would say that we should not Nigerianise at the expense of the people of this country. I am, therefore, appealing to the Senator to see to it that provision is made for new doctors to be recruited from outside, if we cannot get enough from within Nigeria, so that the present position may continue to improve before we are able to get our own doctors.

With these remarks I whole-heartedly support the Bill and I shall be happy to tell my people that something is being done to improve our medical services.

Senator Chief R. A. Umoh : I rise to support this Bill. In doing so, I have to congratulate the Government. Through the instrumentality of the Minister of Health in the person of Dr Majekodunmi, this Bill has been wisely brought up at this time. I am happy to note the great interest the Government has in the health of the entire population of Lagos.

It is true that in very many other nations there are doctors doing different types of jobs. But in this country all our doctors are working in the hospitals. In other places some doctors work in the hospitals; some go about in the villages, from place to place, to check the health of the people and to render them help. Also, a special type of doctors work with the Government trying to make very important investigations into different diseases in order to fight directly and stop the disease. We have this in Nigeria.

In the Northern Region we hear people trying to find ways to eradicate meningitis. If we had enough doctors this work would be very simple. But what do we find? We believe in building big hospitals. When one goes to any place one will find a very large hospital being built, and one finds a thousand and one people going to the hospital everyday. And then one finds that only one doctor attends to the whole lot, and perhaps there is not one Specialist. And we find pregnant women; people in emergency cases standing from dawn to dusk without being attended to because of insufficiency of Medical Officers in the Hospitals that have been built with millions of pounds. So this is a very important Bill. I am really very impressed that this has been brought up in time.

We are indeed going ahead of many nations in the way of economic development; in the way of educational furtherance, and so on. But what shall we do about the health of the people? Everybody talks about healthy brains and development of intelligence. We find scholars walking about twelve miles; even in my own area, scholars walk six to seven miles to the General Hospital to stay there till evening before they could be attended to. And they are not even well-attended to because work is too much for the one doctor that is available.

When you think how the pregnant women suffer in Nigeria to-day, you will find that there is a great need for having more doctors in the country. Newly born babies are not at present well attended to. We have dispensaries here and there, we have a midwifery service here and there, but suppose there is an emergency, what will the midwives do then? Are they qualified to operate?

I welcome this Bill very much and I think it is most befitting of a nation that it toes the line

and keeps abreast with the modern world; and by introducing this proposed step now, to look after the health of our people, we are falling into line with the rest of the civilised world.

Some people die not because they are old. Most people who die in Nigeria to-day do not die because of old age, they are dying because of improper care. How can a car run well, even when it is new, without being serviced and lubricated? Human beings also need elaborate lubrication by means of qualified doctors. Most of those who die, die of disease not because that disease could not have been treated, but because they have no one to treat the disease. We have not enough doctors in this country.

I think the results of the Bill are going to bring about, amongst other things, an increase in the population. When we have qualified doctors those who have been dying untimely deaths because of lack of attention will be able to live longer and thus the population will increase.

We are going to have more qualified people in the field of education because the young children in schools that have not been attended to in the past are going to be well cared for in the future when this plan is working successfully.

We are going to increase our population in such a way that newly born babies are going to survive. A lot of them die to-day before we can get them to the nearest hospital of, say, about twelve miles distance. A baby that has been born and is found to be in need of a qualified doctor has to travel a long road to the nearest hospital and, even if one has the benefit of a car, before one can get the baby to the hospital for an operation, it has died. This decreases our population every year, but the steps which are now to be taken will increase our population and make us much healthier than ever.

Many people know what the Federal Government is doing in different places throughout the country, but to make it known to the millions of people in Nigeria we need more medical services. These people are the immediate beneficiaries of these services. If in different villages, different clans and different tribes we have enough doctors to attend to these people, then everyone will know that the Government

is doing its duty most efficiently. After all it is the healthy people who will be able to pay taxes to maintain the Government's revenues.

I am very happy that this Bill has come to the Floor of this House in time, and I congratulate the Government for its wise plans. I support this Bill.

Senator Zanna Medalla Sheriff : This is a most welcome Bill.

I have to seek the permission of the President and also the permission of the Oba of Lagos when I say that Lagos is no-man's land—

Senator Dahlton O. Asemota : It is not "no-man's land" it belongs to some—

Senator Sheriff : It is no-man's land, it belongs to the Federation, it is the capital of the country. As such, any priority given to matters affecting Lagos will not be looked upon as something done for the benefit and interests of a particular community. So with the congestion and the susceptibility of the general public in Lagos to disease anything done to promote medical facilities would be most appreciated.

I do not oppose the priority being given to Lagos, which is well deserved. But the hon. Minister of Health has stated that by 1970, the Nigerian College of Arts, Science and Technology in Zaria will be fully-fledged to provide teaching facilities. By 1970, that is nine years from now !

I know that a university, wherever it is located, is intended to serve the Federation, no matter where it is located. One does not just walk into a university, there are steps that one has to take before one qualifies for entry into a university. If the university is located in Lagos it does not mean that only the people of Lagos are going to benefit, it is the general public of the Federation who will benefit.

If, as the hon. Minister has said, there is in fact an acute shortage of staff, especially medical personnel, would it not be advisable to attach a sort of teaching hospital to all existing universities, even with a lesser number of beds? The Lagos Teaching Hospital is probably going to have 500 beds, that is very good. But if—I am only citing the time factor involved from 1961 to 1970—if such a scheme is started in the North in 1970, that means the first batch of medical doctors coming out will be in 1977.

[SENATOR SHERIFF]

This is acceptable, but I am pressing that if the hon. Minister will reconsider, say, the university at Nsukka, getting an attachment of a teaching hospital, and if the university of the North gets an attachment of a teaching hospital, it may be with a lesser number of beds, I think that will eliminate the long delay, if our economy and our present financial standing allow.

I have to stress that I am ignorant about the medical development project in respect of the Federation of Nigeria, I am not quite a layman, but I am—

Senator A. A. Lagunju : Point of order. I think the hon. Senator should limit his speech to the proposed University Teaching Hospital of Lagos. I do not think this Bill applies to Regional Hospitals.

The President : Your point of order is wrong. The Senator talks about the university in the North having a teaching hospital in 1970, and so on. I think he is quite in order. Will he please continue ?

Senator Zanna Medalla Sheriff : Thank you very much, Mr President. I want to drive these two points home very clearly. The University of Ife should not have a Teaching Hospital because Ibadan and Lagos serve that area. The University of Nsukka should have one. In my personal opinion—I may be wrong or right—the University of the North and Nsukka should be given due consideration by the hon. Minister. He should have it in his mind if there is something he can do in that respect to allay this long delay in the provision of medical personnel.

If this is done, the Teaching Hospitals so established in the North and at Nsukka will be able to provide a number of medical personnel at no distant date rather than wait until 1970 before this scheme is started in the North and the result will not come forth until 1977.

At this stage, I have to congratulate the Federal Government and the hon. Minister of Health for making such a bold stride which is a great advancement for our country.

I beg to support.

Senator Hassan Rafindadi : In rising to support, I would like to say that this is a most welcome Bill and highly commendable

move on the part of the Federal Government. The development of hospitals in this country is an integral part of the overall development plans, and as such, will make a major contribution not only to the material progress of this country but to all aspects of the development plans.

The Government is to be congratulated and particularly we should praise the initiative of our capable Minister of Health upon whom the whole country look forward for improved medical facilities for our people.

I beg to support.

Senator Chief O. A. Fagbenro-Beyioku : Mr President, while what is now known as the Mainland Hospital was completed and there was some talk about opening or not, we were wondering why there should be an argument. We never knew that there was a baby in the womb and that when the baby fully matured, it was going to be one of the most popular babies in the world. That is the new shape which the Mainland Hospital has now taken as it now becomes the University Teaching Hospital.

To those of us who are really natives of Lagos, because Lagos is somebody's land and there are some people who own it, those of us who are natives and aborigines of Lagos, it is a great honour and we are very happy to play host for this new baby which has come to stay. There is only one observation I wish to make.

Senator Zanna Sheriff : On a point of explanation, I am very sorry that I have been mis-interpreted. It may be due to language difficulty. I never meant it in the sense that the hon. Senator has put it that Lagos was no man's land. Lagos is a land for the Federation and it is the capital of the whole Federation. Therefore, we have Lagos in our hearts as important as our home towns. Lagos is as dear to me as Maiduguri.

The President : I did not think myself that the hon. Senator meant that Lagos was really no man's land, and I do not think that Senator Beyioku was referring to the hon. Senator but to some other people outside.

Senator Chief Beyioku : As you said the other day, Mr President, a little bit of humour will keep the House warm.

As I was saying, we must have to think of the position of the country because from what we know of the University Teaching Hospital at Ibadan and the recent schedule of rates which came before this House sometime ago as to the amount of fees people have to pay for the treatment, I think that the Board of Management should be properly advised that in setting down the standard of fees to be paid, we must think of the financial position of the average man in this country. Otherwise, with the best of intentions, only the rich will be having good services while the poor may not be having any. This is something which we all very much welcome.

There is some point which I would like to raise at Committee Stage and for which I will respectfully request the explanation of the Minister of Health and that relates to the composition of the membership and some other problems. Otherwise, I think we have to congratulate the hon. Minister, and even if for sometime we have never seen eye to eye, on this occasion at least we do see eye to eye. I congratulate him for this Bill which he has presented to the House.

The Minister of Health : I would like to express my appreciation to the Senate for the warm reception they have given to this Bill. As I said earlier, this is one of those measures which we intend to take to lay the foundation for the expansion of medical services not only in Lagos—I do not want the hon. Senators to misunderstand me—but throughout the Federation.

This is a Federal Institution where we intend to train doctors and the doctors so trained are not going to work only in Lagos but all over the country, and I want hon. Senators to understand that. There are other proposals for improving the medical facilities in Lagos but those will come to the Senate in due course. Just as Ibadan is a Federal Institution, so this University of Lagos is going to be a Federal Institution and the Medical School will train doctors who will work all over the country.

I would also like to allay the anxiety of Senators, who might misunderstand my statement in moving the Second Reading, that it is necessary to produce indigenous doctors who will man our services. We have no prejudice whatsoever against foreign doctors. In fact it will be completely unscientific and

against all our conception of medicine to have any such prejudice. Modern medicine was brought into this country by foreigners and now we are enjoying the benefit of it.

We have to-day a great many foreigners in our medical services. We have Indians, Cypriots, Pakistanis, people from all over the world including Germany and we would have no objection whatsoever to taking anybody from anywhere so long as they are medically qualified to help our people. But we cannot plan a national medical service on recruitment of foreign personnel because foreign personnel are essentially an expensive commodity. We have to pay them the basic salary which we normally pay our own nationals and at the same time, we have to make allowance for the passages of their wives and children and also for leave when they do go on leave. That is why, on the long-term policy, we cannot plan on recruiting foreign personnel to man our services, and we cannot always be sure that we shall always get these personnel. Medical men are in short supply all over the world, and if we are not going to recruit third-rate and rejected people—people who cannot make a success in their own country—we have to start thinking and planning on how to produce doctors. That is exactly what we are doing.

As a stop-gap, we certainly will continue to invite foreigners and to employ them to come and help us. But I assure hon. Senators that it is a very expensive arrangement to have foreigners, particularly as we require such a large number of doctors in this country. That is why we feel that we should set in motion *now* the machinery for the training of doctors and nurses, including pharmacists.

When one plans to establish a medical school, there are many aspects from which the country will benefit. One has to train pharmacists, radiographers and physiotherapists—they are all the by-products of the training of doctors.

I feel very much obliged to the hon. Senator, His Highness the Oba of Lagos, for the very nice things he has said about me personally. I would like to assure him that it is our intention to ensure that the medical services which are at present provided for the people of Lagos are improved. We, ourselves, are not satisfied with these services. We are not satisfied with

[MINISTER OF HEALTH]

the services provided here in the Federal territory. We know also that the services provided in the Regions—although we are not responsible for them—are not adequate. Not only are they inadequate, they are also unevenly distributed, and if there is anything we can do, as the Federal Government, to help the Regional Governments to improve the health of the population, it is our duty to do so because we are aware that a great many of our people die prematurely from diseases, and that those who survive these diseases suffer from chronic ill health which reduces their productive capacity, and which in turn strangles our economic growth. It is in the best interests of all of us, whether we are in the Regional or the Federal Government, to pull our resources to improve the health of our population.

Senator Chief Umoh developed an argument about shortage of doctors. I am sure that the hon. Senator must himself be aware that the Government is fully alive to this situation for, if we are not, we should not be introducing this Bill which is designed to remedy the serious shortage of trained personnel in this country.

I would like to assure my hon. Friend, Senator Zanna Medalla Sheriff that if it is possible at all to start a Faculty of Medicine in the North tomorrow, it will receive our fullest support, because we believe that we must develop this country evenly. But we have to be realistic. When we say that the University of the North will have a full-fledged medical school in 1970, we have to take into consideration the available material which could possibly be used in such a University. We have, in studying the Ashby Report, improved on the recommendations of that Commission. Whereas in that Report, it was envisaged that by 1970 at least 25 per cent of the children of school-going age in the North should be at primary schools, the Federal Government feels that in order to promote the unity of this country, we should aim at a target of at least 50 per cent. It is only by doing so that we could bring up educated elements in the North very rapidly and produce enough secondary school leavers to be able to fill the University in the North.

It is of course an easy thing to convert an existing hospital into a teaching hospital by recruiting staff and providing few amenities

and extension for training of medical students. But we are to start a medical school in the North, we have to ensure that this medical school will train doctors who are going to work in the North. Then we have to be realistic and make sure that we have enough secondary school leavers who will go to this medical school and, on graduation, will remain to work in different parts of the North.

I assure hon. Senators that we are fully alive to this situation and, in fact, we are co-operating very actively with all the Regional Ministers of Health on this matter. I may now inform the House that on Friday of next week, the 8th December, we hope to have here a meeting of all the Regional Ministers of Health to co-ordinate our efforts in the health field so that we may be better able to utilise the slender resources available to us.

Hon. Senator Fagbenro-Beyioku did mention something about fees. He wants to be assured that the fees which we are going to charge in this institution will not be such as will exclude the poorer people. I want to assure the hon. Senator that as far as this country is concerned, whether it is the Federal Government or the Regional Governments, we have ensured in all our hospital regulations and ordinances that no one is ever deprived of medical treatment by reason of poverty. Any doctor, any Minister of Religion, any Imam, and in fact, any school teacher or headmaster, could give a proper certificate that such and such a person cannot pay fees for treatment, and that person will receive free treatment in any of our hospitals.

Senator Dahlton O. Asemota : On a point of explanation ! The hon. Minister of Health has not touched the point we raised about the supply of drugs and dressings.

The President : Will the hon. Senator please raise that point in the Committee Stage.

Question put and agreed to.

Bill read a Second time and immediately considered in Committee.

LAGOS UNIVERSITY TEACHING HOSPITAL
BILL : CONSIDERED IN COMMITTEE

Clause 1 ordered to stand part of the Bill.

Clause 2—(INTERPRETATION).

Senator T. Olamijulo : I have something to say on clause 2 (2) which says, "Any direction, notice, report, representation or request authorised or required to be given or made by or under this Act shall be in writing and may, without prejudice to any other method of service, be served by post." May I know why the request should be in writing only.

The Minister of Health : If the hon. Senator will look at clause 6 (3) which says, "Any dispute as to whether a particular institution is a government medical institution for the purpose of this section or what constitutes such an institution shall be determined by the Minister....." he will see that in determining such a thing, the Minister will have to give his directive in writing. The same thing applies to any request to the Board to make use of a government institution. There are many other aspects of this Bill in which requests and things of that nature have to be made to a third person, and we cannot just leave it like that or say that such requests should be made verbally. It should be in writing so that it will be formal.

Clause 2 ordered to stand part of the Bill.

Clause 3—ordered to stand part of the Bill.

Clause 4 ordered to stand part of the Bill.

Clause 5—(POWERS OF THE BOARD).

Senator Chief O. A. Fagbenro-Beyioku : I am satisfied with the explanation of the hon. Minister of Health in the matter of charges. But at the same time it would appear that our law does not cover the consideration which any administrative instruction may allow in the matter of these poorer people. That may be contained in other legislations, but in this particular one it is not.

I refer to clause 5 (2) (c) : "to charge fees for any facilities provided by, or by arrangement with, the board (including in particular the provision of tuition, treatment and accommodation)". I would like the Minister to recommend to Government that the law should be specific on the consideration for the poorer classes, otherwise at some time it may be declared illegal where any consideration is given to the poorer classes. I know that in other legislation there is provision for what the hon. Minister has said, but here I have not read anything in the clauses which makes such a provision—I have read it from cover to cover.

The Minister of Health : The hon. Senator will know that it is necessary to write into every legislation a provision which is already covered by another legislation. There is in the Hospital Fees Ordinance a provision whereby paupers are treated free of charge. This clause 5 only seeks to empower the board to charge for facilities provided in the institutions, and there is nothing wrong with that. The Board has to have power to charge fees, but who are charged fees and what fees are charged are contained in the Hospital Fees Ordinance.

Clause 5 ordered to stand part of the Bill.

Clause 6—(USE OF GOVERNMENT MEDICAL INSTITUTIONS BY THE BOARD)

Senator Chief O. A. Fagbenro-Beyioku : I want to refer to clause 6 (3) which the Minister himself referred to :

"Any dispute as to whether a particular institution is a government medical institution for the purpose of this section or what constitutes such an institution shall be determined by the Minister, so however that no determination shall extend to any property held otherwise than for the purposes of the Government of the Federation."

I cannot understand what is the spirit behind it. I was thinking that in a Bill of this nature, there should be a Schedule setting down those institutions which are regarded as being Government Institutions. We know those private medical hospitals and private medical dispensaries and clinics. But as to the necessity for these, I cannot just understand. In the matter of Local Government, we know what hospitals and maternity homes and nursing homes are run by the Local Government Authorities. I would ask the hon. Minister to explain what is behind this particular Clause.

The Minister of Health : I said earlier that we intend to make use of all the existing medical facilities in Lagos for the training of medical students. It is in pursuance of that policy that we have inserted clause 6 subsections (2) and (3) which empowers the board to make use of institutions which are not directly under its control. But should a dispute arise as to which particular institution is a Government institution as far as this Bill is concerned, the Minister shall determine.

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rulers of Lagos, but we certainly will take into consideration the overall interests of all the people.

Senator Oba Adeniji Adele II of Lagos : I am not appealing just for Lagos alone. I am appealing for all Nigeria that institutions like this should have traditional members.

The Minister of Health : We shall take into account not only the interests of traditional members and Obas but also all the professional people and anybody else who could possibly benefit from the expansion of our services in the whole of Nigeria.

Schedule ordered to stand part of the Bill.

Bill reported, without Amendment, read the Third time and passed.

RAILWAY SERVANTS' PROVIDENT FUND BILL

Order for Second Reading read.

The Minister of State (Chief the hon. H. Omo-Osagie) : I beg to move, That a Bill for an Act to amend the Non-Pensionable Railway Servants' Provident Fund Reserve (Application) Ordinance, be read a Second time.

This Bill seeks to amend the Non-Pensionable Railway Servants' Provident Fund Reserve (Application) Ordinance and to give Government better control over the administration of the Fund.

It will be recalled that at its August meeting Parliament passed a Bill of similar effect. I said in my speech on that occasion that two provisions in the original Ordinance had proved defective because they had led to abuses.

One was the provision requiring that the Managing Trustees must be appointed from among persons recommended by Trade Unions representing the interests of present or former Railway Servants. The other empowered the Managing Trustees to employ such staff as they thought fit.

I accordingly asked the House that the Ordinance be amended to provide firstly, that the Managing Trustees should be appointed from among contributors or those who had an interest in the Fund and, secondly, that employment of staff to administer the Fund should be subject to regulation and not at the discretion of the Managing Trustees.

Since the former Bill was enacted it was found that it does not, in fact, fulfil the intention of Government in that the Amendment to section 3 does not say how the Managing Trustees are to be selected, and the Amendment to section 8 does not state by whom or by what method the staff of the Fund were to be prescribed.

My advisers have pointed out that this defective Act should not be allowed to stand in the Statute Book. I have therefore taken this opportunity to repeal it and to amend the principal Ordinance in accordance with the original intention of Government, as supported by this House last August.

Apart from the clauses repealing the defective Act the present Bill contains two main provisions. Clause 3 (1) (a) provides that persons appointed as Managing Trustees shall be persons who appear to the Minister to have experience in dealing with the welfare of Railway Servants. This will enable the appointment as Trustees of persons who could not themselves benefit from the Trust.

The other main provision, Clause 3 (1) (v), provides that the employment of any officers or servants shall be subject to authorisation by regulation.

It will be observed that there are two other minor provisions. Clause 3 (2) makes it clear that the present Trustees shall cease to hold office upon the commencement of the Act, and Clause 3 (3) has the effect of ensuring that no breach of contract need occur in the case of any employee of the Fund whose services have to be dispensed with. This Bill seeks to correct an error and, at the same time to give effect in clearer terms to the functions of Government and of Parliament than the Act which it seeks to replace. These functions were stated in this House three months ago and I need say no more than to commend the present Bill to the House.

I beg to move.

The Minister of State (Senator Dr E. A. Esin) : I beg to second.

Senator Chief A. O. Fagbenro-Beyioku : I am very happy this Bill has come to-day. When this Bill was introduced during the last Session, I tried to point out that this Bill could not work. I am glad that after all, our Government is a reasonable Government even though here on the Floor of this House

Government took its stand. But they have gone to the Chambers of the Attorney-General and considered seriously the points which I raised during the last Session.

As the Bill now stands, there is nothing to quarrel about with Government. I can see that Government is now fully appreciative of the position and what they have now brought before this House is what they should have brought before. I am sure if this is allowed to work, it will fulfil the very objective at which Government was really aiming.

At the Committee Stage, I would like to raise one point.

Question put and agreed to.

Bill read a Second time and immediately considered in Committee.

RAILWAY SERVANTS' PROVIDENT FUND BILL :
CONSIDERED IN COMMITTEE

Clauses 1 and 2 ordered to stand part of the Bill.

CLAUSE 3—(AMENDMENT OF CAP. 140, SS. 3 & 8, AND CONSEQUENTIAL PROVISIONS)

Chief A. O. Fagbenro-Beyioku : Clause 3 (1) (a). I would like Government to give further consideration to extending the mode of selecting members of the Board. As it is now—

“(a) in paragraph (b) of subsection (2) of section three, for the words from “recommended” onwards there shall be substituted the words “appearing to the Minister to have experience in dealing with the welfare of railway servants” ;”

I would like provision to be made further that in deciding those appearing to him to be representing the interest of Railway Servants the Minister shall consult with such Trade Union Organisations as are operating in the Nigerian Railway like the Nigerian Union of Railwaymen (Federated). I am just giving this as an advice if the Minister will give consideration to it.

The Minister of State (Chief H. Omosagie) : I am grateful to the hon. Senator. In implementing the provisions of this particular section, notice will be taken of his observation.

Clause 3, ordered to stand part of the Bill.

Bill reported without Amendment, read the Third time and passed.

FINANCE (REMOVAL OF RESTRICTIONS)
BILL

Order for Second Reading read.

The Minister of State (Chief H. Omosagie) : I beg to move,—That a Bill entitled an Act to remove certain restrictions on the powers of the Federal Minister of Finance be read a Second time.

Under the existing provisions of the Act establishing the Board of Customs and Excise and the Board of Inland Revenue the Federal Minister of Finance is prevented from exercising effective control over matters for which he is directly responsible to Parliament. It is considered that if his responsibilities are to be satisfactorily discharged, it is necessary that these restrictions should be removed and that the provisions of subsection (1) of Section 5 of the Customs and Excise Management Ordinance, 1958 ; subsection (5) of Section 4 of the Companies Income Tax, 1961 and subsection (5) of Section 3 of the Personal Income Tax, Lagos Act, 1961 should be cancelled. The Bill so provides.

I beg to move.

The Minister of State (Senator Dr E. A. Esin) : I beg to second.

Question put and agreed to.

Bill read a Second time : immediately considered in Committee ; reported, without Amendment ; read the Third time and passed.

NIGERIAN COLLEGE OF ARTS, SCIENCE AND
TECHNOLOGY (TRANSFER) BILL

Order for Second Reading read.

The Minister of Education (Hon. Aja Nwachuku) : I rise to move, That a Bill entitled, Nigerian College of Arts, Science and Technology (Transfer) Bill be read a Second time.

Hon. Senators will readily recall that in April this year, the White Paper on Educational Development, 1961-70, was accepted as Sessional Paper, No. 3 of 1961. One of the proposals in the White Paper is that the existing branches of the Nigerian College of Arts, Science and Technology at Zaria, Ibadan and Enugu will be assimilated or integrated or affiliated with the Regional Universities. The practical purpose of this Bill is to make possible the transfer of the branches of the

[SENATOR EJAIFE]

products to fill even one university College not to talk of two, and they recommended only one. It was only the minority in that Commission that recommended that we could have one in Nigeria and one in the Gold Coast, now Ghana.

What did we find within a few years? We found that one University College was not enough, not even two University Colleges were enough to cope with the various university needs of the country. It was not only to Fourah Bay College but to many other universities overseas that our sons and daughters poured in to study and qualify and come back to Nigeria with the golden fleece which is not more than the qualifications necessary for administering this great country of Nigeria.

Anything that can be done to accentuate this should be done to enable the country to produce sufficient high level man power. Any move to bring this about must be greatly praised. We are, therefore, very happy that a Bill like this has been brought up to lend very great help to this course of action.

Another point which I would like to mention is the role which the Nigerian Colleges have been playing. I think, by and large, these Colleges have done quite a good deal particularly in the technological and scientific sides. These sections produced, I think, quite a number of engineers and pharmacists for this country.

I do not think that their role was altogether a very happy one quite apart from producing technologists. I think that the other sections of these Colleges were more or less glorified sixth forms. At Ibadan people were trained for G.C.E. Advanced Level; parts of Zaria College also trained people for the G.C.E. Advanced Level and so did a part of the College at Enugu. This training could be done in the sixth forms of secondary schools and we have been harping on this point for quite a long, long time.

We, who are educationists, feel that the money being spent on these Colleges should be given to various secondary schools to expand sixth form facilities. In this way, we should be able to yield much better dividends than we are producing by sinking hundreds of thousands of pounds in these Colleges which more or less exist mostly for producing sixth form education.

I, therefore, feel that the abolition of the branches of the Nigerian College of Arts, Science and Technology, as such, is a very welcome thing indeed. It would have been a very sad thing if the abolition also meant the abolition of the training of technologists, but that is not so. We have provisions for turning out technologists but the very great thing is that we are now transferring the buildings, assets and equipments of the Colleges to the universities and these are going to enable us, in fact it is that transfer which is enabling us, to open the University of Ife. We are very happy indeed.

I am supporting the Bill with all my heart.

Senator A. E. Ukattah : There is nothing in this Bill that would evoke any controversy but I feel that I have an opportunity, while speaking on this Bill, to express congratulations to the Minister of Education. His Bills have always been welcome here and I think that he has been one of the most successful Ministers in the Cabinet. (*Hear, hear*).

It is true that the main purpose of the Bill is to make possible the transfer of the various branches of the Nigerian College of Arts, Science and Technology. But quite recently, there has arisen a view which has led to much conflict of opinion on the question of Nigerianising the staff of our universities.

While others expressed their own opinion over the radio and in the press, I felt that I have a place where I could express my own views—the Senate.

If we talk of Nigerianising Government Departments, and all branches of our establishments, there is no reason why we should not apply it to our universities. Anybody saying that we should not do so is talking nonsense and only creates the impression that our own lecturers and professors are not up to standard.

What I am against is Nigerianisation at all costs. I am not for that. Where we feel that Nigerians are not available to be appointed lecturers and professors and we have people from other countries who are quite capable of assuming the posts, we should appoint them. But the moment we have capable Nigerians, we should let them take over from the people holding the posts. There is no doubt that until we hand over all these things whether

institutions of higher learning or ordinary business corporations or other bodies to our own people we cannot be truly an independent nation. My own opinion is that there is no reason why we should not Nigerianise all the academic staff of our universities, but I am nevertheless against Nigerianisation at all costs.

Senator Chief O. A. Fagbenro-Beyioku : On point of order. The Bill before the House is for the transfer of the Nigerian College of Arts, Science and Technology. It has nothing to do with the policy of Nigerianisation, and the hon. Senator should not place undue emphasis on it.

Senator Ukattah : I agree that it has nothing to do with the policy of Nigerianisation. I am not attacking—

The President : I think it is related. Will the hon. Senator please continue ?

Senator Ukattah : Thank you, Mr President. I have made my point and I think my hon. Friend is in agreement with me. What he is against is laying undue emphasis on it.

I support the Bill.

The Minister of Education (Hon. Aja Nwachuku) : Mr President, I have in return to register my appreciation of the very kind sentiments expressed by hon. Senators in connection with this Bill which has led to their praising me for what my Ministry has been able to achieve so far.

Senator Ejaife has raised only one point which needs my clarification. He was saying that in doing G.C.E. in some branches of the Nigerian College of Arts that the College was regarded as a glorified secondary school. That is a little bit of an uncharitable statement to make because in the Nigerian College of Arts, Science and Technology, we have such subjects as Engineering in all its branches, Secretaryship, Pharmacy, Architecture, Local Government Course, Surveying, Accountancy, Estate Management, Teacher Training, and so on.

The G.C.E. which was being done was only a small part of this mighty body of educational set up and the reason for that was that we had not had a sufficient number of secondary schools which would run sixth forms. Now that the Governments of the Federation

are trying to raise some secondary schools up to that status, we have thought it worth our while, even if our Nigerian College of Arts should continue, to abolish the bringing up of students for the G.C.E. Advanced Level and to have all of them distributed amongst different secondary schools in the Region that are able to do G.C.E. Advanced Level.

Senator Ukattah has almost touched a good point. And it is one on which I would not like to say much, and that is, Nigerianisation of the College. However, hon. Senator Fagbenro-Beyioku thought that it is outside the scope of this Bill. But both the hon. Senator and the Government have the same point of view. We have already started to have Nigerians who are qualified to teach in our Universities. Even in the University at Ibadan which has already attained world recognition, we have a Nigerian as the head—the Principal. There can be no further proof of the Federal Government trying to Nigerianise our Universities. Those who are really qualified to teach there have always had their chance.

Hon. Senators know that universities are like currency. They must gain world recognition. We are not going to Nigerianise our universities at all costs. We can only see that those who are qualified find their chances there. We even have our people going overseas or outside this country to teach. There is nothing preventing a Nigerian from lecturing in the London University, and *vice versa*. So that, if the degrees which our boys and girls are to be awarded in our institutions should be worthy of recognition we would have to mix with black, white, red and blue.

No matter from what nationality a person comes from, if he is qualified to teach in our university, we shall have him. We are thinking well of that and we are going to see that it is implemented.

I thank hon. Senators once again for the nice reception this Bill has been accorded.

Question put and agreed to.

Bill read a Second time ; immediately considered in Committee ; read the Third time and passed.

NATIONAL PROVIDENT FUND

Minister of State (Senator Dr the hon. E. A. Esin) : I beg to move—

That the National Provident Fund (General) Regulations 1961 (Legal Notice No. 142 of 1961), a copy of which was laid before this House on 30th November, 1961, be approved.

These Regulations were laid in accordance with the provisions of section 46, National Provident Fund Act, 1961. The Regulations are non-controversial and have been made to enable the provisions of the Provident Fund Act to be implemented.

I beg to move.

The Minister of Education : I beg to second.

Question put and agreed to.

Resolved, That the National Provident Fund (General) Regulations 1961 (Legal Notice No. 142 of 1961), be approved.

ADJOURNMENT

Motion made, and Question proposed, That the Senate do now adjourn sine die—(Minister of State, Dr the hon. E. A. Esin) :

Trade Agreement

Senator Chief O. A. Fagbenro-Beyioku : I gave notice, and I have accordingly informed the Minister of Commerce and Industry and the Minister of Economic Development, of the point I want to make.

I am not against the trade Agreement between the Federation of Nigeria and the Polish Peoples Republic which was circulated here. In principle I have nothing to quarrel within the Agreement and I have to congratulate our Government for expanding our trade and making Nigeria known in every part of the world.

I am sure that the Government will tap all resources in this country with a view to building up a really healthy national economy. Thus we welcome as many trade agreements as the Government can conclude.

But the point I want to make is that in concluding these trade agreements we have got to be conscious of our position at home. In allowing for these things which may be imported or exported, we have got to think of our own position at home so as to be able to ensure

that we do not endanger our own trade and our own livelihood. We must realise that trade, particularly export trade, has a direct bearing on the cost of living in this country, and if we are not very careful and allow any of our staple foods—foods which are really material to our existence—to be exported, then we are raising the prices of those foods and thereby, unconsciously, raising the cost of living in the country.

For all I know, at the moment, the Government is not prepared to accept that there is such a tremendous rise in the cost of living in the country as to warrant the Government increasing or revising wages throughout the Federation.

Turning to this Agreement : I would like, firstly to deal with Article 4 on which, perhaps, the hon. Minister of Economic Development will expatiate. The second part of this provision says, "The provision of this Agreement will continue to be applied after its expiry to all contracts which have been concluded but not fully executed prior to its expiry."

I should have thought that it would have been necessary to set down a certain period. These contracts are to run for three years. After that, at the end of the three years if they are still unfulfilled, would it mean that simply because the contracts have not been fulfilled they can remain open for ten, fifteen or twenty years after the expiry of the contract? This is something that has to be looked into, and I shall be happy if the hon. Minister of Economic Development will expatiate on that.

The second point concerns Article 11 : "This Agreement shall be valid for three years and shall thereafter be automatically renewed for a period of two years unless certain notices of termination have been given by either contracting party three months before the termination of the above-mentioned three-year period. This Agreement has entered into force from the day of exchange of notes confirming that this Agreement has been approved in accordance with the respective laws."

I am very happy that the Agreement makes an allowance for a specific period of three years. But this is a diplomatic document. We are a free people ; we are not anticipating anything ; we are not anticipating breaking off diplomatic relations with any nation. We welcome all nations ; we are friendly to all nations. But at the same time, this is a sort

of international agreement and I should have thought that some sort of reservation should have been made in case the other contracting party wants to get funny. The Government should look out for that.

I now come to my main point. Schedule 'A' lists all the goods to be exported from Nigeria to Poland. We have things like vegetable oils (palm oil) which of course we ought to export. We have no quarrel with that at all.

But we also have things like coffee, bananas and other tropical fruits, fresh and canned and dried for confectionery. When it comes to these things—the tropical fruits and coffee—we know very well that in every clinic to-day our expectant mothers are advised to eat fruits, oranges, bananas and so on. There are people, of course, in high positions who can afford to buy these fruits at whatever cost. But we all know of the wage system which still allows people in Lagos to be paid as low as 5s a day and some people outside Government to be paid 3s or 4s a day. With the present cost of living, this does not permit of a fair distribution to the wives of the poor labourers to be able to pay for oranges.

We know that, at times, we buy oranges at one for 3d. And what is responsible for that is the fact that oranges are being exported and we have not taken sufficient time to plan for export. All that we plan in this country at the moment is for home consumption, particularly when it comes to fruits. We know that the type of fruits that we can get in the North cannot be got in the East or West, and that the type of fruits that we can get in the East and West cannot be got in the North. For instance, I was in the North quite recently and I wanted a coconut to eat. I had to pay 1s for one! All this is due to the fact that all our fruits are exported. These are the things which have a bearing on the cost of living. In this connection, we do welcome the opportunity to export, but we have not sufficient crops at the moment.

I personally feel that inasmuch as most of these crops will be exported, the time has come when the Governments of the Federation should think of having another outlook on our agricultural system. Agriculture should be made a concurrent as well as exclusive subject to the Federal Government since the national economy of the country is predominantly agricultural. The Federal Government should

be able to do a lot about it so that there will be sufficient for home use and the surplus for export. Until this is done, I do not think that it is in the best interests of the ordinary man in this country to export anything which is to-day required for our own home consumption.

The goods which may be imported are things like cement, ceramic products, meat—frozen and canned, fish—frozen and canned, fruit and vegetable products, sugar, beer, and others.

We have a cement factory in the East and it is likely that we will have another one in the North. But if we give a blank cheque for those things to be imported against our own products, unconsciously we might be tampering with our own consumption. And then what will happen? We might make Nigeria the dumping ground for those things from overseas.

I do agree that, at the moment, we are not producing in sufficient quantities. But, in importing these things, there should be some sort of control. When we think of meat, fish, or something like that, we have them all here. If our economy is properly planned, we should be able to have these goods in this country. I know that in the Western Region there is a canning industry, but it has not been sufficiently advertised, and there is not sufficient push to it. These are the things which we must be able to do here so that we can keep our hard-earned money at home instead of spending it on imported goods.

I do not quarrel with the Agreement as it stands, but I do appeal to our Government that in contracting with other foreign powers for trade, we must have at the back of our minds home security, home economic development, and the cost of living in the country. If these things are properly taken care of, both in agriculture and industry, then I think this sort of trade agreement is welcome.

The Minister of Economic Development (Alhaji the hon. Waziri Ibrahim): I am not going to reply to the whole text of the hon. Senator's speech, which concerns the Trade Agreement between ourselves and Poland, because this is really a matter for my Colleague, the Minister of Commerce and Industry who is unavoidably absent.

I am going to concern myself with the points raised in connection with our agricultural system, and the fact that if our economy has been well

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planned, we should have sufficient agricultural produce for home consumption and also for our export trade.

We are all agreed that our Agricultural Policy in the past has concerned itself only with research and that has not produced much practical result. Researches have been done for so many years, but they are all laboratory researches which have not been put into practice widely in the country. As a result, we find that we have to import onions, Irish potatoes, tomatoes, beef, chicken, cabbage, lettuce, things which could be easily produced in this country if our agricultural system had been good.

There is no doubt that the agricultural policy in the past was not a good one. Actually, there was none. I for one would completely reject it. No effort has been made in the past to encourage agriculture in this country. Here is a very rich country which can produce a lot of agricultural products like rice. Liberia, for example, buys rice from Italy. There is no need for that. They are just our neighbour here. In Nigeria it is possible to produce rice sufficient to meet the requirements of Liberia and other neighbouring African countries.

I am not quite clear as to why the expatriates to whom we have entrusted the planning of our economy in the past have done very little to encourage or expand our agriculture. One can think of many reasons. Probably one of the reasons is that some of the expatriate firms deal in importing some agricultural products from countries like New Zealand, Australia, Poland, Denmark and so on. It may be that these firms which do the retail and wholesale trade of these agricultural products in this country have influenced the shaping of our economy in the past so that they may continue to bring in agricultural products of other countries to sell them to us and make profit. Therefore, they have discouraged the local production.

When we talk to an expatriate expert on agriculture and ask as to why we should not produce Irish potatoes in the Plateau Province, the soil is good, and with the very primitive farming process, we still produce certain quantities of Irish potatoes, such an expert completely fails to give any answer. When we ask the expatriate expert as to why we could not bring in some heavy tractors and ploughing

machinery to plough the land and produce Irish potatoes sufficient not only to meet the requirements of Nigeria but also to export to some of our neighbouring countries which have not got suitable conditions, he completely fails to give any satisfactory answer. His attitude is completely one of discouragement to anything aimed at expanding our agriculture.

I can assure hon. Senators that now that we are on our own, we are in a position in the next few years to change our agricultural policy, shift it from research and theoretical policy into a practical one. (*Applause*).

If Europeans in Kenya have been able to make very good success with farming to the extent that they do not want to leave Kenya now, there is no reason why Nigerians here should not make the same success with agriculture. I am sure, therefore, that hon. Senators will see a change. All the Regional Governments have urged the Federal Government now go into agricultural projects other than research. (*Hear, hear*).

At the moment, as the Constitution stands, the Federal Government is charged with Agricultural Research. The practical agricultural projects go to the Regions; but we are all now agreed that we should go to the Regions and assist in carrying out practical agricultural schemes and the Federal Government is going out to do that.

In the next six-year Development Programme—the Economic Programme will be for six years now, not five—the Federal Government will include substantial amounts of money for agricultural extension schemes. So that all the fruits which people in Poland and other countries want will be produced in Nigeria without depriving the local people of their requirements. In other words, we should be able to produce sufficient agricultural products to expand our exports.

We have got vast areas of land used for nothing. If somebody had not discouraged us from going into agricultural expansion in order to safeguard the interests of other countries, this country would have been extremely richer than it is to-day. I agree with hon. Senators that one can give very little credit to whatever has been done in regard to agriculture. We just have small gardens, small nurseries, we have got an experimental rice scheme at Badegi in the Niger Province; and other research institutions and on one of the

palm oil research stations in the Eastern Region. We spend nearly half a million pounds on palm oil research alone annually and yet honestly, all they have been able to tell us is that if we use one spray, we can kill the black pod disease !

For my part, therefore, I agree with hon. Senators that very little has been achieved ; but then I ask hon. Senators to have confidence in us. We are now going out and we shall bring machinery, we shall have our jobless people attracted to the farms so that in due course, this country will be self-supporting. Nothing will stop us. It is true that we can go into industry ; but believe me when I say that in agriculture we are very well blessed, and that our agricultural products can be quite enormously developed.

I re-affirm our assurance that we are going to do a lot. If the President will allow me to go a bit more, I will even come to the portion which concerns my colleague, the Minister of Commerce and Industry. As commerce and industry depend on economic development, I think, I should tell hon. Senators some of the statements I have made in the Lower House in respect of distributive trade, transport and Board produce. I have told the lower House that it is high time all expatriates, either as individuals or as a limited liability companies started to withdraw from the retail and wholesale trade, the transport trade of this country and the buying of produce for the Marketing Boards. Hon. Senators are all aware that in no part of the world do foreigners play the part of middlemen, buying lorries and engaging in the transport trade. They have transport trade in England. I do not think that anyone can claim to have seen a Nigerian owning a transport fleet or a shop or indulging in businesses such as are carried on here by expatriates, in England.

My own idea is that if we are to co-operate on honest basis, the expatriate firms should themselves co-operate with us and begin to withdraw gradually. We cannot do this overnight. We have to make them hands off the retail and wholesale trade, transportation of goods by road, buying of marketing produce, gradually, and leave these things exclusively to Nigerian businessmen. There should be no compromise on this. It is extremely unreasonable for any expatriate to give excuses

as to why he should sell cement, textile goods, sugar, salt or coffee. These things do not require any technical knowledge.

I agree that we have not got the necessary capital, but then the banks are there. If the banks can give overdraft facilities to the so many thousands of honest Nigerian businessmen, then these men can expand their trade. But the banks have limited these facilities under the pretext that there are no reliable Nigerian businessmen. Of course, we all know that this statement is absolutely untrue. Here in this country, we have businessmen whose standard of integrity and honesty compare very favourably with that of any other businessmen in any other part of the world. If one reads some of the English newspapers, one will see that in England there are cases of people stealing thousands of pounds practically every week and even instances of company directors apprehended for stealing. These things are never given publicity, but the moment a Nigerian businessman fails to settle £300, he is taken to court. One of the firms in Port Harcourt took a person to court for the sum of nine pence. Honestly, some of these people have no sympathy whatsoever, and it is high time they withdrew from this country. What I am saying does not tantamount to disliking anybody. Everybody knows these things I am now talking about, and it is true that we cannot love our friends more than we love ourselves.

For that reason, I appeal to all hon. Senators to assist in mobilising public opinion on this issue of road transport, retail and wholesale trade, produce buying and so on. We should not rest because, no matter how much our economy expands, if this kind of business remains in the hands of expatriates, Nigerians will never get the maximum benefit from our economic development.

We have at the moment the Kaduna Textile Factory and the Nkalagu Cement Factory. My view is that the products of these factories should never be distributed by anybody except Nigerians. It is only then that the profit accruing from the wholesale and retail trade can go exclusively to the Nigerian businessmen. If any foreigner participates in the retail and wholesale trade, road transport and such like trades, it is mere exploitation; nothing less than real exploitation of an underdeveloped country.

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We want people to come in and help in setting up industries. That is quite understandable. When a man has land and has not the means to develop it, it is only wise that he should invite the other man who has the capital and the technical know-how to come and help him to develop his land and both share the profits together. That is quite straight and honest. We are quite prepared to exist with the expatriates on such terms for as long as possible. But when it comes to the second benefit, that is the distribution of the profits accruing from the distribution of all such products, it should be exclusively left with the Nigerians. There should be no compromise on that score.

Hon. Senators should not accept any excuses. Some people may say that such things are easier said than done. Yes, but we are not asking that these people should quit overnight. We have only said that they should do so gradually. And in five years time, if only these expatriates with big interests in this country would leave us alone, we can change the course of trade. But the moment one starts to help one's own country men in such a way, then the expatriates set their propaganda machinery in motion: the person's own country men will be set against him, and immediately he will be daubed as a communist and accused of frightening away foreign investors. But we know that all these allegations are not true.

There are many countries which will be too pleased to come and take part in the development of industries in this country and they will not be frightened away if only they are aware of our stand. We will agree on the point that when we jointly set up an industry, the profits which the expatriate invitee and we the indigenous businessmen will share will be the factory profits, but that when it comes to selling in wholesale and retail, only Nigerians should participate. I am sure they will not grumble if they are aware of these conditions right from the very onset. There are many honest people in other countries who will be satisfied with just a fair return. They are not the greedy type of *entrepreneurs* that we have in this country who have been exploiting us for years and who never want to give any chance to our Nigerian businessmen. These people go about telling lies against our indigenous

businessmen abroad. Some of them have said that anyone who wants to deal with Nigerians ought to be very careful because there are only few honest businessmen in Nigeria. Believe me, hon. Senators, this type of statement constitutes a crime against our nation and it must be viewed as such.

Senators will all agree that the problem is a very difficult one and I have never under-rated it. If only these people will leave us alone without sabotaging our efforts and making false propaganda against us, I can assure hon. Senators that in five year's time we shall have carried out a tremendous reform in the insurance business, transport business, produce buying business and marketing of export produce. We all know that there is real wealth in this country, but the trouble is that the sources of this wealth are not in the hands of our indigenous businessmen.

Hon. Senators should not just listen to this statement and be satisfied without taking any action. After all, this is no politics. It is a battle directed towards the economic emancipation of this country. The economic development of this country cannot be possible unless Nigerian businessmen have got sufficient capital to invest in industries and in other economic development projects. This is very important. Under present circumstances, Nigerian businessmen cannot build up sufficient private capital with which to set up these industries.

I do not think we can boast of ten people each of whom has up to half-a-million pounds of his own. This is a shameful thing in a wealthy country like ours. Therefore, the only time when we can start talking of Nigerian millionaires is when we capture the distributive trade. We are not nationalising any department, but if five hon. Senators can pull their resources together and each contributes, say, £50,000 that will give them half-a-million pounds with which to set up an industry. As I have said, we are opposed to nationalisation of industries, but what we want to do is to encourage private enterprise, in order to enable Nigerian private businessmen to have sufficient capital with which to start distributive trade, road transport or insurance business or the buying of products for Marketing Boards. These things should be done exclusively by Nigerian businessmen.

I am grateful to hon. Senators for having listened to me, and I appeal to them not to stop just like this. We seem to be doing a lot of talking in this country. What is required now is action. The action should not be left to the politicians alone. Hon. Senators have an important role to play when it comes to action. It should be the effort of all of us put together. Therefore, please do not listen to any excuses. If anybody tells us that we have not got Nigerians with sufficient knowledge of this or that, let us tell him that it is a lie. The knowledge and experience of Nigerian businessmen is such that if all of them put it into writing, they would produce economic books, such as are written in other countries. Even the market-women here—if they were to put their practice and experiences into writing, we would have textbooks containing valuable knowledge—it might be what other people call "The Technique of Wholesale and Retail Trade". If someone in England or France were to sit down and write such a book, we here in Nigeria would buy it, and we would find it difficult to understand. Here in our own country we have the people who can do the same thing, people who know their work, people of integrity. We have the wealth. What we want now is courage—real courage to act and not just talk.

That is all I have to say.

ELECTION OF THE ATTORNEY-GENERAL
AND MINISTER OF JUSTICE TO THE UNITED
NATIONS INTERNATIONAL LAW COMMISSION

Senator J. K. Nzerem : I am sure that hon. Senators were delighted with the news published yesterday that our learned and capable Attorney-General and Minister of Justice, Dr T. O. Elias, has been elected a Member of the International Law Commission of the United Nations. The able way in which our beloved Attorney-General and Minister of Justice introduced the Bills here in the Senate must have impressed all of us, and we are happy to see that this legal luminary is receiving, even outside our country, the recognition to which his legal erudition entitles him. On behalf of the Senate, I would like to congratulate him and wish him many more years of useful legal work to the Nation.

CALENDAR OF SENATE MEETINGS

Senator J. K. Nzerem : There is another thing about which I would like to say a few words. It is just a mere suggestion and I think the Ministers will take it for what it is worth. I would like to suggest that a calendar of meetings of the Senate be drawn up by the Government, so that Senators may know in advance when they will be required. I am not unaware of the fact that occasions will arise when emergency meetings of the Senate will be necessary. As we are all aware, many of the Members of Government in this country are busy people and would like to make the necessary arrangements for their business to be carried on efficiently during their absence in Lagos. I am not thinking of anything like a very rigid arrangement, but something which would give us an idea, for instance, that in January there would be a meeting of about a week or two; that in March a meeting of about two weeks would be held. It is just so that those who are coming to Parliament may be enabled to make arrangements for their work to be carried on at home, and so that when there is a meeting they know before they leave how long they expect to remain. I am not excluding the possibility of Government having to call an emergency meeting once or twice. I am making this humble suggestion in the hope that it will be given some consideration.

THE FEDERAL CHIEF JUSTICE—
ACCOMMODATION IN KADUNA

Senator Dahlton O. Asemota : I have only just a few observations to make about the recent publication in one of the newspapers concerning a statement about accommodation alleged to have been made by the hon. Federal Chief Justice when he went to Kaduna. The report said that His Lordship was not satisfied with the accommodation that was arranged for him when he arrived there for the Session of the Supreme Court.

I think that that sort of thing is most disappointing indeed. Since then I have been going through the papers to see if the Government would make a statement to discredit that news, but unfortunately I have not been successful in seeing such a statement. Perhaps it has just escaped me.

[SENATOR ASEMOTA]

If Ministers of State travel from their headquarters to any other place, sufficient and satisfactory accommodation arrangements are made for them before their arrival. That should be so in the case of the Federal Chief Justice. I think he ranks very close to His Excellency, the Governor-General. He is a man regarded as occupying one of the highest positions in the country, and a man of that calibre should really be considered and entitled to the highest respect and honour. It is a point which is regrettable, that our Chief Justice should be slighted in that manner in the North. It is very very bad indeed.

Office of the President of the Senate

Senator Asemota : The other thing is that there is a remark here about your own Office, Mr President, but since then Government has done nothing. We have not been told what arrangements they are making in this connection. The hon. Minister of Commerce and Industry told us that the Prime Minister has a similar office here. But I would point out that the Prime Minister has three offices, and if I am not mistaken the present office of the President of the Senate is only a tiny room, like the office which the Prime Minister uses as a retiring room. The Prime Minister has another office where he receives dignitaries. If ambassadors and people of importance want to see our President, I would be pleased to hear from the hon. Minister who is responsible for that arrangement whether he considers that that office is really a credit to Nigeria as a whole.

Those are my observations.

The Minister of Economic Development : I am surprised to hear that the Federal Chief Justice had difficulty, as alleged by the hon. Senator, in finding accommodation in Kaduna. Just before the Chief Justice left for the North, I heard the Prime Minister say—in fact he told me during a conversation—that he had asked the Federal Chief Justice to put up in his own house, that is, the Prime Minister's own house in Kaduna. Then, when we went to witness the official opening of the Naval Base at Apapa, I met the hon. Chief Justice himself and during the course of a conversation, I said to him: "I hear that you will be putting up in the Prime Minister's

House when you go to Kaduna." I remember him saying "Yes—he has very kindly asked me to do so", and he expressed pleasure. Actually, one would then consider that much more honour had been shown him, in that instead of arranging his accommodation at a Rest House, or something of that nature, he was offered accommodation at the Prime Minister's own house in Kaduna, which is a beautiful house—extremely beautiful and better than any Rest House. One can compare it with any of the V.I.P. Rest Houses anywhere. Therefore, I am wondering whether the allegation which seems to have appeared in the newspaper has any foundation. I think it is probably just somebody making a slip.

I am definitely going to pass this on to the Prime Minister who, I think, will be extremely displeased to hear that any inconvenience or any discourtesy has been shown to the Federal Chief Justice. Knowing the Northern Government, I am sure that this sort of thing would never happen. I am sure about that.

Minister of State (Senator Dr the hon. E. A. Esin) : I would like to speak on the point that has been raised by Senator Nzerem that there should be a definite fixture, somehow, for this Senate.

That would be absolutely impossible. We have tried this morning to fix a time for meeting early in January but we found we could not do it because of a lot of things that will be transpiring in Nigeria, international meetings which will take place in February, as you know. We cannot definitely fix a date unless we study it and know exactly what to do and what date are available.

Again, there are meetings or Party Conventions and things like that, so that if we convene a meeting the Members of this House may not turn up at a time when we want them to turn up; and so it is not possible to fix a date. We really are sorry that we cannot do that.

Senator Asemota complained to me the other day about the President's office. These things cannot be done overnight and, besides, we cannot expand the President's office now.

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This House was built at a time when the present changes were not envisaged. One looks around the whole of Nigeria and sees rickety flimsy buildings all over the whole place that will not last for the next fifty years. This is nonsense, as if we are a dying nation. We are a most healthy nation up till now. It is about time we thought of building something really substantial.

Look at the Mapo Hall at Ibadan, see how it was built! It is still there but, hitherto, we did not build such houses and I would ask Senators to wait and see what sort of Parliament we will put up for this country. Until then, the only thing we can do is to ask the President

to let us know his requirements and we will furnish his office and make the place look a bit better.

That is all we can do at the moment until such time as the President can be provided with a better place or when Parliament is built because, after all, we have to be here for quite a number of years to come.

Question put and agreed to.

Resolved, That the Senate do now adjourn *sine die.*

Adjourned accordingly at 11.55 a.m.

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