



FEDERATION OF NIGERIA

# PARLIAMENTARY DEBATES

OFFICIAL REPORT

## SENATE

*Session 1961-62*

Comprising Period  
20th July, 28th—29th August, 1st—2nd  
and 4th September, 1961

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## THE SENATE

### PRESIDENT

Senator Chief Dennis C. Osadebay

### DEPUTY PRESIDENT

Senator Adeniji Adele II, the Oba of Lagos

#### *Representing the Northern Region :*

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 Yusufu.  
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 :*

Senator Dr the hon. E. A. Esin.  
Senator Chief P. I. Acholonu, M.B.E.  
Senator M.B. Chukwubuike.  
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. Ejaiife.  
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. Eytayo.

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

Thursday, 20th July, 1961

The House met at 10 a.m.

ANNOUNCEMENT

**The Clerk :** I have to inform the House of the unavoidable absence of the President and of the Deputy President from this day's sitting.

NOMINATION OF TEMPORARY  
PRESIDENT

**Minister of State** (Senator Dr the hon. E. A. Esin) : Hon. Senators, in view of the unavoidable absence of the President and the Deputy President, I beg to move that Senator Ukattah do take the Chair pursuant to Section 51, subsection (1) (C) of the Constitution. Senator Ukattah, as you all know, is an old parliamentarian. He was in the Eastern House and he was in the former Nigerian Parliament. I am absolutely confident that he will discharge his duty with credit to everyone of us. Hon. Senators, I beg to move.

**Senator Chief Fagbenro-Beyioku :** I beg to second.

*Question put and agreed to.*

*Senator Ukattah proceeded to the Table and took the Chair.*

OATHS

**The Temporary President :** Will Members desirous of taking the oath please come forward to the Table.

Oath of Allegiance was administered to the following new Members :

- (1) Mallam IDRISU, TAFIDAN ADAMAWA
- (2) Mallam SALAHU FULANI

MESSAGE FROM THE  
GOVERNOR-GENERAL

**The Temporary President :** I have to report that His Excellency the Governor-General has been pleased to send the following answer to the Address of the Senate of the 4th April last.

"I have received with great satisfaction the expression of your thanks for the Speech with which I opened the present session of Parliament."

ANNOUNCEMENTS

I have to inform the House of the vacation of his seat in the Senate by Senator Sani Okin consequent upon his election as a Member of the Northern Nigeria House of Assembly.

I have also to inform the House of the resignation of his seat in the Senate of Senator Somolu consequent upon his appointment as High Court Judge. In his letter of resignation to the President, Senator Somolu says this :

"I will like to express through this medium my deep sense of appreciation of co-operation during my tenure of service in the House owing to the good guidance of respective Presidents and the mutual sense of goodwill of Members. I also wish to convey to the Members of the House my deep feelings of humility and gratitude as a result of the greetings of felicitations sent to me by the Members on the occasion of my proposed elevation. I hereby send my thanks to everybody and for all courtesies received during this short period of our working together to achieve real unity of our great country. I wish the future deliberations of the House all success."

NOTICE OF MOTIONS

Adjournment

**The Minister of Health** (Dr the hon. M. A. Majekodunmi) : Mr President, Sir, I beg to move that this House at its rising this day do adjourn till Monday the 28th of August.

**Minister of State** (Senator Dr the hon. E. A. Esin) : Mr President, Sir, I beg to second.

**Senator E. A. Lagunju :** Mr President, Sir, we all realise that legislation is a national duty and demands all that we can give it. Personally I am rather surprised to see this Motion for Adjournment that the House at its rising this day do adjourn till Monday, 28th August. A few days ago, we got a letter that we are assembling on the 13th of August and I think we are all prepared for that duty. Now, Parliament has been summoned only to sit for a day and then to adjourn. I think we must think seriously of the financial commitments because it is true that some of us do travel from

[SENATOR LAGUNJU]  
such places that are not all that distant. Some of us only covered about 200 miles, but there are others who travelled about 700 miles for this single day's meeting. And I think our Government is committed in several other ways. We have a lot of things to spend our money upon and if Parliament is to be summoned like this occasionally. I wonder where we are drifting to.

It is true there are times when there are cases of emergency but in so far as this country stands at present I can see nothing very urgent that can warrant the summoning of Parliament. There is no danger knocking at our door; no enemy around from either the French or any other nation for that matter. I can see no danger or urgency anywhere, and I wonder why this Parliament should be summoned for a day only. So I hope the Government will consider before summoning Parliament whether this is really necessary.

We are prepared to come here for days; we do not mind sittings here for weeks if there are urgent business or duties to transact. In any case I think August is not very far off; it is barely a month to go. So I think next time if we are going to be summoned here at all we must know that we are coming for a definite and reasonable period and for a definite purpose.

**Senator L. T. Olamijulo:** Mr President, Sir, in supporting the last speaker, I have to remind the House that what he said was exactly what we said when we were here last time. We have a lot of money to spend for the country. We are pressing for developments here and there. We are going here and there to look for money for the development of our country, and I think it is desirable that we should spend money very wisely. I do not think that the financial commitment involved in coming here to sit just for a day is wise spending. I feel the Government should think twice about what they are heading for. We are for the development of the country and not for wastage of our money. Money saved—half-penny, one penny—will do us a world of good. It is not very economical to lavish our money like this. I think the Government should think twice before they summon meetings of this kind.

**Senator Salahu Fulani:** Mr President, Sir, I do not think that this House has been called for nothing. There must be some reason

why we have been asked to come here. As a new man, I am just going to ask the two speakers whether they are not going to claim their allowances in order to save for the development of the country?

**Senator Chief Ezeogo Ugwuocha Uka of Edda:** Mr President, Sir, I think the hon. Senators who have spoken on the Motion on the Floor for Adjournment should know that the meeting which is called to-day is very very essential in that one of the Bills here (which I have gone through this morning) is about the Northern Cameroons. If we do not sit, it means we are paralysing their business. I think that alone is very important.

I support the Motion.

**Senator Mrs Wuraola A. Esan:** Mr President, Sir, I do not see any reason why we should go on arguing this Motion for Adjournment. We all know that we are coming here for only a day.

The reason why I stand up is this. Although I do not support waste, I do not see any reason why, after the wastage has been done, we should sit here and cry. The Government can easily understand our feelings—that there is no urgent reason why we should all come from all parts of Nigeria only to sit here for a day on one amendment to our Constitution that is not even worth the paper on which it is written. If we must amend our Constitution, I do not think that calling us every single opportunity to come here and sit upon it is going to serve the useful purpose that Government wants it to serve. If we need amendment in our Constitution, a body should be set up to see how much or how many parts of the Constitution require amendment, and we should do it all at once. There will certainly be several of such meetings if we have to come here separately for every single amendment, and as the condition of the country is now, no one will support the spending of all the money that is going to be wasted in amending our Constitution.

**Senator Chief O. A. Fagbenro-Beyioku:** Mr President, Sir, perhaps we only choose to exercise ourselves and no more. The Motion before the House is, "That this House, at its rising this day do adjourn till Monday, 28th August".

As to the custom in summoning this particular session, I feel we all are convinced that it is the responsibility of Government to call up Parliament any time there is any matter which Government considers to be of urgent and immediate attention (*Hear, hear*). In the opinion of Government, the Bills coming before this House to-day are considered to be urgent and desiring of immediate attention.

People speak of coming all the way round. People speak of spending money. I think Senator Fulani has put it in the correct way—if people feel that their coming here and drawing their allowance is a waste, they will do well to help the revenue of the country by refusing to draw any allowance for coming for this meeting. I think that is the only logical answer. It is only when they do that that they should have the bold voice to say before this hon. House, "Look, I have set an example". Until that has been done, I do not think there is any need for us to waste the time of the House arguing on this Motion.

We have decided at the initial stage that Senators come here as statesmen and that we should forget our political affiliations and that, as much as possible, we do not introduce politics in this hon. House. Therefore, when we come here and speak in some tone of political colouring, I think we are trying to run across the very tradition of this House.

I move that the Question be now put.

*Question, That the Question be now put, put and agreed to.*

*Question put accordingly and agreed to.*

*Resolved, That this House, at its rising this day, do adjourn till Monday, 28th August.*

#### Business of the Senate

**Minister of Health** (Senator Dr the hon. M. A. Majekodunmi): Mr President, Sir, I beg to move,

That the Proceedings on Government Business be exempted at this day's sitting from the provisions of Standing Order 4 (Sittings of the House) and that the Proceedings on Government Business shall be entered upon at 3.00 p.m.

**Minister of State** (Senator Dr the hon. E. A. Esin): Mr President, Sir, I beg to second.

*Motion put and agreed to.*

*Ordered*: That the Proceedings on Government Business be exempted at this day's sitting from the provisions of Standing Order 4 (Sittings of the House) and that the Proceedings on Government Business shall be entered upon at 3.00 p.m.

*Sitting suspended*: 10.35 a.m.

*Sitting resumed*: 3.00 p.m.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

**The Temporary President**: I have to read a message from the House of Representatives to the hon. Senate:

"The House of Representatives transmits to the hon. Senate the Nigerian Constitution first Amendment Bill, National Bank of Nigeria Limited (Commission of Inquiry Recall) Bill, passed by the House of Representatives and in which the House of Representatives desires the concurrence of hon. Senate." The two Bills are deemed to be presented accordingly and read the First time; to be read a Second time—*This Day*.

#### ORDERS OF THE DAY

##### NIGERIA CONSTITUTION FIRST AMENDMENT BILL

*Order for Second Reading read.*

**The Minister of Health** (Senator Dr the hon. M. A. Majekodunmi): Mr President, Sir, I rise to move the Second Reading of the Bill to amend the Constitution to make provision for the admission of Northern Cameroons now known as Sardauna Province so that the territory may be admitted to the Federation of Nigeria.

The Bill is indeed necessary because when the new constitution came into effect the Northern Cameroons which is now known as Sardauna Province was not part of Nigeria at that time. But after the plebiscite which was held under the auspices of the United Nations the people of that territory voted overwhelmingly in favour of joining Nigeria. And this Bill becomes necessary to make provision for such subjects as nationality and restoration in the number of seats in Parliament to that obtaining before the Northern Cameroons ceased to become a member of the territory of Nigeria. The Bill is non-controversial and I have no doubt whatsoever that it commends itself to the hon. Senate and we shall pass it without any waste of time.

[MINISTER OF HEALTH]

Mr President, Sir, I beg to move.

**Minister of State** (Senator Dr the hon. E. A. Esin) : Mr President, Sir, I beg to second.

**Senator J. K. Nzerem** : Mr President, Sir, as the Mover of the Bill has said, it is a non-controversial one. Perhaps I might say that this country of ours, and in particular the Northern Region of Nigeria, should be very highly congratulated on having successfully convinced the people of the Northern Cameroons to cast their lot with Nigeria, a country with which they have had long and very friendly association. I take it that the wishes of the people were sought in giving the place the name "Sardauna Province". Since they have desired to continue their long and friendly association with Nigeria, I think we should welcome them with open arms and give the necessary sanction so that Government can bring into effect all the constitutional changes required so that that territory will once more be considered part of the Federation of Nigeria.

I beg to support.

**Senator S. Eyitayo** : Mr President, Sir, I beg to support this Bill and I would like to associate myself with the views expressed by the first hon. Senator. I think the whole of Nigeria should be proud because the people of the Northern Cameroons have voted overwhelmingly to join the Federation of Nigeria. I think it should be a joy for us all. There is no doubt that the people of the Northern Cameroons know that Nigeria has a good and stable government and they know that under Nigeria they will enjoy good and stable government, hence they voted to join Nigeria. It is a credit to us all.

As has been said, the Bill is non contentious, and I therefore support it.

**Senator M. B. Chukwubike** : Mr President, Sir, I agree that this Bill is non-contentious and I am sure hon. Senators will not waste time in giving it a blessing. Even in the noisy Lower House this morning it was passed smoothly.

Now, Sir, it is a joy for us all that the Northern Cameroons, now Sardauna Province, is part of the Federation of Nigeria. By voting to join Nigeria, the people of that Province have great advantages to enjoy. The Govern-

ment of Nigeria believes in fair play and equal right to all. These good qualities of our Government will not be denied the Province.

I wholeheartedly support the Bill.

**Senator Chief Mrs W. Esan** : Mr President, Sir, I rise to congratulate the Government and the women of Northern Nigeria in particular, because the determination of the Northern Cameroons to join the Federation of Nigeria was not only of the men, but of the women also who went all out to vote solidly to come back to Nigeria. On behalf of the women of the South, I rise to congratulate them, and I hope that the Northerners will bear in mind the part that women are playing in the running of the Government of Nigeria so that whenever we ask them to concede some rights to the women of the North, they will not hesitate in future.

**Senator H. O. Abaagu** : Mr President, I wish to move a vote of thanks to the political parties who helped to persuade the people of the Northern Cameroons to become part of Nigeria. Political parties like the N.P.C., the N.C.N.C. and their allies and the Action Group and their allies did very very well. In fact, in the campaign there was no question of internal political squabble. There was the real interest and energy concentrated on the campaign to get the people of the Northern Cameroons to understand that by becoming part of Nigeria they were voting for life more abundant for everybody, either on top or below. In fact, Mr President, before the Northern Cameroons ever chose to become part of the Federation of Nigeria, they must have considered the amenities and life they enjoyed when they were part of the Northern Region of Nigeria. By becoming part and parcel of Nigeria, they will have no regrets whatever. Anyone who goes to the Northern Cameroons and sees what had been done for them will indeed know that the people were very wise in choosing to become part of Nigeria.

Mr President, I want to reaffirm my thanks and gratitude to the three political parties—the N.P.C., the N.C.N.C. and their allies and the Action Group and their allies for working jointly the way they did to convince the people of the Northern Cameroons to become part of Nigeria.

I support the Bill.

Question, That the Bill be now read a Second time, put and agreed to.

Bill accordingly read a Second time and committed to a Committee of the whole House.

Bill immediately considered in Committee.

(In the Committee)

Clauses 1-5 agreed to.

First Schedule agreed to.

Second Schedule agreed to.

Preamble agreed to.

Bill to be reported.

(The Temporary President resumed the Chair)

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

NATIONAL BANK OF NIGERIA LIMITED  
(COMMISSION OF INQUIRY RECALL) BILL

Order for Second Reading read

**The Attorney-General and Minister of Justice:** I beg to move that a Bill for an Act to make other provision for a Commission issued to enquire into certain transactions of the National Bank of Nigeria Limited and of its subsidiary companies, and of other matters ancillary to it, be now read a Second time.

As hon. Senators are aware, there has been a judgment of the High Court, which is in two parts. The first concerns the issue of consent whether before the Prime Minister appointed the Commission of Enquiry under Sir Vahe Bairamian, he obtained the consent of the Governor-General. That issue has been decided and it is legitimate to comment on it.

The second was whether a Commission of Enquiry can be regarded as a Tribunal of Enquiry. That point has been referred to the Federal Supreme Court for a decision. Well, I do not want to say more at this stage than to point out that the object of this Bill is to put an end to all proceedings connected with that particular subject matter.

We of the Government side do not share the view held by the Judge in that case, as to consent, because we believe that when the Prime Minister swore an affidavit that by Almighty God he obtained the consent of the Governor-General, that should have been sufficient to satisfy any Court of Law in this

country. You cannot imagine a situation for instance, in Great Britain, where Macmillan authorised the doing of anything in the United Kingdom and a Judge, sitting in Court, or even of the House of Lords, sit in judgment and say, "I doubt you. The thing you swore could not be true; it is impossible." If Macmillan said that he had obtained the consent of the Queen, that should be normally sufficient. In an interim injunction the only kind of evidence allowed is by affidavit.

That was precisely what the Prime Minister of the Federation did and I think it is a matter of great concern to all of us, as citizens of this country, that any Judge, however eminent, should be able to doubt the integrity of our Prime Minister. It is to get rid of the obnoxious consequences of this particular ruling that we believe that this Bill is essential, to put an end to the matter by recalling the whole Enquiry so that there is no more matter to be debated or argued before the Federal Supreme Court. I do not propose to say more than that.

As you are already aware, it was not only the affidavit of the Prime Minister that was doubted by this Judge but even the affidavit of the Secretary to the Governor-General, the man to whom all letters are addressed in the normal course of things and the man who replies to all letters. And yet the Judge, in his own wisdom, considered that the man also must be lying. He even used the very intemperate phrase, "hopelessly insufficient".

Judges, of course, are not expected to speak like politicians. Politicians use strong terms but, if a Judge really disapproves of an affidavit, he should not use such expressions; he probably has his own good reasons for doing so.

What we are trying to do in this Bill, therefore, is to say what the Prime Minister purported to do under that Commission of Enquiry Ordinance, an Ordinance by the way, which we still all apply throughout the Federation. There are Commissions of Enquiry now set up in the Western Region, in the Eastern Region and also in this Federal territory since 1957, and yet the submission was upheld that this Commission of Enquiry Ordinance might be a dead letter. So that, not only the Federal Government, but all the Governments of the Federation, must have been committing



MINISTER OF JUSTICE]

That is a matter for other people to decide. I hope the Judge finds it in his conscience to hold it to be legal.

I do not want to waste time or we might have pursued this matter to the Privy Council. It would mean waiting for the Federal Supreme Court to sit in October and, in the meantime, the whole purpose of protecting the interests of the public would be lost. Therefore the Government felt that the best thing was to ask Parliament to authorise it to withdraw the Commission which has been the subject of this litigation and propose some other course; and, if the hon. Members would pass this Bill, I am sure the Government would be enabled to start with a clean slate and institute this Enquiry under a new law which we shall be bringing before you perhaps in the course of tonight.

Mr President, I move that the Bill for an Act to make other provisions for a Commission issued to enquire into certain transactions of the National Bank of Nigeria Limited and of its subsidiary companies and of other matters ancillary thereto be now read a Second time.

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

**Senator Chief O. A. Fagbenro-Beyioku :** Mr President, Sir, I do not think we have much time to waste over this small Bill. The Bill is small and very weighty and the way the Bill has been introduced by the hon. the Attorney-General and Minister of Justice is sufficient for us, as elder statesmen and Senators, to appreciate the necessity for this Bill and to give the Government our full backing in respect of it.

As a matter of fact, Sir, we members of this Senate are not in any way interested with the outcome of any enquiry, be that enquiry connected with the National Bank of West Africa, Barclays Bank, or any other bank, but we feel, Sir, after listening to the eloquent speech of the Minister of Justice, that something most unpalatable has been found on the table of this nation. I quite agree with the Hon. Minister of Justice that such a situation would never have arisen in any other part of the civilized world. Like you, Sir, I listened

to the debate of the Lower House this morning, and there were some members of the opposition trying to speak as citizens. We must know what is at stake—the reputation of the nation. We must act as men—we are not trying to interfere with the judiciary, but at the same time, Sir, we must make sure that we are acting as men, and our judiciary will be able to interpret our laws without any feelings or bias, or even any suggestion of feelings or suggestion of bias.

I think, Sir, the proprietors of the National Bank are Nigerians, and this is a Nigerian Government and maybe—I repeat, maybe—the majority of the investors of the bank may be Nigerians. I have listened both within Parliament and outside Parliament to people connected with the National Bank and we are assured they have nothing to hide. We are very happy about that. And I think it is our own duty here to back the Government, to withdraw the existing enquiry and to set up another enquiry in the best way possible. I am sure that anybody connected with that Bank—having nothing to hide—will feel happy, will feel happy to co-operate with the Government, and I am sure that nobody would like to play the part of an obstruction in such a very important matter.

So, Mr President, Sir, I do not see that there is much in this Bill which could introduce any form of controversy, and I am sure, Sir, we have before us the interest of the nation, the prestige of the Government and the honour of our Prime Minister, and, listing the nation above all else, I feel that we shall be unanimous in giving our own consent and the concurrence to this Bill, so as to empower the Government to pursue the next line of action.

**Senator Chief T. A. Doherty :** I was surprised to hear the Minister of Justice make the statement that he made—it was very, very incorrect, and I take it that the hon. Minister did not deliberately make it; I think that he had not followed the proceedings of the Court, because he was not there, and no doubt he has been given the wrong information. The Judge never for a moment doubted the integrity of the Prime Minister, in fact I think he gave the greatest respect to the integrity of the Prime Minister. The point raised was whether it was sufficient for the

Governor-General to have given his consent verbally—that was the only thing. If anything, the judgment very very clearly established the affidavit of the Prime Minister. I am sure the Minister of Justice really could not have followed the judgment, or seen the judgment, to have made the speech he made.

And now to come to the whole matter. Hon. Senators, this is a matter that concerns me. In plain language, in straightforward talk, I got a cablegram from the Clerk of the House, "Both Houses of Parliament summoned to meet, Thursday 20th July—your attendance particularly requested". I thought that it was something about this Bill which would come forward, and that I would be expected to explain my stand to this hon. House, and I am sure I was right. Hon. Members of this House, I must explain what is behind the Bill.

**Senator Chief Fagbenro-Beyioku :** A point of order, Sir. The matter before the House is this enquiry, and there is no need for Senator Doherty to defend himself.

**The Temporary President :** I suggest that the hon. Chief is giving a wide berth to the motion, and I would like you to confine yourself more to the Bill.

**Senator Doherty :** Yes, I must explain what is behind the Bill. The case was still *sub-judice* in the Lower House this morning—the members of the Opposition raised this point, that this matter should not go before Parliament ; it is contempt of court. (*Laughter*).

**The Temporary President :** Parliament cannot stand contempt of court.

**Senator Doherty :** I am a lawyer, hon. Minister, and a lawyer of 40 years' standing. This enquiry was set up by the Prime Minister. I have no quarrel with the Prime Minister. The Bill will be passed, I have no doubt, but I think it is my duty to tell this hon. House how the matter stands. I do not know what your ruling is, otherwise there is no point in my speaking.

**The Temporary President :** My ruling is that you should proceed and confine yourself to the Bill.

**Senator Chief Doherty :** Well, how do I confine myself when I cannot explain ? How do I confine myself ?

**Senator Dr the hon. E. A. Esin** (Minister of State) : Mr President, Sir, if I may help him I would refer the hon. Senator to the Preamble. I hope that will help him to know what is before us, because what is before us is the object of this Bill, and the object of this Bill is to provide for the recall of an inquiry issued into certain operations of the National Bank of Nigeria Limited. That is what is before us. Nothing else.

**The Temporary President :** Will the hon. Senator continue.

**Senator Chief Doherty :** Well, if you like to rule me out it is all right. An inquiry has been set up and is being recalled. Naturally the House ought to know why the inquiry was being set up and why it is being recalled. I think that is what the House wants to know and that is why the hon. the Minister of Justice has said that the inquiry was set up, that there was a statement before the court, that the court made certain remarks and gave certain judgment, and in consequence of which he has brought this Bill. Well, what can I say to explain ?

**Senator J. K. Nzerem :** Point of order. I think the decisions of the President is final in matters of point of order. I think as the President has given his ruling that the speaker should confine himself to the Bill, and that is what the Standing Order says, that ruling is final. I do not think that he should be going back into it.

**The Temporary President :** Well, I do not think that the hon. Chief is questioning my authority for making that ruling. I think if he is to continue he has to confine himself to the Bill.

**Senator Chief Doherty :** Well, the matter went before the court and there are three points on which the matter was taken to court.

**The Temporary President :** I would not like you to go to the court, I would like you to be in the Senate here.

**Senator Chief Doherty :** But the hon. the Minister of Justice started with the court and that is the only speech he made. If I cannot go to the court and explain why the inquiry was set up and how it is being recalled now, well, there is no point in my making a speech,

[SENATOR CHIEF DOHERTY]  
because it is most unfair to me if the Attorney-General started making his speech by referring to the court and the court action and when I wanted to refer to the court action you said you did not want me to refer to it. Unless you change your ruling there is no use in making any explanation.

**The Temporary President :** My ruling stands.

**Senator Alhaji Abubakar Bale Madawakin Bida :** Mr President, Sir, I rise to support this Bill on the Floor of this House. We are not here to find out the cause of this inquiry, but we are here to remedy things which may obstruct an inquiry whenever it is necessary. Well, this does not refer to a particular inquiry but to inquiries—many of them. If these things are not remedied now it may result in future whereby the Prime Minister will be questioned and by that time there will be no immediate room for remedy. This must be discouraged.

On the contrary, the hon. Prime Minister may think it fit to right some wrongs. He may think that certain things are going wrong somewhere which are contrary to the policy of his government, and he may decide to remedy it immediately. We must not ridicule ourselves before the outside world whereupon we shall leave room for criticism from abroad. It is for this reason that the remedy has been proposed, and there is nothing I can say than to congratulate those who have framed the Bill, and in support of our dear Prime Minister I wholeheartedly support the Bill.

**Senator L. T. Olamijulo :** I wholeheartedly support the passing of the Bill, but I think certain remarks made during this Debate are wrong. There is a right way and a wrong way of doing things, and I should say that this Bill should not be brought at this time to the Floor of this House. We here should be able to speak the truth. We should not say somebody is not a human being. I strongly feel that this is not the proper time for this Bill to be introduced. It should have been introduced before the ordering of the inquiry. What people are quarrelling about is not the introduction of the Bill but the time the Bill is brought before the House. If we feel that the law of our country is not perfect this is not the time to remedy it, it should have been adjusted before now.

If, as it is said, we feel the Prime Minister and his lieutenants should be exonerated from the law I do not think we are right. If the judge of a court finds that it is insufficient to rely upon certain things we should not accuse that judge of impartiality and charge him for disregarding our Prime Minister and his lieutenants. I think that it is right that the Bill should be passed against the future, but I dislike the intention of exonerating the Prime Minister and all others from being under the law.

**The Minister of Health** (Senator Dr the hon. M. A. Majekodunmi) : Point of order. There is nothing in this Bill, Mr President, which seeks to exonerate the Prime Minister whatsoever. This is a Bill seeking the approval of Parliament to recall a commission which has been set up, and I think the hon. Member is being irrelevant.

**The Temporary President :** On a point of order I would like you to concentrate your points to this House. I would not like you to impute any motive.

**Senator Olamijulo :** As I have said earlier on I do not disagree with the passing of the Bill. I support it, but I still feel that this is not the proper time to introduce it.

**Senator M. Salahu Fulani :** Mr President, Sir, this House should not debate when it is right or wrong to introduce a Bill, as has been suggested by the last speaker. I think if the person involved is hiding nothing there is no reason on earth why he should not support the Bill.

**Senator Salahu Fulani :** Mr President, Sir, I should refer to the discussion on this Bill as having ended. I think that saying whether this Bill should be introduced now or in the future is something above the points to be raised in the hon. Senate. The hon. Senators are expected to express unbiased opinions here. I feel that if we maintain the unbiased spirit in this House it will be a very good practice. I do hope, and I think I speak for many hon. Senators, that the hon. Member will not raise this point again.

**The Minister of Justice** (Dr the hon. T. O. Elias) : Mr President, hon. Senators, I think you will forgive me for speaking again so early. But Senator Doherty has suggested that I was

misleading the House or that because I did not handle the case in Court I did not know what the Judge decided. I think I do, and I hope he will forgive me for doing my duty both to the Government and to the country. I have never had the intention of misleading this House, or any other House, in my career and I do not think I will start doing so now. I cannot understand the point of a Judge who says, "The consent of the Governor-General must be obtained, and it is claimed to have been obtained but I do not believe that it has been obtained, unless he produces all the private state documents of what passed between him and the Governor-General at the State House."

That is my reading of the judgment when I looked at it, and that is what many other lawyers will understand by the Judge's ruling on that point. If the Judge was in any doubt at all, even as to the affidavit sworn by the Secretary to the Governor-General or as to the affidavit sworn by the Prime Minister, is it not significant, Mr President, that the same Governor-General whose consent is now in question also authorised the man appointed to hold the inquiry to be sworn in? The man was sworn in. If you do not approve of the setting up of the Commission; if you do not approve of the Commissioner to hold the inquiry, do you then give him the blessing; do you baptise him; do you enable him to take that final legal step?

If you approve of all these, Mr President, I think it all means you give your consent even if the consent has not been a matter put down in black and white. Is it not conclusive of the point that, by swearing in the person, you are in fact approving of his appointment and of the Commission because the letter to you stated that this man is to be appointed as Commissioner? These are the terms of the Commission set out in full as you read them in the *Gazette*. And here is the man brought to be sworn in and he was duly sworn in by His Excellency whose consent is supposed to be essential. That is why, Mr President, we all assumed, but the Judge has now held that we assumed wrongly, that when the Governor-General swore the man in he automatically gave his consent to the setting up of the Commission of Inquiry.

**Senator Chief S. T. Hunponu-Wusu :** On a point of Order, Mr President, the hon. Attorney-General is trying to muddle the

whole thing up. When he introduced this subject we all believed that we would debate it—*(Interruption)*.

**The Temporary President :** Order, order, I thought the hon. Senator was raising a point of order but I have found that he is trying to make his own speech. I do not see anything that is irrelevant in what the hon. Attorney-General was saying. He was merely replying or explaining the points raised during the course of debate by hon. Senators and I have found him quite in order.

**The Minister of Justice :** Mr President, I hope the hon. Senator Doherty will know that I have no personal interest in this matter. But surely when this matter was referred to us and we looked into it, what we found should be made known to the people. The point I am making is that as he said, the Judge said he believed the Prime Minister and we produced evidence in Court to show that the Governor-General swore the man in, and we brought the Secretary to the Governor-General to say that he knew that the Governor-General gave his consent, the Judge still felt that that consent was not satisfactory to him. In the ordinary dictionary meaning of the words and our understanding of the holding of the Judge, he does not believe that that consent which he considers essential is valid in law. And that is the main point that I made during my speech. If anyone thinks then that this is misleading the House I must say that I do not understand it in that sense.

Mr President, that is all I have to say at the moment.

**Senator Chief T. A. Doherty :** Will the President allow me to make some remarks in answer to what the hon. Attorney-General has just said?

**The Temporary President :** I do not think there is any provision in the Standing Orders to allow that prerogative. In this circumstance the hon. Senator can reserve his remarks until we come to the Committee Stage on the Bill.

**Senator P. C. Ndu :** Mr President, Sir, I rise to say one or two things on the Bill. I congratulate the Government for bringing this up before the House. The Bill itself is a straightforward one. If the National Bank

[SENATOR NDU]

were not happy about the Commission of Inquiry, the Bill is bringing it back. They should wait and see what is going to happen again. If on the other hand the management of the National Bank has got nothing to hide why fight against the Commission of Inquiry? There have been Commissions of Inquiry everywhere and in the Regions. We have never had this question as to why it should take place or why it should not take place.

Mr President, Sir, I congratulate the Government and I support the Bill.

**Senator E. A. Lagunju :** Mr President, Sir, in rising to speak in support of the Bill I have not got much comment to make. As a matter of fact I was shocked when the Minister of Justice gave his own explanation. I thought that we in this House will not welcome anything that means national disgrace. I think we all know the integrity of our Prime Minister. We never doubted it. I am surprised to hear that something like that happened.

However, when Chief Doherty stood up and gave his own explanation I thought that probably there was some misunderstanding somewhere. In any case, we know that anything that concerns all should be approved by all. Now that this particular Commission of Inquiry is being recalled, we all welcome the move on the part of the Federal Government. I sincerely hope that whatever steps will be taken by the Federal Government will be taken in the national interest. That is my main concern. A bank exists not just for the managing director, not for a handful of directors, but for the nation, and we are doing all we can in this country to encourage indigenous banking. I sincerely hope that we will do all we can to protect the nation and that whatever we are going to do will not be a sort of reprisal, as apprehended by some people, against the government of a particular Region, but will be for the protection of the interests of the nation.

With these few comments, I support the Bill.

**Senator Mohammadu Sani Dingyadi :** Mr President, Sir, the reason for this Bill is just to save an unfortunate situation that has arisen very recently. The way the Attorney-General and Minister of Justice and the first speaker made it quite plain to everybody, I

am sure that every citizen of this country will have the good sense to support the Government in any action necessary to remedy the situation.

Mr President, Sir, in this I wish to warn my hon. Friends that we are not here to play politics. We are the highest Legislature in this country. We are yet to form a tradition. We must be very careful what tradition we form. Mr President, with all the explanation from the hon. the Attorney-General and the first speaker, I doubt whether any hon. Member of this Senate would like to continue with this argument and not give wholehearted support to the Bill.

Mr President, I ask my hon. Friends to forget all their personal interests in this matter and join together to allow this Bill to pass without any further debate.

**Senator Chief J. S. Olayeye :** Mr President, I have nothing to quarrel about if the Commission of Enquiry Bill is only related to amending the law. At the same time it affects the National Bank. If we are to amend a Bill, that will . . .

**Senator E. A. Lagunju :** Point of Order. Mr President, Sir, I think it is combining two Bills. We will come to the Bill about the Commissions of Enquiry later. We are now dealing with the Bill about the Recall of the Commission. I think the hon. Speaker will limit himself to that particular Bill.

**Senator Olayeye :** These two are being combined here. If we are trying to amend the Bill, that is one thing, and to connect the National Bank with it is another thing.

We say we do not come here to play politics. I begin to feel that politics is going on in this House. The almighty the Attorney-General when he presented this Bill, described all about it and furthermore went on to cite something that has been going on in the court. I am confused and I do not know where I am. If we are going to amend the Bill in relation to banking matters, it is a different thing. But to be amending a Bill and at the same time connecting the National Bank with it is what I do not understand, and I would like the almighty the Attorney-General to enlighten me, otherwise I will say he is playing politics.

**The Temporary President :** Will the hon. Senator please speak on that aspect of the Bill that we are dealing with.

**Senator Olayeye :** I am still maintaining, Mr President, that two things are being combined together. Are we dealing with the National Bank or are we dealing with the law relating to the holding of commissions of enquiry?

**Senator Chief A. O. Fagbenro-Beyioku :** On a point of Order. I think the hon. Senator is making a speech which is not relevant to the Bill.

**Senator Olayeye :** I am a layman. I am making my speech before the President.

**The Temporary President :** Order. The Bill before the House is one entitled "An Act to make other provision for a Commission issued to inquire into certain transactions of the National Bank of Nigeria Limited and of its subsidiary companies and of other matters ancillary thereto". That is the Bill we have now before the Senate and I would want the hon. Senator to confine his speech to this Bill.

**Senator Olayeye :** Mr President, in that case, shall I take it that the Bill is purposely to be amended in relation to the National Bank or are we amending the Bill to affect other banks in future? I am doubtful about that. You know I live very far away and I want to know something about it and I am not a barrister like my brother, Chief Beyioku.

**The Attorney-General and Minister of Justice (Dr T. O. Elias) :** Mr President, I am not an "almighty" Attorney-General. But the Bill we are debating now concerns an Inquiry that was set up into the National Bank only. We are recalling that Inquiry. In other words, we are cancelling it by this Bill in relation to the National Bank only.

**Senator Olayeye :** Mr President, if that is so, I think I am at liberty to say my mind. I am not a barrister, but why will the Government not allow the case to go on and if the parties to it are not satisfied in the court, they can appeal? I think that would be a better remedy. Why rush to this House now with this Bill? This is the first time, Mr President, of taking notice of such a thing. I do not know anything about the story of this inquiry though I read something about it in the newspapers.

**The Temporary President :** I think if the hon. Senator had listened attentively to the earlier explanation given by the Attorney-General, this question would not have arisen.

**Senator H. O. Abaagu :** I beg to move, that the question be now put.

*Question that the Question be now put, put and agreed to.*

*Main Question accordingly put and agreed to.*

*Bill accordingly read a Second time and committed to a Committee of the whole House.*

*Bill immediately considered in Committee.*

(In the Committee)

*Clauses 1 and 2 agreed to.*

*Bill to be reported.*

(The Temporary President resumed the Chair)

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

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

**The Temporary President :** I have to read a message from the House of Representatives to the hon. Senate :

"The House of Representatives transmits to the hon. Senate the Commissions and Tribunals of Enquiry Bill, passed by the House of Representatives and in which the House of Representatives desires the concurrence of the hon. Senate."

This Bill is deemed to be presented accordingly and read the First time; to be read a Second time—*This Day*.

#### COMMISSIONS AND TRIBUNALS OF ENQUIRY BILL

*Order for Second Reading read.*

**The Attorney-General and Minister of Justice :** Mr President, I beg to move that a Bill for an Act to consolidate and amend the law relating to the holding of Commissions and Tribunals of Enquiry be now read a Second time. I do not propose to make a long speech on this Bill as it is of general application in all future cases. It is a consolidating Bill which seeks to enact a new law to regulate all future Commissions or Tribunals of Enquiry by whatever name it is called. This is essential because we must not only see to it that the

[MINISTER OF JUSTICE  
Constitution of the country is obeyed to the letter, but also see to it that all the existing laws, as far as possible as the occasions demand, should be brought into line with the Constitution and so this Bill seeks to introduce three principal things :—

The first is to make it quite certain and beyond any shadow of doubt in the future, that Commissions of Enquiry shall, in the ordinary legal language, be deemed to include Tribunals of Enquiry, Courts of Enquiry or whatever expressions that might be used.

Second, to enable the Commissioners, once appointed as in Clause 8, to have certain powers beyond those they have under the old Commissions of Enquiry Ordinance, including the power to delegate certain of their duties to enquire into certain problems before them, to people regarded by the Commissioners as expert in their particular field.

The Third provision of the Bill to which attention should be drawn, concerns the new provision in respect of contempt of court. The various acts of contempt that may be committed will be found in Sections 17 and 18 and the penalties provided for those who make prejudicial press reports which might hamper the work of the Commission.

I do not propose to take the Bill clause by clause as I take it that hon. Members have had a chance to go through it, and I have no doubt at all in my mind that they will give us all the support we require. This has nothing specifically to do with the National Bank. It is a general law which will apply throughout the Federation with regard to subjects within Federal competence.

Mr President, I beg to move.

**The Minister of Health** (Senator Dr the hon. M. A. Majekodunmi) : Mr President, I beg to second.

**Senator Chief O. A. Fagbenro-Beyioku** : Mr President, Sir, this Bill is welcome and I do not think we have much to say but there is one part of the Bill and that is Clause 3 of the Bill. It appears that, according to the provision of that clause, the Prime Minister could only issue instructions or cause an enquiry to be set up on any matter or thing within or affecting the general welfare of the Federal

Territory, or into any matter or thing within Federal competence any where within the Federation, in respect of which in his opinion, an inquiry would be for the public welfare, or into the conduct of any chief or the management of any department of the public service.

What I have in mind is, Sir, I do not know to what extent my opinion may interfere with the general constitution of the country and if it will have any direct bearing on the constitution of the country. It may be necessary that the suggestions I want to put across may be given the necessary consideration. I do not know to what extent this Bill, when passed into law and becoming an Act, will provide for the Prime Minister to be able to set up a Commission of Enquiry into certain matters affecting the general welfare of certain people in a certain region—maybe the Eastern Region, the Northern Region or the Western Region—and particularly where there are facts and complaints legally brought before the Prime Minister that the people, or some section of people, or some type of people in a particular Region are oppressed or denied their freedom and denied their full liberty in one way or the other. So I want to know to what extent this Bill can cover for such act of the Prime Minister's before I can proceed, Sir.

**The Attorney-General** : Mr President, we have not included any provision in this Bill which will allow the Federal Government to encroach upon the ground of the Regional Governments. You know the Constitution sets out what are their respective powers and the limits of those powers. I do not think that any Government really ought to assume more than its due under the Constitution. Until we alter the Constitution we must respect that principle.

The second point I want to make is that although a matter or thing may arise in a Region, if it is within the competence of the Federal Government, the Prime Minister has a right to set up an Enquiry into it, wherever that matter or thing may be within the Federation of Nigeria, provided it is within the Federal Government's competence. But there is an exception to be made to this and that is to be found in the provisions of Section 65 of the Constitution where the Prime Minister feels that a state of war has started to exist or that for some reason, he ought to declare a state of

emergency not amounting to war, or, thirdly, where the Prime Minister is satisfied and convinces Parliament that democratic institutions are being threatened with subversion.

The scope is very wide and it can cover a good deal of things, but the Prime Minister will have to go very carefully to make sure that democratic institutions are being threatened in that particular part of the Federation.

Irrespective of whether a matter is within Regional or Federal competence, the Prime Minister has the right to take appropriate action, including even, as I said before in a debate last November, taking over a Regional Government.

**Senator H. O. Abaagu :** Mr President, I think this is a welcome Bill. I should like to suggest that after we have charged the Prime Minister with the power instituting a Commission or Tribunal of Enquiry, that the Federal Government should not hesitate to institute a Commission of Enquiry into illicit dealings of a certain group of people or political party, or anybody for that matter who conspires to exploit another group or people. If the Government does that it will be simply to clear the name of that group of people or party or anybody for that matter. In order to clear the good name of such people and to maintain the prestige of Nigeria abroad, I think the Federal Government should not hesitate to institute a Commission of Enquiry on such matters.

**Senator Chief R. A. Umoh :** Mr President, Sir, in supporting this Bill I congratulate the Government for bringing it to this House. The beneficiaries of any enquiry are the general public. This shows that the Government has the interests of the general public at heart, so as to safeguard their interests. It is a very good thing to have Commissions of Enquiry into certain issues. So I congratulate the Government for having had this in mind. It is for the protection of the public and therefore I support the Bill.

**Senator E. A. Lagunju :** Mr President, Sir, in rising to speak in this Bill I have some observations to make. I think, Sir, that this is an old act and we are only trying to modify that old act about Commissions of Enquiry and Tribu-

nals. We all realize that the government of course is a growing organism, whether for better or for worse. Government is bound to grow one way or the other, and therefore amendment are bound to come up from time to time.

Personally I have no quarrel with this amendment because it is stated to be an act to consolidate and amend the law relating to the holding of commissions or Tribunals of Enquiry. But under Clause 3 (1), "The Prime Minister may, whenever he shall deem it desirable, issue a Commission appointing one or more Commissioners, or any quorum of them that may therein be mentioned, to hold a Commission of Inquiry into any matter or thing within or affecting the general welfare of the Federal Territory. . .". Personally I think it would have been much better to have there in place of "The Prime Minister", "The Governor-General in Council". That is just my personal opinion, but I think those who know the law better would be able to interpret it in some other way. I do not know. I am not a lawyer. But I do not know how the extensive power under clause 8 (1) infringes upon fundamental human rights.

I can not have it in writing, Mr President, because this has just come to the notice of Senators. At the Committee Stage we can move it, Mr President, Sir.

**The Temporary President :** Order, order. The Amendment should properly be put in writing.

**Senator Chief O. A. Fagbenro-Beyioku :** Mr President, I want to be clear on this point, I do not know what this means, that the Prime Minister may issue a Commission appointing one or more Commissioners to hold "an enquiry into the conduct of any chief or the management of any department of the public service. . . . ."

Clause 8 (2) reads : "the power to enter upon any land or premises personally or by any agent or agents duly authorised in writing by the commissioners for the purpose of obtaining evidence or information or of inspecting and taking copies of and safeguarding any documents required by, or which may be required by, or which may be of assistance to, the commissioners". Well, if that is a common thing in such matters, then of course I do not think I have any more to say on this Bill.



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

*Bill accordingly read a Second time and committed to a Committee of the whole House.*

*Bill immediately considered in Committee.*

(In the Committee)

*Clauses 1 and 2 agreed to.*

*Clause 3.*

**Senator E. A. Lagunju :** Mr President, Sir, I am moving an Amendment to Clause 3 (1). That in place of "The Prime Minister" we should have "The Governor-General".

**The Temporary President :** Have you submitted it in writing ?

*Clause 3 agreed to.*

*Clauses 4-24 agreed to.*

*Schedule agreed to.*

*Bill to be reported.*

(The Temporary President resumed the Chair)

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

### ADJOURNMENT

*Motion made and Question proposed, That this House do now adjourn—The Minister of Health.*

#### Acoustics in the Senate

**Senator Chief O. A. Fagbenro-Beyioku :** On the Motion of Adjournment, Sir, I want to make an observation about the microphones. We hope that by the time we come back on the 28th of August we shall be saved the trouble of this inconvenience of having to pass them from one Senator to the other, and what we were formerly using will be put in order.

#### Appointment of Hon. Jaja Wachuku as the Minister of Foreign Affairs and Commonwealth Relations

**Senator J. K. Nzerem :** Mr President, Sir, I would like to take this opportunity to congratulate the Prime Minister on a piece of job which he has done so very well in appointing our very much respected country-

man, Mr Jaja Wachuku, as the Minister of Foreign Affairs and Commonwealth Relations. This appointment has been very well acclaimed throughout the country, and what that hon. Gentleman did in New York recently when he represented this country and his fine job in the Congo is so very green in the minds of the people that he cannot fail to be congratulated for this appointment. We congratulate him and we wish to see more of his qualities. I think the Government deserves our congratulation and the congratulation of the country for appointing such an able man.

#### Appointment of Senator Dr the Hon Chief Majekodunmi as the Minister of Health

**Senator P. A. Ogundipe :** Mr President, Sir, I am going to comment on the appointment of one hon. Member of the Senate, and a very competent hon. Member as such, who has been among us and has done a very efficient work as a middle-man between this hon. House and the Government in the person of Dr Majekodunmi. (*Prolonged Applause*).

Dr Majekodunmi's appointment as Minister of Health was read of in the newspapers, and I have the impression that this will probably be his last Session with us.

**Several hon. Senators :** No.

**Senator Ogundipe :** As a Senator.

**Senator Chief A. O. Fagbenro-Beyioku :** He is still a Senator.

**Senator Ogundipe :** He is now the Minister of Health, and he is a right peg in a right hole. We all realise that as Minister of Health those things which have been going on in the Ministry of Health will now be put right. We know that the hon. Senator being a doctor himself and being put in charge of the health of the State will do his noble work to the glory of his nation. We know that as soon as he holds his fort as the Minister of Health that child mortality will be entirely reduced, especially those which led to the dismissal of Dr Gans, whose case has caused a great deal of debate in this House, will not occur again. On behalf of this House I wish our new Minister of Health a successful tenure of office. (*Prolonged Applause*).

**Senator Chief P. I. Acholonu :** Mr President, Sir, the appointment of Members of the Senate appears to go to the credit of the Regional Governments which have been clever enough to appoint good men of the country to become Senators in this hon. House.

Considering this point in my mind I think of Dr Nnamdi Azikiwe as the first President of the Senate and now the Governor-General of the Federation of Nigeria. His successor is now the Acting Governor-General of the Federation. Senator Okin is having another big appointment in the North. Also hon. Somolu has become Judge of the High Court, and Dr Majekodunmi is now the Federal Minister of Health. Dr Esin is a Minister of State among other Members of the Senate.

Now, I am coming to the Members of the Senate themselves. The proposal for a woman to be elevated is now under way. This shows that our Government is very keen in considering the Members of the Senate. Again, one of us this morning has been appointed as the Acting President of the Senate. (*Applause*). Therefore, let us unite together and see that whenever any Bill or any Motion comes here we do not debate it as politicians but as elderly men who will work towards the unity and oneness of the Federation of Nigeria.

### Temporary President of the Senate

**Senator M. B. Chukwubike :** Mr President, Sir, I rise to congratulate the Temporary President of the Senate to-day. (*Prolonged Applause*). It is very well appreciated the manner in which he has conducted the Senate, and I congratulate him on behalf of the Senate.

### Monrovia Conference

**Senator H. O. Abaagu :** Mr President, Sir, I would just like to send through you to the Prime Minister a message, and that is the message of congratulations on the way he has conducted himself during the last Monrovia Conference. I therefore ask that the Prime Minister be requested to favour us with a report of the proceedings of that Conference so that we can know more of it.

*Question put and agreed to.*

*Resolved :* That this House do now adjourn till Monday, 28th August, 1961, pursuant to the Resolution of this House this day.

*Adjourned accordingly at 4.40 p.m.*

**SENATE OF THE FEDERATION  
OF NIGERIA**

*Monday, 28th August, 1961*

*The Senate met at 10 a.m.*

**The Clerk of the Parliaments :** I have to inform the Senate that in the unavoidable absence of the President of the Senate, the Acting Governor-General, the Deputy President will, therefore, take the Chair, pursuant to Standing Orders.

**PRAYERS**

(The Deputy President in the Chair)

**OATHS**

Oath of Allegiance was administered to the following new Member—

Alhaji Yesufu Abudu

**BUSINESS STATEMENT**

**The Minister of Health** (Chief the hon. M. A. Majekodunmi): I rise to make the following Business Statement for the period 28th of August to the 2nd of September, 1961.

Monday, the 28th of August, 1961—Business Statement for the week ending 2nd September, 1961. Presentation, Second and Third Reading of the following Bills :—

Non-pensionable Railway Servants' Provident Fund Reserve (Application) (Amendment) Bill, 1961.

2. Sea Fisheries Protection Bill, 1961.
3. Wireless Telegraphy Bill, 1961.

Tuesday, 29th August, 1961—Private Members' Motions. Presentation, Second and Third Readings of the following Bills :—

1. Civil Liability (Miscellaneous Provisions) Bill, 1961.
2. Fatal Accidents Bill, 1961.
3. Minerals (Amendment) Bill, 1961.
4. Nigerian Broadcasting Corporation (Amendment) Bill, 1961.
5. Widows and Orphans Pensions Bill, 1961.
6. Flags and Coat of Arms (Amendment) Bill, 1961.

**Motions**

1. Factories (Notification of Dangerous Occurrences) Regulations, 1961.

2. To declare certain roads to be trunk roads under Item 39 of the Exclusive Legislative List.

3. Amendment to the Constitution of the Northern Region.

Wednesday, 30th August, 1961—Presentation, Second and Third Readings of the following Bills :

1. Water Rates Recovery (Government Tenants) Bill, 1961.
2. Export of Nigerian Produce Amendment Bill, 1961.
3. Nigerian College of Arts, Science and Technology (Authorising) Bill, 1961.
4. Federal Supreme Court (Miscellaneous Provisions) Bill, 1961.
5. Seditious Meetings Bill, 1961.
6. Administration of Justice (Habeas Corpus) Bill, 1961.

**Motions**

1. Cocoa (Inspection for Export) Regulations, 1961.
2. Palm Produce (Inspection for Export) Regulations, 1961.
3. Groundnuts (Inspection for Export) Regulations, 1961.

Thursday, 31st August, 1961—Presentation, Second and Third Readings of the following Bills :—

1. Republic of the Union of South Africa Bill, 1961.
2. Nigeria Constitution (Second Amendment) Bill, 1961.
3. Pensions (Amendment) Bill, 1961.
4. Road Traffic (Amendment) Bill, 1961.
5. Criminal Procedure (Capital Sentence) (Amendment) Bill, 1961.
6. Obscene Publications Bill, 1961.
7. Children and Young Persons (Harmful Publications) Bill, 1961.

Friday, 1st September, 1961—Presentation, Second and Third Readings of the following Bills :—

1. Acts Authentication Bill, 1961.
2. Banking Ordinance (Amendment) Bill, 1961.
3. Export Produce (Federal Powers) Bill, 1961.

4. Public Holidays Ordinance (Amendment) Bill, 1961.

Presentation and Second Reading of the First Supplementary Appropriation Bill 1961-62.

### RESOLUTIONS

1. Supplementary Capital Expenditure Estimates 1958-1959.

2. Supplementary Capital Expenditure Estimates 1959-1960.

Saturday, 2nd September, 1961—Business Statement for the week ending Tuesday, 5th of September, 1961.

Debate and Third Reading of the First Supplementary Appropriation Bill, 1961-1962.

Resolutions on Heads 601, 602, 603, 604, 605, and 606 of the Capital Expenditure Estimates 1961-1962.

Presentation, Second and Third Readings of the following Bills :—

1. Customs Tariff (Amendment) Bill, 1961.

2. Customs and Excise Management (Amendment) Bill, 1961.

3. Banking Ordinance (Amendment) (No. 2) Bill, 1961.

4. Insurance Companies (Amendment) Bill, 1961.

5. Marine Insurance (Amendment) Bill, 1961.

6. Stamp Duties (Amendment) Bill, 1961.

7. Exchange Control (Amendment) Bill, 1961.

### PRESENTATION OF PUBLIC BILLS

#### NON-PENSIONABLE RAILWAY SERVANTS' PROVIDENT FUND RESERVE (APPLICATION) (AMENDMENT) BILL

Bill to amend the Non-Pensionable Railway Servants' Provident Fund Reserve (Application) Ordinance (Chapter 140), presented by the Minister of State (Chief H. Omo-Osagie); read the First time; to be read a Second time This Day.

#### WIRELESS TELEGRAPHY BILL

Bill to make new provision for the regulation of Wireless Telegraphy, presented by the

Minister of Communications; read the First time; to be read a Second time This Day.

#### SEA FISHING (LAGOS) BILL

Bill to regulate the sea fishing industry within the territorial waters of the Federal Territory of Lagos, presented by the Minister of Economic Development; read the First time; to be read a Second time This Day.

### NOTICE OF MOTION

#### COMMITTEE OF SELECTION

**The Minister of Health** (Senator Chief the hon. M. A. Majekodunmi): I rise to move that Senator Chief the hon. Odutola be elected to the Committee of Selection to replace Senator Somolu who has resigned his membership of the Senate on his appointment as a Judge of the High Court of Western Nigeria.

**Senator A. E. Ukattah**: I just want to ask a question. During the July Session, a letter from ex-Senator Somolu was read to us and I do not know whether it would not be in order to address a letter to him wishing him success in his new appointment.

**The Deputy President**: At the moment, that question is out of order.

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

**Senator Chief O. A. Fagbenro Beyioku**: I am in support of the appointment of Senator Chief Odutola as a member of the Committee of Selection. But, I observe that these Committees have not been meeting. We have the Standing Orders Committee and the Business Committee. We want to know why these Committees have not been meeting. It is no use appointing Senators to these Committees if they will not be meeting.

**The Minister of Health**: It is incorrect to say that the Committee of Selection has not been meeting. The Committee of Selection has been meeting and, has appointed all the other Committees of the Senate including the Standing Orders Committee who are at present studying the Standing Orders of the Senate.

*Question put and agreed to.*

*Resolved*: That Chief Odutola be elected to the Committee of Selection.

*Sitting suspended*: 10.25 a.m.

*Sitting resumed: 10.55 a.m.*

### ORDERS OF THE DAY

NON-PENSIONABLE RAILWAY SERVANTS'  
PROVIDENT FUND RESERVE (APPLICATION)  
(AMENDMENT) BILL.

*Order for Second Reading read*

**The Minister of State** (Chief the hon. H. Omo-Osagie) : I rise 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, Sir, seeks to amend the Non-Pensionable Railway Servants' Provident Fund Reserve (Application) Ordinance to give Government greater control over the administration of the Fund.

The Provident Fund was contributed by the non-pensionable staff of the old Government Railway and invested, the contributors receiving interest on their contributions. In 1956, the Non-Pensionable Railway Servants' Provident Fund Reserve (Application) Ordinance was made for the purpose of administering the fund. The 1956 Ordinance provided for the creation of a trust fund administered by the Administrator-General as custodian trustee. It also provided for the management trustee nominated by the Railway unions and associations, who would be empowered to make grants out of the income from the Fund to serving and retired railway employees, who were in need of financial assistance.

Section 3 of the Ordinance stipulates that not more than twelve nor less than six persons shall be appointed by the Minister and that they shall be persons recommended to the Minister by trade unions or other associations representing the interests of the present or former railway servants. Again, section 8 empowers the trustees to employ such officers and servants as they think fit in connection with the management of the Reserve Fund, and that the expenses of the management of the Reserve Fund shall be defrayed out of the income of the Reserve Fund.

The Management Committee has taken advantage of this section and employed two clerks and a messenger at a cost of £687 annually. At most, the Secretary requires the assistance of one typist. When the Ordinance was passed in 1956, no one could foresee that the

powers which the Trade Unions have under section 3 to nominate persons to be appointed trustees by the Minister would constitute a defect, or that the powers which the trustees have under section 8 to appoint such staff as they think necessary would be abused. Past events have proved to me beyond doubt that these two sections are a defect in the Ordinance and should be amended.

On several occasions last year the trustees demanded some remuneration for their services, and on each occasion I made it clear to them that the 1958 Regulations, and the Ordinance itself, did not permit me to agree to the payment of any fees other than transport allowance. The opinion of the Attorney-General was that it would be improper for the trustees to be remunerated because it is an old-established principle of law that a trustee should not benefit from his trust.

Having accepted my ruling on the question of sitting fees with reluctance, the Management Committee next asked that their Chairman should also be given an honorarium in view of a provision in the Regulations which requires him to examine applications in order to ensure that those who apply for help are within the classes of persons specified in the Ordinance. The Attorney-General, to whom I referred this request, agreed with me that it would be contrary to the provisions of the Ordinance for any remuneration to be paid to the Chairman. Further, the annual income from the Fund was not expected to exceed £1,250 after October 1960.

The trustees then decided on their own to award the Chairman £50, and £40 to another of its members. On both occasions, the Administrator-General as Custodian Trustees refused to sign the cheques, and I supported him because it was reliably learnt that the two persons involved were comfortable well-off and needed no assistance. Moreover, the normal grant made to applicants that year was between £3 and £4.

I think it is clear from what I have said that the administration of the Fund has not been as good as it should be. The solution lies in Government assuming a more effective control of the administration of the Fund. This Bill seeks to give Government more control by providing for the appointment of Managing Trustees from amongst those who were

contributors to or have an interest in the Fund. In this way, the interests of those the Fund is intended to serve will be safeguarded. It also provides that the employment of any staff needed to administer the Fund shall be subject to regulations and not, as now, at the discretion of the Trustees.

This Bill is non-controversial, and should command support from all sides of the House.

Sir, I beg to move.

**The Minister of Health** (Senator Chief the hon. M. A. Majekodunmi): Sir, I beg to second.

**Senator Chief A. O. Fagbenro-Beyioku** : In the first place the Memorandum to this Bill gives the impression that this Amendment is introduced so as to create the Governor-General in Council the sole authority for the appointment of managing trustees of the Reserve Fund and to curtail the power of trustees as regards the appointment of officers in connection with the management of the Fund to avoid extravagance.

I have been trying to get at the principal Ordinance but the two references which have been brought to me have not supplied the information I was looking for. If we look at the amended section 2, it seeks to amend the principal Ordinance by the deletion of subsection 2 (b) of all words after "managing trustees".

Then, Clause 3 seeks to remove from section 8 of the principal Ordinance the words "as they think necessary" and to add "as may be prescribed". I wonder why this requires the authority of the Governor-General. The Minister of Finance will have to expatiate on these two points.

Nevertheless, I am not impressed by the argument of Government on this matter, that simply because the Fund was constituted and the Trade Unions nominated a panel from which the trustees were selected, it is now assumed that perhaps the trustees are trying to demand something, and that may not be a legitimate demand. It is for the Government to say 'Yes' or 'No'. The Government is now trying to challenge the authority of the trustees in making awards to people. Unless we are

told in this House that there have been awards to people who are not entitled to benefit from the Fund, I feel the trustees are doing their best.

The only complaint against the trustees is that they granted awards to some people whom the Government consider to be well-off. Who is well-off in this country? That position does not carry anybody at all. It does not carry me. I feel that Government is trying in a subtle way to withdraw from the Trade Unions their right of representation on Boards and Committees which they have been enjoying. I want to warn the Government that if this is done without sufficient caution and, the Trade Unions become conscious of what is happening, this is one of the things which lead to trouble and when the Trade Union leaders fight for their rights, the Government will say the Trade Union leaders are irresponsible.

The Minister of State (*Chief Omo-Osagie*) says the Governor-General will now have to select from people who have interest in the Fund. Unless the Minister of Finance is telling us that the people nominated by the Trade Unions were not people who have an interest in the Fund or people who are directly representing those who have an interest in the Fund. If a man is directly representing those who have an interest in the Fund and, those who have an interest in the Fund approve of their being trustees of the Fund, I think it is quite in order.

The argument of the Minister that the Trustees employed two clerks and one messenger for £678 a year is not tenable. If we all have the right, we will tell the Government that they have been cheating the people and the idea of engaging a clerk for £10 or £5 to manage a Fund is repugnant and is something which the people of this country should kick against. When people are appointed to Boards by the Government, they are paid £400 a year and they have a panel of Secretaries, a panel of clerks to serve them; but the Trustees have only appointed one secretary and two clerks. I do not see any reason why the Government should because of the appointment of a secretary and two clerks deprive the Trade Unions of their right. I want this House to give this matter their sympathetic consideration because what the Government is trying to do

[SENATOR BEYIOKU]  
is to deprive the Trustees of the Fund of certain advantages which they have been enjoying. This may eventually lead to some crisis in this country and we are not prepared to face any crisis in this country.

Sir, I do not think I am supporting this Bill in any form.

**Senator A. E. Ukattah :** The last speaker perhaps knows more about this Fund being a trade unionist. I would like to assure the Government that Senators would support any measures which the Government may adopt but the Government must ensure that money is properly looked after.

We find that we have people in the lower rung of the ladder of employment. Money is deducted from their salaries, and this money is supposed to be paid to them during the evening of their life. People appointed as trustees are just like dogs around whose neck a bone is tied. If the bone is eaten by the dog, it is a betrayal of trust.

What I see here is that the Government is trying to prevent extravagance, and is in keeping with the old adage: "Waste not, want not."

I support the Bill.

**Senator Mrs Wuraola A. Esan :** I am very sorry that my voice is not so good this morning. I want to be mid-way between the two hon. Senators who have just spoken. I agree with the hon. Senator who spoke last, that the Government is trying to safeguard the interests of a certain portion of the community by putting some money in reserve so as to save them from hardship. At the same time, I am supporting the first hon. Senator in this way that the Government has not proved its case before bringing this Bill before the House.

It may be that certain members of the Trustees have not been doing their duty as it should be done. But we have not been told that this is the case. If it is only that the chairman and the secretary are earning more than they should, then it is within the competence of the Government to remove them, and still retain the other members of the Trustee.

If we are to rob Peter in order to make Paul eat well, then no such government can be supported by the mass of the people. At the

same time, the Government should consider carefully before putting up a Bill for elder people like us to support.

With these few points, I beg to support.

**Senator L. T. Olamijulo :** I am very glad this morning that at last we have got somebody to place us in our proper place. Many a time we do not think very well before jumping to conclusions. But this morning I listened to the hon. Senator who spoke first with keen interest.

I do not think that it is wrong for those who own the money to ask to be represented on the board of trustees, and a Bill is not necessary to do this. I think it is right for these people to be very well represented by their own men. The fact that they have their money in the hands of the Government does not make it unnecessary for them to be represented by their own men.

My advice is that we should hasten slowly in passing such a Bill.

**Senator Salahu Fulani :** I rise to give my wholehearted support to the Bill on the grounds that the main purpose of the Provident Fund is to provide for the poor people who are unable to earn a living for the rest of their lives. They have to work, and when they grow old they have to depend on the fruits of their labour which, if not safeguarded, may be wasted by unscrupulous people.

The whole organisation is just like managing school children. I was a teacher for many years and I know what children look like. They have to be organised and some of their properties have to be kept in safe custody for them. The Provident Fund is just money put in custody for the people who have been labouring for years. The Government should be able to keep the fund safely so that when the contributor reaches an age when he can no longer earn a decent living, he may be able to reap the benefit of his labour.

I do not think that the Government is going in the wrong direction because, as has been explained already, one chairman was being paid £50 and some members were being paid £40. That is something which this august House should consider. If the Government thinks that the money is being properly used, the Bill will not be necessary at all.

I think the main purpose of this House is to try to act as the watchdog of the people. I sincerely hope that this august House will not waste any more time trying to debate things which are of advantage to the poor people whose money is put in this reserve fund. I hope that the whole House will support the Bill without further argument.

**Senator E. A. Lagunju :** In rising to speak on this Bill, I have to say first and foremost, that it is really a welcome Bill. We have always spoken in this House about the management of finance. We have also mentioned time and again during either the Budget or Supplementary Budget Session that we want our money to be managed in the best way possible. We want savings here and there. Besides, this is something that affects a particular section of the community, an unprivileged section, because the people concerned are unprivileged to earn their pension. So, the money must be managed with care. It is therefore significant that the Governor-General in Council should of course see to the management of this fund.

We, however, wish to appeal to the Government not to deprive the trade unions of their right of nominating or electing people to represent them. I am sure the Government will not go outside the Railway Workers Union to nominate people to represent the interest of the workers. I think we must trust the Minister, or the Government for that matter, because this is a way of trying to help the poor.

I therefore think that the Bill is non-controversial and should be supported.

**The Minister of State** (Chief the hon. H. Omo-Osagie): I have listened to the arguments of many hon. Senators and I am indeed grateful to them for contributing to this Motion.

I want to take the case made by hon. Senator Beyioku. I would say straight away that I sympathise with him as a labour leader who wants to fight for his people who are no more in the service. The hon. Senator should not however forget the people who are still in the service. The people Senator Beyioku is representing are those who have left the service and who have received their provident fund.

To select the Chairman and other members for the management of this fund from those who have left the service will mean paying them some amount from this fund to which they have not contributed. What the Bill seeks to do is to nominate some people within the fold of the people who are entitled to the Provident Fund. After all, this Provident Fund is designed to cater for the non-pensionable staff when they retire so that they may get something to take away on their retirement. If these people who are contributing towards this fund cannot at the end of their career get something out of the fund because it has been utilised to pay the Chairman and other members, then it will be unfair. I have said in my explanation that the present fund is £1,250 and that the officers have to receive £687 for management. What therefore remains for the poor people is £563.

I would like to think that Chief Beyioku understands the position very well but unfortunately he appears to be more interested in protecting the interest of those who have left the service on retirement. He wants them to be in the picture. That is quite right, they will be in the picture. Nobody has ever suggested that labour leaders and those who have retired will serve on the Board and I do not think that His Excellency the Governor-General in Council will go out of their fold to select others to serve on the Board. I therefore do not think that the argument of Senator Beyioku has any strength at all.

I therefore recommend the Bill to hon. Senators for approval.

**Senator Chief O. A. Fagbenro-Beyioku :** On a point of information, Sir, I crave your indulgence to correct the wrong information which has just been given by the hon. Minister of State. The truth is that this particular fund has ceased to exist. Nobody is against contributing to this fund. For over ten years, it has not been a running contributory fund. The contributions have ceased.

There was an agitation from the Unions that this money should be refunded to the people who contributed it. It was a very strong agitation but Government was not prepared to refund the money because it had been invested. Government has, therefore, constituted the money into a fund. Most of the people who



[CHIEF BEYIOKU]

contributed this money have retired. The daily-paid and non-pensionable staff in the Railway are not contributing to this fund. In fact what exists now is a non contributory fund. The fund in question is to benefit people who have contributed to it and have retired. But the use being made of it is not designed to benefit the people who have retired. Government has invested the money and at the end of the year, it declares dividends. This is no reserve fund to pay people who have retired.

*Question put and agreed to.*

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

#### WIRELESS TELEGRAPHY BILL

*Order for Second Reading read.*

**The Minister of Communications** (Hon. Olu Akinfosile): I beg to move that a Bill for an Act to be known as "The Wireless Telegraphy Act, 1961" be read a Second Time.

In doing so, I do want to crave the indulgence of this House for repeating most of what I have said at the other House here; the reason being that this Bill is a highly technical one and therefore the explanation which I made the other day to the House of Representatives would necessarily have to be made to you.

The purpose of this Act is to make new provisions relating to the regulation of Wireless Telegraphy in this country and it will replace the Wireless Telegraphy Ordinance which became law in 1935.

As I have said, the existing Ordinance became law in 1935, and during the period that has elapsed since then, there have been considerable changes and development in the field of radio and telecommunications including advances of major significance in the use of Very High Frequency and Ultra-High Frequency radio systems in Nigeria. The result of these changes is that the provisions of the Ordinance are in a number of respects inadequate to meet present-day requirements.

Firstly, insufficient powers exist to deal with radio interference and with the importation and use of electrical and electronic equipment that could interfere with the smooth working of wireless communications in general.

Secondly, there are various anomalies in the types of licence that can be issued under the existing Ordinance; and thirdly, there are no powers to hold local examinations for the purpose of issuing certificates of competence in the wireless telegraphy apparatus.

These shortcomings have clearly indicated the need for a complete revision of the Ordinance and it was therefore decided by the Government to introduce an entirely new Act dealing with Wireless Telegraphy rather than to attempt drastic amendment of the current Ordinance.

The task of drafting the Bill for the new Act has been complicated by the rapid pace of change in the field of wireless telegraphy and also by recent constitutional changes. However, I am confident that the Bill as it now rests before the House will remove the disadvantages and shortcomings of the existing Ordinance and will meet Nigeria's requirements in this field of legislation for many years ahead. It will provide effective control in all spheres of Wireless Telegraphy and will also ensure that the means of control will not, so far as can be foreseen, be rendered inadequate by future developments.

There are four parts to the Bill. Part I contains clauses dealing with the date of commencement and questions of definition and interpretation. It is provided in Clause I that the Act should come into operation on a day to be appointed by the Governor-General, and I hope this will be the 1st of January, 1962, which would coincide with the date on which current licences will be due for renewal. The definitions used in Clauses 2 and 3 reflect modern practice.

Part II contains provisions for regulating the use, sale and hire of wireless telegraphy generally. Under Clauses 4 and 5, it is an offence to use, install, sell, offer for sale, or possess with a view to sale, any equipment for wireless telegraphy without a licence, and Clauses 6 and 7 empower the Minister to grant licences for such purposes on such conditions as he thinks fit. He may also revoke licences or vary their terms. However, under Clause 8, the Minister may not withhold licences from Nigerians who need them for the purposes of research, provided the persons

*Senate Debates*

637

[*Wireless Telegraphy Bill*]

28 AUGUST 1961

[*Wireless Telegraphy Bill*]

638

concerned observe the requirements of the Act. This provision is important in the interests of scientific research and development. The Minister is also empowered, under Clause 9, read in conjunction with Clause 11, to make regulations as to the manner in which equipment should be operated ashore, aboard ships in Nigerian territorial waters or in aircrafts. He may also make regulations to ensure the preservation of security.

Clause 10 makes it an offence to send false or misleading messages, particularly where they affect the safety of life or to intercept messages without proper authority, or to disclose the content of messages other than to a court. The final Clause in Part II enables the Minister to hold examinations for certificates of competence in the field of wireless telegraphy.

Part III of the Bill contains provisions designed to prevent interference with legitimate wireless telegraphy. This is a problem which is particularly acute in modern societies where all manner of electrical and radio devices are in use for a vast variety of domestic and industrial purposes. Such devices can be a source of serious interference with wireless telegraphy and it is essential for Government to have the statutory power to exercise control over such interference, otherwise it might prove extremely difficult to operate the public telephone service or television and sound broadcasting services, and other such important services.

Part IV contains a number of miscellaneous provisions relating to, among other things, the enforcement of the Act and proceedings under it, the declaration of an emergency and the emergency powers which would be entailed by such a declaration.

Clause 19 of Part IV provides for the forfeiture of equipment under certain conditions where an offence has been committed. Clause 23 is an important clause dealing with the entry and search of premises for the purpose of enforcing the Act. The emergency provisions in Clause 24 enable Government, with the authority of the Governor-General, to take complete control over the transmission and reception of messages in a situation of emergency, or where it is deemed to be in the public interest.

In Clause 30 the Minister is given important powers to make regulations on a variety of subjects including the form of licences and the conditions pertaining to them, the fees to be charged for the issue or renewal of licences.

Clause 31 relates to the discharge by the Federal Government of its constitutional responsibilities for the allocation of wave-lengths for sound and television broadcasting, and sub-clause 31 (5) is designed to ensure that appropriate allocations of wave-lengths are made to sound and television services, sponsored by the appropriate authorities in the Federation.

I have attempted to give Senators as briefly as possible an idea of the content and purpose of this Bill. I apologise for its rather complex and technical nature, but I hope that I have been successful in persuading Senators that it is a very necessary piece of legislation.

I beg to move.

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

*Sitting suspended : 11.40 a.m.*

*Sitting resumed : 12.05 p.m.*

**Senator J. K. Nzerem** : The Government in introducing this Wireless Telegraphy Bill has shown its aptitude and readiness to grapple with the problems of modern scientific research in the field of radio and wireless telegraphy. The Bill is timely and commends itself to our unanimous support.

I would like, however, to mention that in the lower House the other day a serious allegation was made of an improper use being made by a representative of a foreign country in Nigeria of wireless or radio telegraphy. I think the allegation is worth investigating because if people who are accredited representatives of other countries in Nigeria can use radio and wireless telegraphy for the purpose of sending out secret messages, the security of the nation is at stake.

I support the Bill wholeheartedly and wish that Government should do something to prove or disprove the allegation made in the lower House.

**Senator Chief O. A. Fagbenro-Beyioku :** So far as this Bill is concerned, it is a welcome measure and I do not intend to kick very much against it. I would want, however, to make a general remark that Government in deciding to introduce this Bill must have considered that it is in the best interest of the people. But I feel that the Government should be bold enough to go further than this because—whether it is true or not I do not know—I think it should be the policy of the Government to take over completely the whole wireless system in this country by converting it into a sort of public corporation. I think a statement has been made to that effect and perhaps the Minister would like to elaborate on that when he speaks.

Another point on which I want the clarification of the Minister concerns Section 18—Offences by bodies corporate. I am not quite sure whether the definition given to a Director is not ambiguous. I am not also sure whether the definition actually takes into consideration some Nigerians who are noted as Directors of Companies but who are not directly connected with the running of the business. Fortunately, the Minister who has introduced this Bill is an outstanding lawyer and perhaps when replying to the points made by hon. Senators he will be able to help us about these “hidden” directors. I call them “hidden” directors because their names adorn papers and letter headings but they are not direct participants in the business.

Again, Section 20 says that “except as otherwise expressly provided in this Act, no criminal proceedings for an offence under this Act shall be instituted, except with the consent of the Minister”. I want him to connect that with subsection (1) that “nothing shall prevent the institution of proceedings for an offence under this Act by or in the name of the Director of Public Prosecutions”.

We have got bitter experience in this country regarding certain cases which went to Court. It is not anything which makes us joyful, particularly those of us who have something to do with Parliament. I feel that in introducing all our Bills, we should make sure that there is no unnecessary contradiction. We want to know where the authority lies so that when the Government takes an action, it is valid and legal and non-controversial. I would like the Minister to help us about that.

The other point comes under Section 23 where the Magistrate is given some powers. “If a magistrate is satisfied upon an application supported by sworn evidence—

(a) that there is reasonable ground for believing that, on any specified premises or in any specified vessel, aircraft or vehicle, apparatus to which section 13 applies is to be found which does not comply with the requirements applicable to it under regulations made under that section.....” “he may issue a written authorization”.

Then in the same Section on page C 382 we have :

“Provided that an authorisation shall not be issued under this subsection unless either it is shown to the magistrate that the Minister is satisfied.....”

To me, this appears conflicting even in the first one which I quoted—section 23 (2) “If a magistrate is satisfied upon an application supported by sworn evidence.....”. Application by whom? Any other man in the street? All these things have got to be cleared as to who makes the application, whether I as a citizen can make the application or the application must be made by one of the legal representatives of the Minister of Communications. I raise this point bearing in mind a case we experienced recently. I do not feel that we must rush to pass a law which when it goes to our Courts, any of our Judges will throw back at us. That will be a disgrace not only to the House of Representatives but to this most honourable Senate. I would like an explanation on that.

**Senator Chief H. N. Udoh :** I have not much to add. As far as this Bill is concerned, it is most timely. Those who have spoken have said all that is in my mind. When the Ministers tell us what Bills are to be passed and they are passed, we may find that they are not legal. There are times when some of these Bills are defied. I do not think that is what is meant to happen. I would urge the Minister to take drastic measures to ensure that these Bills are not just passed for the fun of it. I remember sometime last year, we were discussing the question of radio and somebody mentioned what happens in a remote area. We do not want things to be thrown back at us. When the law is made, it is made for all.

Whenever somebody suggests and feels that a Bill requires an amendment, he should be taken seriously. I support the Bill with all my mind.

**Senator Chief S. T. Hunponu-Wusu :**

This Bill is important in the duty of a nation, and as such, it must receive our thorough examination. Wireless and communications are two important weapons which a nation could use either for good or for evil. I am sure you will all agree with me that for sometime now, it has been one of those things that some of our Regions clamour to have.

The telephone and radio are so important that we should not think this is a small Bill or think only of who are to be punished by it and how they are to be punished. We would like the Minister of Communications to tell us whether Nigeria's secret leaks out through the media of telephone and radio.

A Senator (*Senator Beyioku*) has just mentioned that the use of our radio and wireless is of such importance that we must not rush to pass the Bill. I am happy that the hon. Senator Beyioku has just mentioned it. It is one thing to make a law, it is another thing to know whether that law is in conformity with our Constitution. We have got a standing Constitution, a written Constitution, not an oral constitution and as we have a written Constitution, I would crave the indulgence of the Minister to invite the attention of the Attorney-General, who will study our Constitution and see whether the Bill is in conflict with any law that may be passed in Nigeria.

We must not pass a law just because the Council of Ministers feel that a law is desirable on any issue. We must see that it is in conformity with our Constitution and that we have not gone against it. Wireless is one of those weapons that help any nation.

To-day, everyone sits down at home and hears news from Germany, Paris and Russia. Here in Nigeria it is the samething. Through our television we can see the whole world. If we are going to make any law at all, for the safety of our great nation, I would like the Minister to give it careful study, to pass it to people who will study it in conjunction with our Constitution and see whether it is in order to pass it before this House can approve it.

It will be a disgrace to the Upper House to pass a law which a Judge or Magistrate would throw back at us. A person could be fooled a first and a second time but it is left to him if he allows himself to be fooled the third time. I feel within myself that the time has come for our Ministers to look into any law we are asked to pass and see how it affects our Constitution.

There are of course some laws which are good in theory but are found wanting in practice. There may be lack of substance in some directions. So before supporting this, I would need the assurance of the Minister that the law he is asking us to give our blessing to has been gone through carefully by our law makers. After all we make the law but some people are going to interpret it for us and, we must bear in mind that Nigeria is well-known now all over the world. Whatever we do as far as our great nation is concerned, we should not rush it through the Upper House. The Minister of Communications should see to it that our Law Officers get these bills before they are presented to this House for our blessing.

**Senator Dahlton O. Asemota :** I would like the Minister of Communications to explain some clauses in this Bill.

Part I—Preliminary, Clause 1 (2) says: "This Act shall have effect throughout the Federation". Reading that in conjunction with the Explanatory Memorandum one finds in paragraph 6 of the Explanatory Memorandum:

"The provisions of the Bill are expressly stated in clause 31 (5) not to apply in relation to broadcasting or television provided by the Government of a Region. . . . ."

What I want to know is this: were the Regional Governments consulted before this Bill was prepared, since Regional Governments are also involved as stated in Clause 1 (2) ?

There are one or two things which I have noticed in this House. Regulations which would stir up controversy between the Federal Government and the Regional Governments are not properly cleared before being presented to Parliament. I want an assurance from the hon. Minister of Communications that this Bill has been prepared in consultation with the Regional Governments.

**Senator E. A. Lagunju :** I wish to make a few observations on this Bill. The Minister of Communications has given us the assurance that the purpose of this Bill is to promote efficiency. That being the case, the Bill is welcome.

Hon. Senators intend to go slowly in passing this Bill and we want to be assured that the Minister has taken the greatest care in preparing this Bill. It seems to me that we are moving too rapidly in passing new Bills and in modifying some old ones. We know we are bound to grow one way or the other.

I would like the House to examine some clauses in this Bill.

For example, clause 12 (1) says :

“The Minister may hold examinations to determine the competence of the persons examined to fill positions in connection with the operation of stations for wireless telegraphy..”

Then Clause 12 (3) : “The Minister, if it appears to him that there are sufficient grounds so to do, may at any time revoke any certificate issued under subsection (2)”.

I sincerely hope that examinations will be properly conducted and selections would be on merit. I hope these examinations would not be used as passports to prevent really competent men from entering the field. This is very important because people can use the examinations to gag the public. In other words, somebody who is really competent may not for one reason or the other pass the examination. We can only hope that all these things are being done to preserve efficiency.

I will now refer to Clause 31. There again we have the question of wavelength and other things connected with competence or efficiency. Clause 31, subsection (4)—

“If, in the opinion of the Minister, it is necessary or expedient for any of the purposes mentioned in subsection (2) to cancel the allocation of a licence granted under subsection (1) of a wavelength or alter a wavelength allocated in a licence so granted or alter or add to the conditions of a licence so granted, he may by notice in writing cancel or amend the licence accordingly.”

I think extensive powers are being given to the Minister. The whole Bill and the granting or

cancellation of a licence rest squarely with him and I sincerely hope every effort will be made to see to it that we do not try to gag the public. If all these safeguards are provided and if every effort is made to see that it is only a question of efficiency that counts, and, if we are only trying to project Nigeria to the outside world in the proper way, then, there is nothing wrong. But if we are doing all we can now merely to deprive some people of licences or merely to gag them, then we are really paving the way for difficulties because no matter what we do the public is bound to express itself in one form or the other. I think the more informed the public is, the better it is for the Government. Therefore, it is necessary that we do all we can to promote efficiency to get a well-informed public because a well-informed public is a useful tool in the hands of the Government itself.

These are the few observations I have to make.

**Senator L. T. Olamijulo :** A lot has been said about this Bill. I think it will not be too much if I add my own comments about the powers given to the Minister of Communications by this Bill. When the British people were our overlords, many matters were referred to those of them who were the Heads of our Departments for decision and now that we are independent, these matters are referred to our Ministers. All these Bills and matters that go to the Minister for decision go through their Assistant Secretaries, Technical experts and Permanent Secretaries as in the past, but our Ministers should make sure that their Advisers give them the best advice. Our Ministers should have competent Advisers and, we should not rely wholly or solely on our Ministers who cannot be easily contacted due to the nature of their job. If our Ministries are manned by competent men there will be no leakage of information and the Ministers will be well-advised.

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

**Senator Chief P. I. Acholonu :** In my opinion, this Bill does not need much argument. What I understand the Cabinet wants is to amend the Bill for the safeguard of wireless operation.

Some Senators have raised the question of what judgment the court might give in the event of a case going to court. We should not blame the Ministers because, after all, they are all for anything that will make the laws of Nigeria strong. At the same time, if we observe the whole thing closely we find that most of the cases now in court cannot be tried for lack of adequate legislation, and most of them are based on technical points. It is, therefore, necessary that the Minister must ensure that every law is properly brought up.

Any absolute power granted to the Minister to withdraw the licence of a defaulter is there to act as a check on people who might otherwise attempt to contravene the order. But if we want the Minister to take back this Bill and consider it further before bringing it up again, it is our duty to make suggestions for his guidance. If our suggestions are acceptable to the Government, the Bill can be amended in that light at the Committee Stage.

In my humble opinion, what this Bill seeks to do is to amend the Law to safeguard the day-to-day operation of the wireless business of the nation, and not to seek absolute power to be exercised by the Minister indiscreetly. If the Minister is not given adequate power to control matters under his portfolio, the nation is not safe. No Minister would misuse any of his powers because the Cabinet works like a team. No one Minister can, according to my own understanding, just do anything by himself. Before any Bill is brought here, it is properly scrutinised by all the Ministers in the Cabinet with the Attorney-General and Minister of Justice.

**The Deputy President :** That is outside the scope of this Bill.

**Senator Chief Acholonu :** I am driving home my point and I fail to understand where I differ from other Senators who have spoken on this Bill.

With these necessary observations, I support the Bill.

**Senator Mrs Wuraola A. Esan :** What I do not see clearly is why the Minister should tell us that because the Bill is technical people sitting here will not be able to understand it, and yet he wants us to support it.

**The Minister of Communications :** I withdraw that one.

**Senator Mrs Esan :** Thank you for withdrawing that, because really this Bill, if published to the public, will make the Minister unpopular because there are too many contradictions in it.

The purpose of the Minister in bringing it up here is to make our telegraphic transmission perfect. He has not come here merely to arrogate to himself absolute power. He is trying to bring forward what he thinks will be to the best interests of the public. Therefore, I would like to support the hon. Senators who have advised that this Bill should be gone over again thoroughly, taking into consideration all the views that have been expressed here.

I support.

**Senator M. B. Chukwubike :** I rise to support this straightforward Bill. It is of great advantage to the economy of this country.

I only want to clear one impression which has been created by most of the hon. Senators who have spoken. I do not agree that this hon. House ever passes a Bill very hurriedly. We have our Standing Orders which guide us in passing any Bill. I am sure that this hon. House is living up to expectation.

Some hon. Senators give the impression that we pass some Bills merely because they had been passed in the Lower House. I do not agree with that. I do not doubt the integrity of our learned Ministers and I am sure that, as elderly statesmen, we are doing a worthwhile work.

I support this Bill.

**The Minister of Communications :** I want to express a very pleasant surprise at the range of observations which have been made by Members of the Senate, and to say that the study which has been made of the Bill does reflect great credit on this hon. House.

But I do want to correct the impression that Government brings Bills without clearly examining their implications, or passing them through the usual necessary machinery, or because there is a matter before a court somewhere, therefore we must hasten to pass a Bill! The truth is that, under our Constitution, our citizens are free to challenge the Government in the court. And I think that this is a good thing. The fact that they go to court does not mean that they are right or wrong. Since the Govern-

[MINISTER OF COMMUNICATIONS]

ment is a machinery which is operated by human beings, it is bound, sometimes, to have its fault somehow. But the fact that there is a matter before a court, or that one judge says something, does not necessarily mean that the matter has been concluded and that the Act which the Parliament passed is bad.

I do suggest that we shall continue to pass the Bill having given it all the consideration that it deserves. The Bill which is before the House has gone through the usual channels; it has been drafted in legal language, vetted by the Minister of Justice and published.

Reference has been made to section 12, and section 20 in particular. I would like to make it clear that whether or not the Minister agrees to something, the Director of Public Prosecutions whose function it is under our Constitution to institute proceedings, is not precluded from doing so. That is all it says. There is actually no confusion. It merely says that the Minister of Communications must give his assent to certain criminal proceedings but that section does not deprive the Director of Public Prosecutions of his right to exercise his power as laid down by the Constitution of this country.

Now, I would like to refer to the Regions. It has been suggested that this House must be given the assurance that the Regional Governments have agreed to this Bill before it is brought here. But the point is that this Bill is a subject within the competence of the Federal Government and we have not overstepped our rights in bringing this Bill. I am quite sure that the Regions are not unhappy about it.

There is another suggestion that the persons who can bring actions against the Federal Government are not clearly defined; in other words, can anybody go and make a complaint? I think the answer is yes. Anybody can make a complaint. If you know that the law is being contravened, it is your duty as a citizen to prevent such contravention, and in fact, we are all in duty bound to help in the maintenance of the law because it is one of the responsibilities of a citizen to see that the law of the land is respected. If the law is not respected then the sovereignty of Parliament becomes nothing and in a state where people do not respect the

law, the citizens have great anxiety because in no time disorder ensues and we do not want such a state of affairs to exist.

I have again been urged not to use my powers to determine whether a person is competent in the handling of wireless telegraphy apparatus and other instruments connected therewith. I have been asked not to use my powers to suppress people. Well, I cannot possibly do so; we are in great need of technicians and scientifically trained personnel, and therefore, we are the people who are most anxious to see that opportunities are given to people to acquire the knowledge by giving them encouragement, and when they do have the knowledge, to see that they use it to the best interests of this country.

I would like to end on a much more serious note which has been put to this House, namely, that an allegation was made in the other House the other day that the British High Commission or certain foreign mission in Lagos operates a secret wireless service. What I do say is this: no one can operate a wireless service in this country without licence from the Federal Government. If an Embassy applies to us for a licence, we have certain consideration that it is not unusual to give licences, but I want to say that there has been no application from the British High Commission and I am not aware that a wireless service is being operated. I do not believe, in fact, that one is being operated and I am sure that whatever bodies want to operate wireless service in this country will obtain the necessary licence and if it is not considered to be against the interest of our country, I will give it. I am sure that if we also apply for a licence in any other country, if the authorities there are satisfied that it is not against their interest and security, they will give it to us.

This Bill is reasonably clear as to what it seeks to do. We are expanding and growing very very fast in this country, and it is a good thing that the Government should be alive to its responsibilities. I think that this Bill is surely a sign that the Federal Government is alive to its responsibilities, and that it ought to give guidance to the country in this particular respect. I think that is all this Bill seeks to do.

Finally, I want to say a word or two about the suggestion that all forms of communication should be held by the Federal Government.

Reference has been made to Cable and Wireless in this respect. I would like to say that the Federal Government makes it a policy not to say things or to shout at roof tops like some other people do, until it has taken and arrived at a decision by sensible and respectable means. That is exactly what we are doing at the moment wherever we have connections whether it be with the Cable and Wireless or any other body. I am sure that the Government can be trusted to safeguard what is in the best interest of this country. I would not like to make any statement and I would not be drawn into saying anything more than that. I believe that there are no contradictions in this Bill which has been discussed here and I therefore ask hon. Senators to give it their wholehearted support without any further time being taken.

*Question put and agreed to.*

*Bill read a Second time and immediately considered in Committee.*

WIRELESS TELEGRAPHY BILL : CONSIDERED IN COMMITTEE

*Clauses 1-9 ordered to stand part of the Bill.*

*Clause 10—(MISLEADING MESSAGES AND INTERCEPTION AND DISCLOSURE OF MESSAGES)*

**Senator Sanni Dingyadi :** I had wanted to speak on the Second Reading but unfortunately, I could not catch the eye of the Deputy President. I do not think that the provisions of the second line of this Clause, "No person shall—by means of wireless telegraphy, send or attempt to send any message which, to his knowledge is false or misleading..." will help to stop the offence and I do not think either that it will help to punish the offenders. It is just the same as saying that no journalist should publish false reports. I can publish any form of statement and say anything that is wrong and if I am prosecuted I can say that I did not know that it is wrong. I think "to his knowledge" should be removed so that the Clause will read "No person shall by means of wireless telegraphy, send or attempt to send any message which is false or misleading..."

It is a matter of taste. If a person is brought to the Court for sending a message which is false or misleading, the person may prove that

to his knowledge, it is neither false nor misleading. This will make it difficult for the Court to convict anybody under this section.

**The Deputy President :** I am afraid, the hon. Senator cannot move an Amendment.

**Senator Dingyadi :** I am not moving the Amendment. I am just making a statement. I am of the opinion that the House might wish to hear what my amendment is. Unless we can prove beyond doubt that the culprit has contravened the law, he cannot be convicted.

*Clause 10 (MISLEADING MESSAGES AND INTERCEPTION AND DISCLOSURE OF MESSAGES), ordered to stand part of the Bill.*

*Clauses 11-13 ordered to stand part of the Bill.*

*Sitting suspended : 1 p.m.*

*Sitting resumed : 3 p.m.*

WIRELESS TELEGRAPHY BILL :  
CONSIDERED IN COMMITTEE

*Clauses 14-33 ordered to stand part of the Bill.*

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

SEA FISHERIES (LAGOS) BILL

*Order for Second Reading read.*

**The Minister of Economic Development (M. Waziri Ibrahim) :** I move, That the Bill be now read a Second time.

Sir, The Federal Government is determined to encourage the fishing industry in Nigeria. We all know the importance of fish in providing protein which is so much lacking in the diet of many people in this country. The fishing industry has been neglected in the past. Now, it is the intention of the Federal Government to encourage that industry.

The main factors in our minds when we think of developing the fishing industry are, firstly, the deficiency of protein in the diet of so many of our people in the country. We all know how nice fish is. We all eat fish. But sufficient quantity of fresh fish is not available in the country at the moment to meet the demand of everybody, so we want to do everything possible to encourage the fishing industry in order to make fish available to practically every home in the country.



[MINISTER OF ECONOMIC DEVELOPMENT]

Just now, because of the lack of sufficient fresh fish in the country, we import about £7 million worth of stockfish annually into the country. Stockfish has not got any particular quality to warrant its being imported in such quantities. The reason really is that our people cannot get sufficient of fresh fish. We now take steps to remedy the situation—to encourage the fishing industry and to ensure that good fresh fish is available in large quantities. This is the first important point.

Then the second point in seeking to encourage the fishing industry is to minimise the amount of stockfish we now import. £7 million of stockfish we now import! £7 million of stockfish coming to this country affects our balance of payments. This is the second point. If in the shores of Nigeria we have sufficient fresh fish, the necessity of importing £7 million of stockfish will be minimised. Therefore, the second aspect is the effect it will have on our balance of payments.

This Bill, which I am asking the Senate to approve, will give the Government a certain amount of control in the fishing industry. We want to encourage it; then we say that we cannot encourage and develop the industry unless we have a certain amount of control over it.

In the Bill, hon. Senators will see clauses meant to ensure that those who work in the fishing industry are safe and that we do not have accidents as a result of which people may die. Therefore, we make certain conditions which must be met by any person wanting to catch fish to ensure that his ship and apparatus are all quite safe and that those who will be working in the fishing boats, and so on, are quite safe.

We also seek to have power to make sure that the smaller fishermen are protected. We can protect them in this way: if we say that fishing boats of certain sizes must not fish within a distance of so many miles from the shores. We would say that big trawlers must go far off to the sea and fish there, and that the resources available very near the shores can only be fished by small-sized fishing boats.

This does not mean that we are going to discriminate against the bigger trawlers. No, it does not. It only seeks to ensure that both the small fishermen and the bigger ones do fish, at least.

If the Senate approves, we will make regulations in such a way that the licensing officers will give licences to fishermen, depending on the size of the fishing boats, and they are told the areas within which to fish.

Members will see also something concerning the size of fishing nets. This is provided to make sure that young fish—not fully grown—are not caught. If the fishing net is of a certain size, then the young fish—not fully grown fish—which we do not want to be caught, will not be caught. That is why hon. Senators will see something concerning the size of fishing nets.

We are already experimenting on different sizes of fishing boats. The Fisheries Division of my Ministry will soon have a small-sized boat costing about £49,000 for fish catching. If that size of boat proves successful, we intend to encourage intending people who are engaged in the fishing industry to buy that type of fishing boat.

As I have said, during the next few years, every effort will be made to make the fishing industry really something big, something which has never been before. We have already taken certain steps towards that. A few weeks ago, there was a meeting of the C.C.T.A. which I was privileged to open, and the subject of that conference was to have surveys made into the ocean resources along the coast of West Africa. It has just been found recently that fish resources along the shores of all the West African countries are really very very immense. There are Japanese ships already fishing along our shores. They are doing very good business there. Some Scandinavian fishing boats also come. We are convinced that if a proper survey is made to establish the species of fish available there, the area covered and the depth of sea, at which they are found, and so on, we feel that there is tremendous scope for developing the fishing industry to a size which has never been known in this country before.

That is why, hon. Senators, we have brought this Bill which seeks to give us a certain amount of control that will direct the development of the fishing industry along the proper lines and to ensure that when it is fully developed it will really be of immense value to Nigeria.

I hope I have covered roughly the principle behind bringing this Bill to this hon. Senate.

It is needless for me to say that everything the Government does is directed towards the raising of the living standard of our people and we shall leave no stone unturned in our efforts to achieve that end which is principally to raise the living standard of our people.

We have searched all over the country in order to establish this new industry and we are therefore bringing this Bill to control it so that the scheme can be directed to a successful end and to make sure that those who work in the industry are safe and fully protected. If this is not done I am sure trade union leaders like the hon. Senator Chief Fagbenro-Beyioku will be the first to jump upon us and say: Well, it is very well for you to bring new industries but what are you doing to protect the interest of the workers? That is why I say that it is not sufficient for Government to introduce this or that industry; we always try to foresee all the potential problems connected with any industry, and as a result we have tried to ensure that in this particular case the fishing boats and ships are very suitable before licences are issued.

I think I should tell hon. Senators that already we have taken some steps to find a suitable terminal for off-loading the catch, that is to say, a suitable position to which the trawlers and fishing boats will come and discharge the fish, and a place also for the preservation of fish after discharge because the quantity of fish which we think will be got when we have developed the industry will be such that what the fishers get in a day may take some days to be disposed of. We have, therefore, thought of the possibility of finding suitable position, and refrigeration facilities on the terminal to preserve the fish so that for weeks and even months after the fish had been caught, they will still be fresh and suitable for consumption.

I do not know if hon. Senators are aware of this fact but the Japanese fishermen who have been fishing along our coasts have told us that in their fishing industries they have facilities for preserving fish for six or even nine months. These facilities, according to them, are in the boats, the fish are kept there, the fishers selling what they can and during certain periods of the year, say winter time for example, when fishing is not very easy, they still have reserved fish in the boats which they can sell.

What we have been thinking and doing is to have similar preservation facilities. We have got a number of places which we think will be suitable and these we hope to develop with considerable amount of money in order to provide fishing storage facilities.

Nothing in this Bill seeks to do anything which is detrimental to the interest of the small fishermen. Rather, everything here is directed towards the interest of the bigger as well as the smaller fishermen and I will be pleased to hear any constructive ideas from hon. Members of the Senate which we may bear in mind.

Sir, I beg to move.

**The Minister of Health** (Senator Chief the hon. M. A. Majekodunmi): Sir, I beg to second.

**Senator Chief S. J. Hunponu-Wusu**: Sir, this Bill which has just been brought to us this afternoon is an excellent Bill. So far as the fishing industry is concerned, I have the privilege of knowing a little about it. It has been my hobby from youth; I have fished both in the sea and in the lagoon both by day and by night.

I was very much pleased when I was in London to see daggers which were used in 1872 for fishing and I have also taken some interest in the fishing industry of some other countries. I remember when I was in Holland, I went to Rotterdam Port where their hobby was nothing other than fishing. There again, I was in the boat for not less than 24 hours. I think this will show hon. Senators how keen and interested I have been in this particular line from youth. I am very happy to say that from my experience the people in the fishing industry all over the world are perhaps the richest men to-day.

I am particularly happy that the Minister has brought this Bill at this particular time to us. It is an excellent and splendid idea that we must all welcome.

Before going further, there are certain points which we shall have to consider. The Minister has mentioned to us the value of fish, which I in my official capacity as a Chemist and Druggist, fully confirm. I know what proteins are contained in a fish, and without being a Medical Officer I know fish is more nutritious than flesh.

[SENATOR HUNPONU-WUSU]

I am supporting this Bill wholeheartedly. I advise the Minister to give it some consideration. As he said when he was explaining it, I know the meshes that they use and I am happy that he has mentioned it in his remarks.

Further, the case of the smaller fishermen should be taken into consideration. He has just told us that Government is intending to launch a big scheme of some £40,000. I will not support the monopoly by the Government, in that, it will be closing the way of our men who have made it their hobby from their youth. People from Badagry as well as Isale-Eko, with due reference to the Acting President, will be affected. This is where they earn their living. I should be very happy if Government can introduce a scheme whereby such groups of fishermen could gather together as we do in our area in Badagry where fishermen gather at the beach to form a group of 25, 30 or 60. We know the season in which we can fish on the sea, we know the season in which we can come back to fish in the lagoon. We know the kind of fish that is required by every citizen. So according to the Minister, he invited our comments and we will be happy to give him as many concrete proofs and examples, not by mere words but also we would give him the practical side of things.

**Senator A. E. Ukattah :** I know that this Bill applies to the Federal Territory of Lagos alone and I happen to live far away from the Lagos Lagoon so that it might be odd for me to speak on the fishing industry. In any case, I think, since assuming his new Ministry, the Minister of Economic Development has come in for the first time with a Bill that is very commendable. I think he has come to show his interest in the economic development of this country.

It is a welcome Bill but I have to speak on few provisions made here. The first is on Clause 5, subsection (2) where "a licence shall be in the prescribed form". I emphasise this not because I am against the licence being made on a prescribed form but because we who deal with the general public far away from the Ministers, know for certain that wherever applications for a licence are made in this way, there are difficulties arising from the fact that some of the applicants are looked down upon as being so small that they do not get the attention of the officer concerned. When

one asks for a form, one is told that there are none until the next supply, he could not get any. But another man comes and was given the form because he was looked upon as a big man. The forms should be made available at all times.

**The Deputy President :** I think you should wait until we come to the Committee Stage.

**Senator Ukattah :** If the Minister takes this down and replies to it and gives me the assurance that the forms will be available, I will not move any Amendment at the Committee Stage. These prescribed forms should be made available to people without undue delay. The Minister may not know what happens in the office. He may not be dealing with these forms.

The next point is on Clause 7. I hope to move an Amendment in Committee. It is the question of a licence being cancelled "without assigning any reasons". That will lead to some difficulties. How can somebody whose licence is cancelled argue against the forfeiture or cancellation of his licence if no reasons are given by the officer? I will move the Amendment in Committee, this is just to give a hint.

I am happy that the Government has made a wise provision in Clause 11, to make sure that no poisonous drug is used, which may lead to wiping out fish in our waters or endangering the lives of the consumers.

My last point is on Clause 14—"The Governor-General may make regulations. . . ." I have to say that this is much more important than anything else. The making of regulations is an important thing and it does happen that the Governor-General does not make these regulations. He may assign the job to somebody in his office. In very many cases, regulations are made in such a stringent way that they exceed the main law. That is what Bernard Shaw was against all his life about democracy. It does give the impression that the Minister is controlled by the senior officials in his office. Some of these things may not come to his notice. After all, these regulations are prepared by his senior civil servants and they may be very oppressive at times. My own contention is that while welcoming the making of regulations and feeling that the Governor-General will make them, they should be made in such a way as to benefit the people, and not to oppress them.

One of the regulations to be made will relate to limiting the area for the fishing industry. You find under the section for definitions, the motor fishing boat and the ordinary boat which includes canoes. I hope that in making the regulations, care will be taken to protect the smaller fishermen by setting a definite limit for the fishermen who use motor fishing boats and those who use the ordinary canoes. A definite limit should be set in order not to push the small fisherman out of the Industry. The people who use the motor boat should have their own area marked out from the area that would be allocated to the smaller fishermen using canoes.

The Minister mentioned the use of certain nets with reasonable meshes in order to ensure that young fishes that are not old enough for consumption are not taken out of the water. If the young ones are removed the fishing industry will only last for sometime. I am repeating this for the purpose of emphasis : we should ensure that when these regulations are being prepared nets of certain meshes should not be used in order not to take away all the young fishes that might continue to grow to make the fishing industry grow all the time.

I think I have come to the end of the observations I want to make. I commend this Bill to the whole Senate.

**Senator J. K. Nzerem :** It is good to note that the Federal Government is thinking of the people of low income group in this country. It is a well-known fact that the protein content of the food of such class people is low and anything done to promote the fishing industry is something for which the Government should be praised. The Minister has told us what large sum of money is spent on the importation of stock-fish from countries outside Nigeria. When we develop our fishing industry there is no reason why that huge sum of money should not be kept in this country.

I notice that in the definition of territorial waters there is no exactitude. I remember sometime last year, there was a row in a country in Europe about fishing rights. I think it was in Iceland. The people suddenly declared that the limit of their territorial waters was twelve miles. Certain European countries disputed this and said that in International Law the usual limit of territorial waters is three miles.

If we are not to run into any such difficulty in this country, the Government should take steps to define in this Act what constitutes the Nigerian territorial waters.

I am afraid I have looked through the Bill and I do not seem to find anything to protect the interest of the man who takes fishing as a hobby. Some people have spoken about small fisherman who uses a canoe to ply his trade. There are a number of provisions to protect the people who are fishing on a large scale but there must be people who are fishing just for the pleasure of fishing and, there seems to be no provision to protect such people and, I am sure, there are many such people including my humble self.

I think on the whole this law is one with which no one should reasonably quarrel. But as some hon. Senators have said, Government, in preparing these regulations, must be very careful to see that the regulations do no hardship to anybody. I want to say that some regulations made by Government in the past have brought a great deal of hardship to people.

I commend this Bill to the House and I support it but with the reservation that the Government should try to define clearly and distinctly the limits of Nigerian territorial waters.

Sir, I beg to support.

**Senator Chief A. O. Fagbenro-Beyioku :** Much as this Bill is a welcome one to me, the actual Bill before the House does not appear to answer the introduction given it by the hon. Minister of Economic Development. To me, this particular Bill we are now debating seeks to give Government only the control over the fishing industry in Lagos. This Bill does not seek to provide for the real expansion of the fishing industry by the natives of Lagos and it does not seek to give protection to the natives of Lagos who live on fishing. Rather there are some clauses in this Bill which are absolutely discriminatory. For instance, any Navy man, any Assistant Superintendent of Police or any other person can just go to a man fishing in a canoe just arrest him without a warrant and take him to the Police Station. The fishing canoe and all the fishes he has caught will be taken to the police station. If the case is not taken to court quickly the Officer in charge has the right to sell the fish-

[SENATOR BEYIOKU]

and put the money somewhere. A man using a big trawler—he may be a foreigner or a big capitalist who has the money to play with—will just go on with his business. There is no provision that you can arrest him without a warrant. There is no provision that you can set aside all the provisions of the law before you arrest him; and, there is no provision that if you arrest him you can carry his trawler to the Police Station and detain it. He will instead be taken to the Police Station and charged and then he can carry on using his trawler. The poor man who uses only a canoe is deprived of his means of livelihood. I do not think hon. Senators can wait and see the Government fail to protect the small businessman in this country. I feel there is a lot for us to question in this Bill before it can be passed.

Even when it comes to the question of granting the licence, a man must be qualified, he must be a fit and proper person to be granted such a licence. If we want to draw a line and say that preference must be given to Nigerians let the Government come out boldly and say that preference should be given to Nigerians because under this section you will find an expatriate who has got the financial backing and a Nigerian is just struggling. You will find at the end that the Nigerian will be told that he has not got sufficient money to engage in the business—automatically he is not considered to be a fit and proper person. Preference will go to the expatriate. We have to think of these things before we can say this Bill is proper.

It will now go to fishing around the shores of Lagos. There is actual discrimination in this. We have something to do with the fishing industry, we have relatives who are fishermen—the people fishing in Isale-Eko. I remember that in 1959 the Deputy President, who is now presiding over this Senate was engaged in certain matters as to whether our people in Isale-Eko should fish in some parts of the Lagos shores. The fishermen were told not to go near the bridge, but this law was not in existence then. I knew the trouble the Deputy President of this Senate (the Oba of Lagos) took about this matter. The solution was not anything that gave us real satisfaction. And now the Government is going to be

invested with all the powers, and these regulations are meant to protect the fishing industry of the people of Lagos.

In drawing up regulations connected with this Bill, the Oba of Lagos or his traditional Chiefs of Lagos should be consulted as to the areas where people should fish, otherwise by the time it is produced, as usual, it will only go to benefit the expatriates at the expense of the indigenous people of this great City of Lagos.

This is a very important Bill, and I should have thought that at times our Government would try to co-operate with us—the people of the area. I should have thought that the Government, in trying to produce anything like this, ought to have taken the advice of the Oba of Lagos. If we want to be obstructive now, there are so many clauses in this Bill which can make us tell the Government to take it back and improve on it in consultation with us, the people of Lagos, because it affects our means of livelihood.

If one goes to Isale-Eko one finds that a majority of our people there live on fishing. Almost everything that the Minister has told us is not contained in this Bill at the moment. The things he has told us are very good indeed, but they are not put on paper. He has got very good ideas. He is a great socialist; he is a very good nationalist. After all, he is not alone. He has got to carry his Colleagues with him. He has explained to us bold ideas which can make us love this Bill. But they are not here in writing.

I find that we must have to work for the people, and where we find that the interests of the people are involved we must try to see that we, Members of the Upper House, safeguard them.

I have suggested to the hon. Minister of Economic Development if perhaps he would like to discuss this with the Deputy President of the Senate (the Oba of Lagos) and then come back with the Bill. We could have a small adjournment during which time they would consult. The Oba of Lagos should be satisfied because he is the man really responsible for the indigenous people of Lagos. If he gives us the assurance that he is satisfied, then we can proceed to the Committee Stage. Otherwise, there are so many things that must be thrashed out before we go into this Bill.

**Senator P. C. Ndu** : The previous speakers have almost covered the points I had wanted to stress.

This Bill, as I see it, appears to be more concerned with the people of Lagos, Badagry and Isale-Eko. I support the Bill wholeheartedly. In doing so, I want to congratulate the Minister in charge of this portfolio, and the Government. It shows that the Government has the welfare of the ordinary fishermen at heart. This reminds me of the old adage which says that if you take care of the pennies the pounds will take care of themselves.

I support the Bill.

**Senator Professor Eni Njoku** : In welcoming this Bill, I would like to take this opportunity of congratulating the hon. Minister on his taking up this Ministry. We know that this Ministry is a key one and he knows more than most of us do the importance of this Ministry to Nigeria. I have no doubt that he will bring to his work in this Ministry the same energy and determination as featured in his former Ministry, and, if I may say so, the charm which is so characteristic of him.

I hope that this Bill will be the first of a series of bills which he will bring forward and which we hope will transform the economic picture of this country. It is a truism to say that Nigeria is under-developed. But to develop it, whether with respect to fish or in any other respect, requires both bold planning and bold execution.

I have just returned from a short visit behind the Iron Curtain, and the thing which impressed me most is the rate of development which has taken place in Russia. Only thirty years ago fishing and other industries were hardly in existence in that country, and yet to-day we know that it is, if not the most advanced, one of the most advanced countries in the world, not only with respect to fishing, but also in other industries and, of course, in space research.

I do not think that the rate of development which has taken place there is necessarily related to their political ideology, because we know that the same rapid rate of development did take place in another country—in Japan which, if anything, was more right than left at that particular time. It is not, therefore, necessary for us to adopt communism or any other ideology before we can adopt the same rapid and quick means of modernising our country.

I, therefore, hope that our Government, in its democratic way, will nevertheless plan just as boldly and efficiently in order to increase the rate of development in this country, because only so can our standard of living rise, and only so can we all really take the pride that we ought to take in our country.

I know that the hon. Minister and others who travel abroad—at least I know that I myself very often do, where we have seen the state of the fishing and other industries in the rest of the world, often come home to this country with a heavy heart—wondering just when our own country would adopt and take those vigorous steps which would make us take the same pride of place which other countries take in the world.

We all know the importance of the fishing industry in a protein starved country like ours, and there is no doubt that this is a most essential development.

Although this Bill applies to Lagos, I am sure that those of us who do not live in Lagos will be permitted to hope that this industry will be so successful and the catch it makes will be so large that with all the facilities of refrigeration and so on, referred to by the Minister, it will be possible to send plenty of fish to other parts of the country apart from Lagos.

We also hope that the success of this industry in Lagos will stimulate the success of similar industries elsewhere along our coastlines. We should realise also that this Bill will not produce fish; it only lays down the frame work within which the industry can develop, and, as in the nature of things, it lays down regulations, and regulations often tend to be discouraging rather than encouraging to industries. So, I venture to hope that the hon. Minister, apart from getting this Bill through the House will do everything in his power to encourage the businessmen who will organise this enterprise and make it a successful instrument for developing this country.

Sir, I support the Bill.

**The Minister of Economic Development** : I would like to thank hon. Senators for the very many valuable suggestions they have made. This Bill really seeks to enable us to go ahead with the making of regulations which will control the fishing industry. Therefore, when this Bill passes through this House, it

## [MINISTER OF ECONOMIC DEVELOPMENT]

will be possible for us to consult our hon. the Deputy President of the Senate, as Senator Chief Fagbenro-Beyioku has suggested. He has said that because of the troubles which the hon. the Deputy President of the Senate had taken in the past in encouraging local fishing, he ought to have been consulted. I am now saying that it is not too late; in fact, we have not yet defined the areas in which fishermen using either a small canoe, or middle-sized fishing boats, or still the bigger ones, should fish. So I think we shall definitely do what the hon. Senator has suggested by consulting all those members of our community who have experience of fishing of this kind.

As regards the territorial waters, I do agree that this is a matter which has not been easy for many countries to solve. The case which has been cited—that of Iceland and Britain—is one of many. The Iceland authorities claim that British fishermen have been trespassing over their territorial waters. The British authorities in return say: 'No, we have a right to fish where we have been fishing', and this matter has become a really big controversial issue.

In this Bill therefore, all we have said is that the Federal territory of Lagos means that part of the territorial waters of Nigeria as defined in the Interpretation Ordinance. I myself cannot say exactly what area that covers but I think it covers an area which has so far been used by the fishing boats. We shall definitely attempt to retain that area; if we find it legally possible to extend it, and if there is any need to do that, we shall do so.

It is true that this Bill applies only to Lagos territorial waters. Hon. Senators will find that under section 3, reference has been made to the fact that Act or Acts passed by the legislature of the Western or Eastern Region shall be deemed to be a licence issued under section 5 of this Act, and I would like to tell hon. Senators that we have already contacted both the Eastern and the Western Governments on this issue and they have expressed satisfaction with this Bill and will, no doubt, do similar things. So, there is nothing to fear at all.

On the question of Licence Forms, I have to say that forms of application are to be available to everybody who wants them. May I assure hon. Senators that I shall definitely

ensure that there will be plenty of forms and that they will be freely issued to all applicants who deserve to be issued. I would appeal to hon. Senators to bring to my notice any incidence of reluctance on the part of any public servant or any official of my Ministry to issue application forms to Members. We make laws and regulations, and to make such laws and regulations work effectively, the co-operation of every member of the community in the country is necessary; and unless hon. Senators and the rest of the people promptly tell us of those who are inefficient or attempt to frustrate the public in the discharge of their official duties, we cannot do anything. Hon. Senators, I must say, have the right to write directly to us on these things, and it is our duty to take such cases and investigate them and then communicate the result back to whomsoever is concerned. It is only by so doing that we shall be able to make these laws and regulations effective.

I would now like to thank the hon. Senator Eni Njoku for his comments on this Bill and his remark as to how we too can make a very successful development scheme as Japan or Russia has done. He has told us of the wonderful achievement of Russia over 20 years. He says further that if we thought that it was no easy thing, he would tell us that the Japanese have also done the same thing. That is very true. When we go out to other countries, we always really come back with very heavy hearts and we begin to wonder if we would be able to do these things. It is the concern of all of us to develop this country industrially and agriculturally. We are all very worried, and quite rightly, are not happy with our achievement so far. I think it is good not to be satisfied with just some few achievements.

I must say, however, that during the last few years, especially since Nigerians started to take part in the running of this country's affairs, wonderful progress has been made in all aspects of development. There is no doubt about that.

As Professor Njoku has said, we are not to be satisfied with whatever development we have made at the moment but to do more. Definitely, there is room for great improvement and just now, we in the Council of Ministers are dearly thinking on this issue. I am not at all happy at the results of whatever developments we have made, or that we should rest on our oars having achieved those wonderful results.

We are still determined to do much more and this Bill which seeks to enable us to direct the development of the fishing industry in this country is the result of such thoughts.

There are many other development schemes still at their initial stages. We are trying to see whether they are going to be worthwhile, whether they are going to pay, we are consulting Economists, Engineers, technicians and bringing in Experts of different types of things and I can give the hon. Senators the assurance that they will see us every now and then coming with new ideas and asking them to enable us to make regulations for different types of developments.

The economic and industrial development of this country will not be possible unless we have all the best brains of our country like Professor Njoku. In fact, all hon. Senators here will contribute in different ways. So we shall soon seek the experience of hon. Senators and all put together, will be able to make something worthwhile.

I hope I have touched most of the points raised by hon. Senators. It seems there is general agreement to the Bill. I would like to say that the regulation will not affect anybody doing fishing as a hobby. Reference is made most to motor fishing boats. Such boats which are engaged in fishing for trade or which do subsistent fishing will normally be within the areas near the shores. Although, there is no specific provision here, what we propose to do will affect those who fish either for food or as a hobby very little. These are the only points which I am able to note.

*Question put and agreed to.*

*Bill read a Second time, committed to a Committee of the whole House, and immediately considered in Committee.*

SEA FISHERIES (LAGOS) BILL :

CONSIDERED IN COMMITTEE

*Clauses 1-6 ordered to stand part of the Bill.*

*Clause 7—(CANCELLATION, ETC.)*

**Senator A. E. Ukattah :** I am asking the Minister to consider the advisability of deleting the phrase "without assigning any reason" and adding "with reasons assigned". If we cancel somebody's licence and give no reason for the cancellation and the man later

appeals to the Minister, it will be difficult for him to prepare his case. But if the reasons are given, he can easily argue the points made against him.

**The Minister of Economic Development :** I would urge the hon. Senator to withdraw his Amendment because as I have said, these regulations are made with the best intentions and the reason why we said that the Licensing Officer may without assigning any reasons cancel or suspend the licence for such a period as he thinks fit is really not for so long a period as to lead to some legal action. I can assure you that in order to prevent any delay to fishermen, such a thing is necessary. If we assign reasons, we will make the regulation more difficult and criminal action will be brought on the fishermen. Licensing Officers will be empowered to have the fishermen taken to the Police Stations and prosecuted. We do not want all these, hence this clause. The period is not going to be very long and it will make the person concerned realise that he has contravened a simple offence.

If the hon. Senator will withdraw his Amendment, I can assure him that if during the course of the interpretation of the regulations which are now passing through this House, any case is brought to my notice arising from this Clause or any case of the misuse of this Clause is brought to my notice, I shall definitely consider an amendment to this Clause.

**The Chairman :** Is the hon. Senator withdrawing his amendment?

**Senator Ukattah :** No. Mr Chairman. I see nothing to imply that the matter will be taken to court. Where the licence of somebody who depends on the fishing industry for his livelihood is cancelled, there is nothing here to show the number of days, or weeks, or months for which the licence will be seized or cancelled. The Minister will not be there to know that this man's licence has been seized for quite a long time. In any case, I am not trying to cast any aspersions on anybody's integrity but it does happen that these people who have been empowered to cancel licences could be unscrupulous. For this man whose licence is cancelled to go up to the Minister to argue his case in such a way as to have a decision in his favour, he must prepare his case.



[SENATOR UKATTAH]

The man cancelling the licence simply comes along and begins to read the charges there: "That you Mr A. contravened clauses 1, 2 or 7 of .....". The man will be in difficulty, but if he knows the reasons for the cancellation he can easily present his case when he goes to the Minister because the Minister's decision is final. How can I withdraw an Amendment that is so reasonable?

*Clause 7—(CANCELLATION, ETC.) ordered to stand part of the Bill.*

*Clauses 8 and 9 ordered to stand part of the Bill.*

*Clauses 10-14—*

**Senator Chief A. O. Fagbenro-Beyioku :** Clause 10, Sir. Mr Chairman, we do not want to deal with the Clauses in an irregular way. I think we must make our points on each of the Clauses. These things are very material and we have our names recorded as Members of the Senate who passed this Bill. I thought the Chairman wanted us to consider the clauses together but I could see—

**The Chairman :** When you want to speak on a clause, all you have to do is to get up when I call the number of the clause. It is no use getting up after I have called another clause.

**The Minister of Mines and Power (Hon. Maitama Sule) :** Hon. Senators can draw the attention of the Chairman but cannot challenge the ruling of the Chairman. I would appeal to hon. Senators to please draw the attention of the Chairman to any matter in time and not challenge in that manner the ruling of the Chairman.

**Senator Chief Beyioku :** I think the hon. Minister is out of Order. There was no ruling made by the Chairman.

**The Minister of Mines and Power :** May I say with respect to the Chairman that his ruling should not be challenged.

**Senator Chief Beyioku :** I am still on Clause 10 (d), Sir.

"Where there is reasonable suspicion that an offence under this Act has been committed, take the alleged offender and the fishing boat, fishing apparatus and catch to the most convenient port or police station without warrant, summons or other process".

Is this consistent with our human rights, for somebody to be arrested, his properties seized without summons, without warrant? I only want the hon. Minister to assure me that it is consistent with our declared human rights and I will be satisfied.

**The Minister of Economic Development :** Really, this is not to arrest a person. It says—"Where there is a reasonable suspicion that an offence under this Act has been committed, take the alleged offender and the fishing boat, fishing apparatus and catch to the most convenient . . . ." Take the offender—not arrest. When you get to the Police Station you can tell the Inspector: "This man has got no licence or this man has fished in an area which is not allowed. I have not the right to arrest him, but I have the right to tell him to follow me to the nearest Police Station". If he refuses the person taking him will not force him; he will go to the Police Station and report the matter. If the person being taken is law abiding then he will take advice and peacefully follow him to the Police Station. It is not really arresting.

**Senator Chief Beyioku :** I am satisfied, Mr Chairman.

*Clause 10—(ENFORCEMENT) ordered to stand part of the Bill. (Interruptions).*

**The Chairman :** Senators should be attentive when I call the clauses. It is not proper for Senators to be chatting when I am calling the clauses only to get up wanting to speak on a clause when I have already passed it.

**The Minister of Economic Development :** On a point of explanation. If I may tell hon. Senators that even in the House of Representatives, it is usual for the Speaker to take a number of clauses together by calling them one by one, and where a Member wishes to raise a point on one of the clauses he gets up and names the clause. Therefore, it is not unusual to see what the Deputy President is doing. It is quite usual. He can take 10 clauses at a time, as a matter of fact. It is usual even in the House of Commons in London.

*Clauses 11-14 ordered to stand part of the Bill.*

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

**INTER-PARLIAMENTARY UNION**

Consideration of Message from the House of Representatives desiring the concurrence of the Senate in the following Resolution—

“That this House is of the opinion that the Inter-Parliamentary Union is an institution of great usefulness in international relations and agrees that the Parliament of the Federation of Nigeria constitute itself a National Group of the Union and make application for affiliation thereto.”

**The Minister of Health** (Chief the hon. M. A. Majekodunmi): I rise to move, That the Senate do concur with the hon. the House of Representatives in the said Resolution.

Hon. Senators may not be fully informed about the origin and functions of the Inter-Parliamentary Union. The Union which had its first Conference in June 1889, came into existence largely as a result of the efforts of Sir William Randal Cremer, a British Member of Parliament. The permanent Secretariat of the Union is situated in Geneva and is under the direction of the Inter-Parliamentary Council on which each member Group is represented by two delegates.

One of the most important functions of the Inter-Parliamentary Union is the promotion of international peace and co-operation and, according to Article 1 of its Statutes, it will also study and seek solutions of all questions of an international character, suitable for settlement by parliamentary action.

Hon. Senators would agree that the aims and objects of the Inter-Parliamentary Union are very noble indeed and are in close accord with the ideals of our own Parliament. I therefore feel that hon. Senators will accept this Resolution which has been passed in the House of Representatives without any dissentient voice. I very strongly commend it to the House.

I beg to move.

**The Minister of Economic Development** (M. Waziri Ibrahim): I beg to second.

**Senator A. E. Ukattah**: This does not require any debate. But I just want to sound a note of warning. The formation of the Nigerian Group of Inter-Parliamentary Union is really very commendable. When I read through this on the Paper, I came to clause 5 (b) which says—

“The composition of the officers and of the executive committee shall be such as fairly to reflect the numerical strength of the parties in the Federal House of Representatives”.

**The Deputy President**: Order, Order. What you are reading now is not before the Senate.

**Senator Ukattah**: Mr Deputy President, I do not read anything. The point I want to make is that the Senate should not be swallowed up by the House of Representatives when we go to elect the officers for the management of our own Union. That is what I want to be borne in mind.

**Senator J. K. Nzerem**: The only thing I want to add to what the hon. Senator Ukattah has said is that the composition of the offices should reflect the bi-cameral nature of our Legislature and the Senate should be given a definite and specific quota. That is all the point I want to make.

*Question put and agreed to.*

*Resolved, nemine contradicente*: That the Senate do concur with the Honourable the House of Representatives in the said Resolution.

**ADJOURNMENT**

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

*Question put and agreed to.*

*Adjourned at 4.40 p.m.*

SENATE OF THE FEDERATION  
OF NIGERIA

Tuesday, 29th August, 1961

The Senate met at 10 a.m.

**The Clerk of the Parliaments :** I have to inform the Senate that in view of the unavoidable absence of the President of the Senate, the Acting Governor-General, the Deputy President will take the Chair, pursuant to the Standing Orders.

PRAYERS

(The Deputy President in the Chair)

PAPERS

The following Papers which have been published as Supplement to the *Official Gazette*, copies of which have already been distributed to Members of the Senate, are deemed to have been laid on the Table:—

(1) The Produce Inspection Regulations, 1961 (Legal Notice No. 63 of 1961) (By Act); to lie upon the Table;

(2) The Produce Inspection (Amendment) Regulations, 1961 (Legal Notice No. 87 of 1961) (By Act); to lie upon the Table;

(3) The Factories (Notification of Dangerous Occurrences) Regulations, 1961 (Legal Notice No. 105 of 1961) (By Act); to lie upon the Table.

REPORT FROM SPECIAL COMMITTEES

**The Deputy President :** I have to announce that the Committee of Selection have reported that they have added Senator Ejaife to the Standing Orders Committee in place of Senator Somolu.

They further report that they have added Senator Asemota to the Public Petitions Committee in place of Senator Somolu.

PRESENTATION OF PUBLIC BILLS

FATAL ACCIDENTS BILL

(Amended and brought from the House of Representatives)

Bill to provide for compensation for the families of persons killed in accidents, presented by the Attorney-General and Minister of Justice; read the First time; to be read a Second time—This day.

CIVIL LIABILITY (MISCELLANEOUS PROVISIONS)  
BILL

(Amended and brought from the House of Representatives)

Bill to make further provision for the survival of causes of action in special cases, to amend the law as to tortfeasors and to contributory negligence, and for other purposes connected therewith, presented by the Attorney-General and Minister of Justice; read the First time; to be read a Second time—This day.

FLAGS AND COAT OF ARMS (AMENDMENT) BILL,  
1961

Bill to amend the Flags and Coat of Arms Ordinance, 1960 (No. 48 of 1960), presented by the Minister of Health; read the First time; to be read a Second time—This day.

NIGERIAN BROADCASTING CORPORATION  
(AMENDMENT) BILL

(Brought from the House of Representatives)  
Bill to amend the Nigerian Broadcasting Corporation Ordinance, Cap. 133, presented by the Minister of State (Hon. Dr E. A. Esin); read the First time; to be read a Second time—This day.

MINERALS (AMENDMENT) BILL, 1961

(Brought from the House of Representatives)

Bill to amend the Minerals Ordinance, presented by the Minister of Health; read the First time; to be read a Second time—This day.

ORDER OF THE DAY

FATAL ACCIDENTS BILL (AMENDED)

*Order for Second Reading read.*

**The Attorney-General and Minister of Justice** (Hon. T. O. Elias): I beg to move, That the Bill be now read a Second time.

As lawyers among hon. Senators will be aware, it is a theory of our law that the principles of the English Common Law, the Rules of Equity and Statutes of general application in England as at the 1st of January, 1900, apply generally in Nigeria. But the Courts have held from time to time that certain of the statutes have such peculiar features as not to make them entirely applicable to our circumstances.

The Fatal Accidents Act of 1846 many have regarded as applying to Nigeria. Only some three or four years ago, an issue arose in the Northern Region and the High Court there held that this Act was of no application to

Nigeria. In consequence of that, a Bill was introduced in the Northern Legislature and enacted into law as the Fatal Accidents Law of 1956.

The other Regions have since tried to apply the English Act of 1846 with certain modification. We now feel that for the Federal Territory, a purely indigenous product that is at once much fuller than the existing ones and at the same time more self-contained should be introduced and that is what we have tried to do in this Bill. It seeks to provide for cases where someone has been injured as a result of the wrongful act of another and it is considered essential that his dependants should be compensated.

Hon. Senators must know that what this Bill is trying to do is not to make death a subject of civil litigation in the Court but to provide that in cases of accidental death the dependants are not left unprovided for.

The provisions of the Bill will be readily intelligible to lawyers and I presume, with less certainty, to others because we have tried to make the provisions as easy and simple as possible. We have put, for example, a provision to take account of the fact that in our country our concept of the family is different from that of the English law and we have, therefore included provisions in cases of people whose lives are still governed by customary laws as well as those whose lives are governed by Moslem laws. It has been provided here that if a person dies and it is found that within six months of his death someone else had inflicted a severe injury on him, provided that the executors and administrators take out their proceedings within six months of their appointment by the Court, action should lie against the wrong doer.

We also have enlarged the period during which actions can be brought under this Bill to three years in case it has not been possible for earlier action to be taken in the Court. We also feel that if the individual had not been killed and had merely been injured in his life time all those claims that the other fellows have against him should be preserved so that whatever damages are being paid to his dependants would also take account of whatever fault or contributory negligence which he himself may have been guilty of and this will be used to offset the amount of damages payable to his dependant.

I do not want to involve hon. Senators in the legal technicalities of the provisions but I think the outline I have given will make it clear even to non-lawyers that this Bill fills a definite gap in our present law which does not really provide for all the things I have mentioned this morning.

I beg to move.

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

**Senator Chief A. O. Fagbenro-Beyioku** : This is a welcome Bill and I am glad that the Attorney-General has brought it to us. I feel perhaps that he thought that he was addressing the Honourable Inns of Court when he said that only lawyers could understand the general principles.

Lawyers, however, are not the people who make the law. Lawyers only go to court to argue the law, and the people who make the law are the laymen, the Members of Parliament. In this particular case, however, I can assure him that hon. Senators understand every word and we also understand the spirit of the Bill.

There is one point on which I want some explanation. We are now trying to safeguard our own customs as to provide for those of us who might be covered under the customary law at present obtaining in Nigeria and I am sure that by and large even those who are married whether under English or Moslem law shall be benefited. In short, in course of time, every Nigerian will be affected.

I have observed however that the definition of a child in this case does not allow for natural children.

According to section 2, "child" means a son or daughter and includes a grandson or granddaughter, and stepson or stepdaughter, of a deceased person. Subsection (2) says that for the purposes of this Act, a person shall be deemed to be the parent or child of the deceased person notwithstanding that he was only related to him illegitimately. . . . Well, I wonder if the Attorney-General feels that the way the Bill was worded is right, but I should have thought that that particular section could have been more specific because he said "related to him illegitimately". We have Chief Doherty and others here who might like to think on that. I should feel that we should have been specific as to the children being natural children. We have several cases hanging in court.

[SENATOR BEYIOKU]

The other point which I wish to make is the one relating to the system of instituting the action. I would be glad if the Attorney-General could help me. Section 3 (2) (a) "If the deceased person was not subject to a system of customary law, be brought by and in the name of the executor or administrator of the deceased person". That is quite clear. "If the deceased person was immediately before his death subject to a system of customary law relating to estate, be brought at the option of his immediate family, by and in the name of such . . . or his estate." As far as this is concerned, the right was reserved for the family of the deceased but now, despite the fact that the family of the deceased might decide what this is—

**The Deputy President :** Always address your comments to me and not to the Attorney-General.

**Senator Fagbenro-Beyioku :** Thank you. Despite the fact that the family of the deceased might feel satisfied that Mr A should institute the action, it is still subject to the approval of the Court. If the family feels that Mr A as the head of the family or the eldest surviving child or the wife should institute the action, they must in the first instance go to Court, get the permission of the Court for him to institute the action. In my own opinion, that may contribute some sort of hardship to the family and it may involve them in unnecessary expenses. When they go to Court in the first instance, they are not going on the first claim and the first thing is to get a lawyer, pay him, pay the summons fee, all to be able to establish that Mr A is to institute the action. I should have thought that provision should be made that unless where there was a disagreement among the family, then the court could decide but where there is no disagreement we should not involve them in any expenses. The Bill is a welcome one and I am sure that the people who will be affected by it (we agree it affects every citizen) are people who are under our native system of marriage. If there is any form of clarification, the Bill must be specifically clarified as to make provisions very simple for those people, because they will be more likely affected than any other class.

**Senator Chief A. E. Ukattah :** I would like to say a few words on this lofty Bill. The fact that the Attorney-General has presented

a Bill of this nature indicates that he is alive to the fact that many laws made in England which are applicable to the English people are being adopted in Nigeria. I must say that they present a great difficulty. When one is aggrieved and goes to court to seek redress, one finds that justice is not done because conditions in Nigeria differ and the application of justice is a difficult thing.

When we come to interpret a law which is applicable to the English people in Nigeria, we find that we are told, "Sorry". The case may be a straightforward one but because the environment differs the man who goes to seek redress gets none.

I have to add that this is not the only case where difficulties are experienced in applying English laws in Nigeria. I would be very grateful if the Attorney-General will go further to make a general amendment of all these laws that do not apply to Nigeria in such a way as to give justice to one who goes to the Court for it.

The second clause, subsection (2) is a most useful one because it eliminates the difficulties which arise from legitimate and illegitimate sons and daughters. When somebody goes to the Court to claim that he is the brother or sister of one who had an accident, the man may be told off according to the interpretation that he is not the right claimant. The conditions in England do not agree with the conditions in Nigeria. This provision is a generous one because it eliminates all the difficulties experienced when legitimate or illegitimate relations' claims are examined. It is in keeping with the African tradition.

**Senator Alhaji Abubakar Garba :** The Bill is a welcome one and it is straightforward. I know one thing, and that is that we cannot avoid accidents. I would like to make my speech in the form of a question. What safety measures are recently being taken by the Federal Government or proposed to be taken in order to avoid accidents?

**Senator Chief P. I. Acholonu :** The Bill is a welcome one and I have to thank the Minister of Justice for bringing it.

It is very good for the Federal Government to provide compensation for the family of a deceased person but this is not the most important observation I am going to make.

The most important observation is that the Federal Government should look for ways and means to prevent accidents. The death role in this country due to motor accidents is too much and, I believe the reason for this is that adequate provision or absolute power is not conferred upon the Police to check reckless and negligent drivers.

When motor accidents occur many people are killed and the case is brought to court. The Police will lead evidence, even with sketch maps to show that the driver was negligent but the driver would get the services of a lawyer and the driver's lawyer will begin to dribble the Police. The lawyer when he gets to court asks series of questions and makes a mockery of the whole case. He then goes on to prove that negligence has not been proved against his client. Even when witnesses corroborate the evidence of the Police the court will still not defend the Police but, will allow the lawyer to make a mockery of the case. The prosecuting officer becomes worried and is no longer able to put the facts across very well.

We understand that in England policemen are issued with instruments which can tell the speed at which a vehicle is moving along a road; but here the Police can only base their evidence on the drawing of the accident or a mechanical fault. We as laymen can only give our views or make our observations. We would like the Attorney-General and Minister of Justice to see that adequate provision is made in our law to protect the cyclists, pedestrians and every effort should be made to check reckless driving.

With these few remarks, I support the Bill.

**Senator Chief Mrs Wuraola Esan :** I only have few observations to make on this Bill. The Bill is a noble one but it tends to benefit only the male sex. Although outside this House there will be some women who will welcome this Bill, reading through the clauses it seems we are trying to legalise polygamy. We want to make men accumulate as many women as they like because when there is an accident all the widows of the man will come forward and submit their claims. As far as I can see everybody who can claim to be the wife or the child of the deceased person can come forward and claim without taking into

consideration that there has been only one woman who has been labouring all her life to make the life of the man worthwhile or for the man to accumulate wealth or insure his life. This poor woman would be left with only a portion of what he has been working for and she may not even know who are, according to this Bill, qualified to claim from her husband's estate. I would like to assure the Attorney-General and Minister of Justice that the poor woman who has been labouring all her life will not welcome this Bill. The Bill is a noble one but nothing has been done to protect women like me who have been labouring all their lives in order to build up their men.

Although the Bill would be welcome by men it is not welcome by all the women.

**Senator J. K. Nzerem :** I thank you for giving me the opportunity to speak on this Bill. I am not very happy about illegitimate children being provided for. Perhaps, I think it a misconception according to our African ideas that children of polygamous marriage should be called—illegitimate; they do not agree to our African custom. To provide for illegitimate children is therefore 'Unaffrican'. What we should say is children—if they are proved to be children, let them come under the compensation Act. But to talk of them as 'illegitimate children' will bring in all sorts of people. Everybody who is a child in my extended family, I call him my child. Suppose I die all of them will come, all from the village will come and say—"We are legitimate, we are making a claim". I do not think this is right. I think we should stop at "children" and leave out the word "illegitimate" because that is certainly going to bring a lot of confusion in the law courts.

The next point I would like to speak on is the difficulty in getting letters of Administration in this country. I happen to have known a case of civil servant who died and for six years there were wranglings about obtaining his Letters of Administration. What is going to happen in a case like that? These wranglings continue for over three years and nobody has obtained the Letters of Administration to execute the properties of this man. What would happen in that case? Perhaps the Attorney-General and Minister of Justice will clarify that point.

[SENATOR NZEREM]

It is a pity that this law should be of application to the Federal territory only. I would have thought that a law like this should be of general application throughout the Federation.

I beg to support.

**Senator Chief S. O. Esangbedo :** I have gathered much from the previous speakers and the Minister of Justice as to why this Bill should be supported. I see nothing bad in supporting it because it has been introduced for the benefit of everybody.

With these few remarks, I support the Bill.

**Senator L. T. Olamijulo :** I think we should be very thankful to the Government for bringing such a Bill that covers such a wide range of our customs. Very many of our men who marry legally also accumulate other wives here and there, and this Bill provides for all of them. We should, therefore, be very grateful to the Government.

It is the height of hypocrisy for any woman to say that she relies and deals wholeheartedly throughout her life only with her husband.

**Senator Chief Beyioku :** That should be withdrawn.

**The Deputy President :** Order, order. We are not here to accuse the women.

**Senator Olamijulo :** I am sorry. The fact that this Bill covers a wide range of our lives commends it to almost all of us.

I think it is right that we should think seriously about the way and manner in which lawyers plead in defence of unscrupulous claimants to the detriment of the rightful beneficiaries. Although they are paid to defend those who have paid them, at the same time I feel that judges should see to it that the rightful beneficiaries are not deprived of their rights.

With these few remarks, I support the Bill.

**The Attorney-General and Minister of Justice :** There are a few points to which I think I must reply by way of explanation.

The first was the point made by Senator Chief Beyioku about the question of choosing those who should be able to bring this action if the case were one governed by Customary Laws. I think his doubts would be dispelled once he knows that it is a regular system now under our Administrator-General's Ordinance

for the people who are entitled to bring action under the Customary Law—usually the elder brother or the junior brother of the deceased—and a number of other alternatives to be recognised in societies that are not of the chiefly type. And once this is settled to the satisfaction of the Court, the Court will always approve their choice.

The Court has never set itself up to appoint anyone else. What the Court does is to prevent unscrupulous people, some distant cousins wanting to interfere in the deceased's estate to the detriment of the children. That is why this provision is put in. It is not that the Court should choose for the family.

The second point I would like to clarify is the one made by Senator Mrs Esan. If the Senator would look at section 2 again, she would see that in fact people accused me yesterday in the Lower House of limiting the area of the people who would benefit. She would discover that the first person put down there is the widow. And, of course, in the case of the woman being the victim of the accident, then the widower—the husband. So that the right of the woman has been recognised in this field.

The portion to which she objected about the illegitimate child is not a sound one because the Courts have established by long lines of cases what we call recognition or acknowledgement of fraternity—where, although a man had not gone through the forms of marriage with the mother of the child, the death of the father should not be too great a disadvantage for the child because it was not the child's fault that it had been brought to the world irregularly.

In circumstances such as this, it would be necessary for the child to be allowed to claim in the estate of the man so much as would be appropriate to maintain the child in life. If the father, during his lifetime, had acknowledged that he was the father of this child—had, for instance, been sending him to school and looking after him generally—although the man had not taken the woman to court, it is only reasonable that a child like that—that had been acknowledged by the father to be his—should not be deprived from benefiting under this Bill.

The provisions of this Bill here should not be confused with the problems again raised in the Lower House last night about the Rules of Inheritance. This Bill is not set out to do that. The Rules of Inheritance, whether under the Marriage Ordinance or under the Customary Laws, are governed by other laws. If a man marries under the Ordinance, according to what we call "The rule in Cole and Co." in a case of 1898—once a man marries a woman under the Ordinance—the children of other women that he would acquire would not be entitled to claim under the estate. Therefore we have to observe the sanctity of marriage as recognised under the English Law for those who still want to go that way. What the Law forbids is mixing up the two.

But those who have combined the two, if taken to court, there would be very few of us left. Therefore, what we have tried to do in this Bill is to recognise the realities—the realities of our society. We are Africans and there is no use closing our eyes to this fact, and we have tried to be fair to everyone concerned, we hope.

*Question put and agreed to.*

*Bill read a Second time and immediately considered in Committee.*

FATAL ACCIDENTS BILL : CONSIDERED IN  
COMMITTEE

*Clause 1—(SHORT TITLE, ETC.)—ordered to stand part of the Bill.*

*Clause 2—(INTERPRETATION)*

**Senator Muhammadu Sani Dingyadi :** I was unfortunate not to catch the eyes of the Deputy President during the Second Reading of the Bill. I shall now take this opportunity to make one short observation about this Clause 2. Firstly, I have to congratulate the Government for its foresight in the clarification of this Clause. I well remember, however, that in the Northern Region when this Bill was introduced, it met with great opposition because of the question of apportionment of the compensation to be paid. The Federal Government has, of course, in this case made a very good plan but only one thing is left uncovered. The law makes provision affecting a deceased person who took to customary law

and a deceased who took to English law but it remains silent and makes no provision for those who took to both systems. By that I am really referring to the case of legitimacy. For example, a man governed by customary law comes into contact with a woman who is not subject to such a law. They both have an offspring. Soon after, the man dies. What method shall we adopt in determining the child's case in order to assist him.

I just want to point out that particular instance; I know that nothing can be done at the moment, the Bill having passed through its Second Reading. But I think this point will be well remembered in case the Government wishes to give further consideration to it at a later stage.

*Clause 2—(INTERPRETATION)—ordered to stand part of the Bill.*

*Clauses 3 to 9—ordered to stand part of the Bill.*

*Bill reported without Amendment; read the Third time and passed.*

CIVIL LIABILITY (MISCELLANEOUS PROVISIONS)  
BILL (AMENDED)

*Order for Second Reading read.*

**The Attorney-General and Minister of Justice** (Dr the hon. O. Elias): I beg to move, That the Bill be now read a Second time.

In some way, this Bill which is in three parts, is complementary to the Fatal Accidents Bill which we have just considered. Whereas that Bill deals with the case of someone who might have been killed as a result of an accident and the right of his dependants to compensation, the first part of this Bill deals with the opposite case where an individual has inflicted a civil wrong upon another just before his death. We feel that his death should not be an unnecessary advantage towards his estate and that if he has inflicted injuries upon others during his lifetime for which if he had been alive, he would have been liable, it is only reasonable that opportunity should be provided for those who have been wronged to go against his estate and make their claim subject, of course, to whatever claims or rights he himself would have had against those claiming in his estate.



[MINISTER OF JUSTICE]

So the first part is not particularly difficult except, of course, to the extent to which the nature of the proceedings that could be brought has been limited. This is necessary because there are certain types of proceedings for which the deceased could not really be held responsible without detriment to the right of the living.

That is why, in Clause 3 (3), we have excluded some of the circle of actions that could be brought—those that affect, for instance, suits for defamation. There are usually many damages and quite often they are very inflated and it might be difficult for deceased's estate, however much the lawyer tried for the estate, to offer an adequate defence.

The same goes for actions on seduction—that is where one induces one's spouse to leave or remain apart from the other—or to claim for damages on the ground of adultery. These we have excluded from the circle of cases that could be brought against a deceased's estate.

We have also thought it fit to limit the period during which these actions could be brought. The deceased must have committed the wrong against the litigant in his lifetime and within six months of his death. Otherwise, it might be that the injury complained of by the other side could not have been due to the act of the deceased.

The second part of the Bill relates to what we call Joint Tortfeasors—that is where two or more individuals together committed a civil wrong against another person. The provision is that the person injured should be able to sue any one or more of those who have done injury to him until he has got full satisfaction in a court of law. If he goes against the wrongdoer and obtains a measure of damages which of course was not considered to be adequate by the court, he could proceed against the second, third, or as many of them as there are until he gets his full amount of damages; but he is not allowed to sue for the same cause twice over or get more damages than he would have obtained against a single wrongdoer who has inflicted the same amount of damage upon him.

We have also provided that where the wronged individual proceeds in this way against one or more of these wrongdoers, the wrongdoers themselves should be able to sue one another for contribution or indemnity. That is, one wrongdoer who has been made to pay the full amount of the damages or more than those proportions of it should be able to go against the second and the other wrongdoers to recoup himself. Where he has been entirely innocent, he would be able to get complete indemnity from the others.

The third part of the Bill relates to what we call "Contributory Negligence". We have inserted the English Common Law because the law on the subject has been changed in 1945 in England by the Contributory Negligence Act of that year. The rule which we have inserted goes before the rule which was in England in January 1900, and it provides that where two persons are involved in a common accident and one person was entirely to blame or was half or three-quarters to blame, as the case may be, the one who succeeds would be the one who has the last opportunity to avoid the accident that caused the injury. It might be the innocent party who was careless; in that case, he would go without any remedy at all.

We feel that the time has come for us to follow in some way the provision of the English Act of 1945 and make it possible in such a case for those who are involved in this way—who have contributed to a common negligence that has injured them—to sue with a degree of responsibility for the injury that has happened to them. The provisions of this part of the Bill are designed towards ensuring that damages are assessed by the Court according to its findings on the cases of degree of responsibility of the two or more individual involved.

Hon. Senators will see that this Bill has attempted to make provisions in a part of our Law which needs to be brought up to date and which, at the moment, has been working serious disadvantage to some litigants.

I beg to move.

**The Minister of Internal Affairs** (Alhaji the hon. Usman Sarki): I beg to second.

**Senator Muhammadu Sani Dingyadi :** In supporting this Bill, I will make one observation which I hope will be accepted by the Government. If I am allowed to quote, in Clause 2 (2) :

“Where reference is made to this Act to “immediate family”, it shall have the same meaning as it has for the purposes of the Fatal Accidents Act, 1961 “but modified to the extent that references therein to a system of customary law shall, as the case may require, include references to Moslem Law.”

The purpose of this Bill is to give advantage to those who have a right to the estate of a deceased person. While the man is living, it is the system to apportion that right and I see no reason why, in this Act, the system is varied from what is given in the Fatal Accidents Act as far as it affects the Moslem Law. I will suggest that this sub-clause should read :

“Where reference is made in this Act to “immediate family”, it shall have the same meaning as it has for the purposes of the Fatal Accidents Act, 1961”.

If I am allowed, during the Committee Stage, I will move this amendment to delete all the words after “1961” so that it will comply with the provisions made in the Fatal Accidents Act, 1961.

**The Deputy President :** Are you giving that as a notice of amendment in the Committee Stage ?

**Senator Dingyadi :** Yes.

**The Deputy President :** It should be in writing.

**Senator Chief O. A. Fagbenro-Beyioku :** This is a welcome Bill, but there is one observation I want to make.

When the hon. Minister of Justice was introducing the Bill, he gave us the impression that the general background behind it is the English tradition. We all know that most of our laws still have as their background the English tradition. Most of our Laws still have as their background the English tradition but we in this House are anxiously looking forward to the day when the Attorney-General and Minister of Justice in introducing Bills will

be able to assure us that the background has our own tradition and no more the English tradition and that the Bill which is being introduced to the House has direct relevance to our own customary usages and tradition. That is the observation I want to make.

We are now an independent nation and we would not like anybody to come to this House and remind us of our colonial days by telling us : “Please remember you borrowed this from the English tradition and we are keeping it”. I think that must be abandoned and, I think the Prime Minister will do well to advise the Ministers that they can say that in the Lower House but in the Upper House we want to be assured that every Bill has Nigerian background.

*Question put and agreed to.*

*Bill read a Second time and immediately considered in Committee.*

#### CIVIL LIABILITY

#### (MISCELLANEOUS PROVISIONS) BILL :

#### CONSIDERED IN COMMITTEE

*Clause 1—(SHORT TITLE, ETC.) ordered to stand part of the Bill.*

#### *Clause 2—(INTERPRETATION)*

**The Chairman :** I am afraid, Senator Sani Dingyadi, your Amendment to clause 2 is not clear, therefore, it cannot be accepted.

**Senator M. Muhammadu Sani Dingyadi :** I have to accept the ruling of the Chair but I do not quite understand why my Amendment is not clear.

If I may refer you to the Fatal Accidents Bill—Clause 2 (1) (b) “in relation to a deceased person who was subject to a system of customary law not being Moslem Law, means in addition to any of the persons specified in paragraph (a) of this definition, surviving brothers and sisters of a deceased person, which expression includes step brothers and step sisters;” and then it goes on, clause 2 (1) (c)—“in relation to a deceased person who was subject to the system of customary law known as Moslem Law, means the person entitled to share in the award of *diya* prescribed by Moslem Law for involuntary homicide;”

This section is not quite clear. We want to know the difference between customary law

[SENATOR DINGYADI]

which is Moslem law and customary law which is not Moslem law. According to Moslem Law, the apportionment of *diya* should conform with the apportionment of any estate of a deceased person. We have no other system of apportionment. If a man is given compensation after the death of his brother there is a special way that we should do it according to Moslem law and if any of his relatives is entitled to compensation we follow the same system. Therefore, I am seeking an Amendment that, where reference is made in this Act to the "immediate family", it shall have the same meaning as for the Fatal Accidents Act, 1961.

**The Attorney-General and Minister of Justice :** The Amendment the hon. Senator has proposed will alter the whole conception of the Bill altogether because the very portion that he wants to throw out is the only portion that will allow this Bill to apply to Moslems as well as non-Moslems. We are not in this Bill, if the hon. Senator will read it again carefully, introducing it to modify the reference to Moslem law. What we say is that wherever the term Moslem law appears in certain provisions of the Fatal Accidents Act the term customary law may be interpreted as also including Moslem law. It has nothing to do with the operation you were talking about—people who are entitled or people in succession.

**Senator Sani Dingyadi :** If that is the case I withdraw my Amendment.

*Clause 2—(INTERPRETATION), ordered to stand part of the Bill.*

*Clauses 317 ordered to stand part of the Bill.*

*Bill reported without Amendment ; read the Third time and passed.*

*Sitting suspended : 11.25 a.m.*

*Sitting resumed : 11.55 a.m.*

FLAGS AND COAT OF ARMS  
(AMENDMENT) BILL

*Order for Second Reading read.*

**The Minister of Internal Affairs** (Alhaji the hon. Usman Sarki) : I rise to move the Second Reading of this Bill.

This Bill is simple and straightforward and the sole aim of it is to give the National Flag of the Federation of Nigeria superiority over the Regional Flags which are in use.

Hon. Senators will agree with me that such a Bill is necessary, reasonable and free from controversy. Therefore, it commends itself to the House.

I beg to move.

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

**Senator A. E. Ukattah :** I want to know from the Minister about the allegation that the Nigerian National Flag is not allowed to be flown on the premises allotted to the Nigerian Government in the United Kingdom. If that allegation is true, we resent it. We want a categorical statement—either a confirmation or denial of it. If we allow the United Kingdom's representative here to fly the Union Jack, it is a slap in the face of the sovereignty of our own nation if we are not allowed to fly our own flag on the premises of the Nigerian Government in the U.K. If there is an understanding that precludes our National Flag from being flown in the United Kingdom, the same understanding should also make it impossible for the United Kingdom to fly the Union Jack in Nigeria. We want a statement.

**Senator L. T. Olamijulo :** There is need for clarification in this respect. Is this Bill seeking for authority over all the Regional Flags? Let us take the Eastern Region as an instance. Does it mean that an Easterner should not put up his own flag where the flag of the Federation is being put up? I think it is necessary that the position be clarified.

**Senator Chief Hunponu-Wusu :** This Bill is a simple one and I see no reason why we should argue over it. The Bill has clarified itself. It is our National Flag that this Bill is asking for permission to be legalised.

According to Senator Ukattah, if we allow all other Ambassadors in their offices to have their national flags flown, why can ours not be allowed to be flown? If we allow the Union Jack to be flown here, why can't they allow us now to fly ours in their own country?

I consider it an insult on our nation that our National Flag should not be allowed to be flown. It is not only in the United Kingdom that we want our National Flag to be flown; it should be flown everywhere we have an Ambassador.

**Senator Chief A. O. Fagbenro-Beyioku :**

I only want to make one observation on this Bill. Since we became independent, the national flag of this country has not been given the significance it deserves. I have travelled to parts of Europe and America and, I think one of the purposes which the national flag is out to fulfil apart from being the emblem of the country is to infuse the spirit of loyalty, allegiance and nationalism into the minds of the people. The one way they start about it in other parts of the world is that, in the hall of every school you will see the national flag of the country displayed so that straight from their infancy the children get to love the national flag, they get to know the national flag and they will always think of their country. Going to the school first of all in the morning and seeing the national flag means seeing Nigeria. That is how all these people in Europe and America develop the spirit of nationalism.

We have our national flag but to my surprise even in the Boys Scout Movement (I was a Scoutmaster myself) boys who take the Tenderfoot test in Nigeria still learn about the national flag of the United Kingdom. We should have taken immediate steps to remove the Union Jack and put the national flag of Nigeria in its place. These are the things we have to do.

Even in our Senate here the National Flag is missing. I was privileged to visit the Senate in the United States and behind the President you will find the national flag of the country. So that a Senator addressing the President can see his country face to face and he is conscious of his allegiance and loyalty to his country. I feel that the Government should take note of these things and see that our national flag is placed in positions where it would serve the purpose which we want it to serve.

**Senator H. N. Udoh :** I had decided not to say a word but the speech of the last speaker has infused the spirit in me. With reference to our national flag my own observation as

an ex-school master is that, our national flag is not better than an handkerchief. In those days when the foreign national anthem is played every pupil is compelled to stand at attention because that was what we taught the children. Even after the attainment of our independence, a great proportion of the masses of this country cannot say what our national flag means. We should begin now, according to the last speaker, to inculcate in our children that the national anthem is the figure of Nigeria. Many of the children cannot recite or even sing the three verses of our national anthem, while in the former days no school child in standard one will be excused for not knowing the words of the British national anthem. I am also suggesting that our national flag and coat of arms should replace all the emblems on our uniforms as a nation

I support the Bill.

**The Minister of Internal Affairs :** I think I should come into this because the House is being misled. The purpose of this Bill as I said is to give our national flag priority over the Regional flags and the flags of other foreign countries.

I think I should now try to answer some of the points raised by hon. Senators. The first is that we should try to inculcate in the minds of the children of this country the importance or significance of the national flag. This is the job of every Nigerian, it does not matter where he belongs provided he is a citizen of Nigeria. The Government has done its duty, that is to design and present the flag to the people of Nigeria. It is another thing for the people of Nigeria to accept this flag as their own flag and give the flag the importance it requires and, I think we cannot force people to put the flag in their houses.

**Senator Beyioku :** Public houses.

**The Minister of Internal Affairs :** The public houses are not owned by the Government. You can even put the national flag in your own house. The best thing would be for you to put the national flag in front of your own house.

Another point was raised about the flying of our national flag in the United Kingdom. When I heard that our national flag is not flown over the Nigerian Office in London, I

[MINISTER OF INTERNAL AFFAIRS]

was shocked myself and I felt uneasy on my seat. With the permission of Mr Deputy President, I will read what I received from my Colleague the Minister of Foreign Affairs. It really beats my imagination but perhaps what I am going to tell the Senate now will clarify the situation. I read:—"The national flag flies at No. 9 Northumberland Avenue, that is the Nigeria House but because of a certain agreement entered into between the Nigerian Government and the owner of the house where the High Commissioner for Nigeria lives, the flag of Nigeria or any other flag for that matter cannot be permitted to fly over that part of London". It does not apply to Nigeria alone. In that part of London no flag of any country should be flown it does not matter whether Nigeria or Germany, Russia or America. (*Interruptions*).

**An hon. Senator :** It is our property.

**The Minister of Internal Affairs :** If the hon. Senator will allow me to finish. The house was sold to us on the condition that no flag of any country would be flown on this building. If you ask me why? I do not know because I am not a Londoner and, I do not think I will bother very much to ask provided the Federal Government felt they should buy the house. I do not think I will go further than that. But, what is more, in Nigeria House where we have our Embassy and all the officials representing Nigeria the national flag is being flown now over that building.

The agreement is that, on the residence of the High Commissioner, a flag should not be flown.

*Question put and agreed to.*

*Bill read a Second time and immediately considered in Committee.*

(FLAGS AND COAT OF ARMS (AMENDMENT)  
BILL : CONSIDERED IN COMMITTEE)

*Clause 1—(SHORT TITLE AND APPLICATION), ordered to stand part of the Bill.*

*Clause 2—(AMENDMENT OF SECTION 3).*

**The Chairman :** I think we shall have to go according to the Standing Order. If Senator Beyioku has any observations to make later on, I think he can make them to the proper Ministry but here, we are concerned not with the flying of the flag in London but with the amendment of the Bill.

**Senator Chief O. A. Fagbenro-Beyioku :** I should have liked this Clause 2 to be further amended or a new sub-clause introduced because what this Bill seeks is to give priority and importance to our flag so as to allow for the National Flag of Nigeria to be flown anywhere in the official residence of our representative in any part of the world. We would like that to be included to become part of our law. I would like the Minister to agree.....

**The Chairman :** Order Order. Well, you have not submitted any Paper for amendment at committee stage so this cannot be laid. As I have said I am in sympathy with you, but this is not the proper time to make your representations. If you have any representations to make, put it in writing if you like send a delegation to the Prime Minister or the Minister in charge of Foreign Affairs. In London, they have their own tradition as we have our own tradition here. If we decide something should not be done in Isale-Eko area which is against our custom, I think it should not be done no matter under what circumstances.

**Senator Fagbenro-Beyioku :** We want to debate this matter and pass our resolution on it to the Prime Minister so as to give expression to our feelings on this matter. We wonder, because to-day is Private Members Motion ; we cannot leave Rome burning whilst we fiddle. After all, the President has the prerogative.

**The Chairman :** I am afraid I cannot go beyond the Standing Order.

**Senator Fagbenro-Beyioku :** Yes Sir, even the Standing Order Sir. We could make Orders, we do not make Motions to deviate from the Standing Order—

**The Chairman :** In the meantime, we shall carry on with this.

**Senator A. E. Ukattah :** Could we be allowed, Sir, on the Motion for Adjournment to speak on it, pass a resolution on it and forward it to the Prime Minister. We feel very strongly about it. Why should we buy a house and not be allowed to control our property ; it is an insult to the sovereignty of Nigeria.

**The Chairman :** I shall see about that later ; in the meantime, we could deal with this Amendment.

Clause 2—(AMENDMENT OF SECTION 3),  
ordered to stand part of the Bill.

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

NIGERIAN BROADCASTING CORPORATION  
(AMENDMENT) BILL

Order for Second Reading read.

**The Minister of State** (Dr the hon. E. A. Esin) : I rise to move that the Bill to amend the Nigerian Broadcasting Corporation Ordinance, as amended, be now read the Second time. This Bill seeks to amend the Nigerian Broadcasting Ordinance to enable the Minister responsible for Broadcasting to give general and specific directions to the Corporation on matters of policy or matters appearing to the Minister to be of public interest and also to enable him, after consultation with the appropriate Regional Government in the case of Regional Boards, to make recommendations to the Governor-General in Council as to the appointment of all members of the Corporation.

In addition, there are a number of consequential amendments arising from Nigeria's assumption of independent status, and the decision of the Southern Cameroons to secede from the Federation of Nigeria.

Section 5 of the present Ordinance lays down that the membership of the Corporation shall be :—

- (i) The Chairman, appointed by the Governor-General in Council ;
- (ii) The Chairman of the Regional Boards ; and
- (iii) Twelve other members, appointed by the Governor-General in Council, of whom three are appointed by the respective Governors in Council of the Regional Governments.

Furthermore, the Regional Boards consist of a Chairman and from six to eight members. This means that, excluding the ex-officio appointments provided for, there is a combined total of thirty non-official appointments to the Central and Regional Boards. Of these, only six are appointed by the Governor-General-in-Council while no less than twenty-four are appointed by the Governors of the Regions. This was done to ensure that the

nation-wide responsibilities of the Corporation were emphasised and that the views of the Regions were adequately reflected.

Both the Eastern and Western Regions have now established their own sound and television broadcasting systems and the Northern Region has announced that its own will start in March next year. Each of the Regional organisations has been set up with overseas commercial interests to carry out commercial broadcasting, and now that the Nigerian Broadcasting Corporation is operating a commercial service, the Regional Broadcasting organisations are in direct competition with the Central one.

As the Ordinance presently stands, we have the anomalous situation where the Regional Governments are empowered to appoint four-fifths of the total membership of the Central and Regional Boards, despite the fact that the Regional Governments' Broadcasting organisations are presently the chief competitors of the Nigerian Broadcasting Corporation.

To remove this anomaly this Bill is now presented. The Amendments proposed provide for :

- (i) The appointment of all members of the Corporation by the Governor-General-in-Council on the recommendation of the Minister responsible for Broadcasting ;
- (ii) The members of the Regional Boards to be similarly appointed by the Governor-General-in-Council on the recommendation of the Minister, who will consult the appropriate Regional Governments before making any such recommendations.

Consultation with the Regional Governments is provided for in the hope that it may still be possible for the Federal and Regional Broadcasting systems to work together in the best interests of "One Nigeria".

I must now deal with the second important Amendment now included in this Bill. The original Ordinance was designed to create an autonomous Corporation, although the Federal Government had ultimate financial control. This present Bill is being introduced because I feel that it is in the best interests of Nigeria as a whole that I should be able to give general and specific directions on matters of policy and public interest when desirable.

I must point out, however, that although the Bill now placed before you provides the Minister with these powers, the Corporation

[MINISTER OF STATE]

retains the responsibility for the day-to-day running of its affairs, for the recruitment of its staff and all allied matters, and the Amendment does not absolve the Corporation from responsibility for what it broadcasts. The Corporation is still required to provide, as a public service, independent and impartial broadcasting services. I would like to reassure the House on this point.

The Regional Legislatures, in their respective Broadcasting Ordinances, have included Clauses giving the Regional Ministers these powers of direction. Nevertheless, I do not think these powers have seriously detracted from the calibre of the Regional news broadcasts, such as some of them are.

Furthermore, although the situation is not entirely comparable, similar provisions for ministerial direction are included in the Ports Authority Ordinance, the Railway Corporation Ordinance and the Electricity Corporation Ordinance. I am, however, convinced that these powers now sought are necessary.

The Nigerian Broadcasting Corporation has recently been likened to a wife with four husbands. In such a domestic situation it is unlikely that the wife would be able to satisfy the demands of each of these husbands. And so it is with the Corporation with four demanding Governments—the Federal Government and the three Regional Governments—all of whom expect to be given priority and preference to their own items of Regional interest.

I should like hon. Members of this House to understand the very difficult position in which the Corporation sometimes finds itself obliged to operate. For instance, news items given full coverage in the Regions, are sent to the Corporation and if they were broadcast in full would require the N.B.C. national news broadcasts to last forty minutes instead of ten. The News Room Staff must therefore select the items of news for inclusion in the news bulletins, and it is sometimes necessary to cut them down or even to omit some of them. The Regions very often feel aggrieved at this and complain that they are being discriminated against. But this is not so, as I have explained.

There have been allegations of partiality, and in recent months I have received a number of complaints from both inside and outside

this House against items in the Corporation's news bulletins. Indeed, all the Nigerian Governments and the principal political parties have voiced these complaints from time to time.

Political organisations are naturally anxious to be given the greatest possible publicity in the N.B.C.'s news output, and it is not surprising that such criticisms should be made. Often, however, they cancel each other out. An example of this tendency is to be found in the four complaints, made within a few days of each other by the N.P.C., the N.C.N.C., N.E.P.U. and the Action Group and I give the following examples :

(i) PRESS RELEASE ISSUED BY N.P.C. ON JULY 29TH.

"The Northern Peoples' Congress has expressed grave concern over the continued discrimination of the Nigerian Broadcasting Corporation against the Government of the North as well as the N.P.C. It is surprising to note that the Director-General of the N.B.C., who is strongly biased and deliberately allows the discrimination to continue, is now coming to the North to bid farewell to the people of the Northern Region."

(ii) LETTER FROM THE ACTING NATIONAL ADMINISTRATIVE SECRETARY OF THE N.C.N.C. TO THE DIRECTOR-GENERAL OF THE N.B.C. ON JULY 30TH.

"On behalf of my party, I send you this protest drawing your special attention to the unco-operative and vexatious attitude of the News Division of the N.B.C. towards us. This is not the first time we are protesting against the inexplicable discrimination of the N.B.C. against the N.C.N.C., a partner in the two-party Federal coalition Government."

(iii) PRESS RELEASE ISSUED BY THE N.E.P.U. ON JULY 31ST.

"If anybody is to complain against the N.B.C. it is the Opposition parties whose releases are being shortened or abandoned in order to give full coverage to those of the N.P.C. and the Northern Government."

(iv) PRESS RELEASE ISSUED BY THE ACTION GROUP ON AUGUST 2ND.

"In the view of the Action Group, the N.B.C. has all along been showing bias in

favour of the N.P.C. and its partner in the Federal coalition Government..... Its bias is against the Federal Opposition Party."

Since all these parties have complained, it is obvious that the news bulletins have not, in fact, been biased in favour of any one political group, and this fact, to say the least, exonerates the Corporation from the charge that it has failed to provide an impartial broadcasting service.

Wherever possible, the Corporation has done its best to rectify any mistakes made, and it is appreciated that the News Room staff work at great pressure. The setting up of the Regional organisations has resulted in some of the best N.B.C. news staff joining the Regional organisations, and this has meant that there may have been a temporary lack of experience and balanced judgment in that department.

Finally, there are several sections of the Ordinance which have become outdated as a result of Nigeria's assumption of independent status, and also from the decision of the Southern Cameroons to secede from the Federation and the opportunity is taken to amend the Ordinance accordingly.

I beg to move another Amendment which will clarify section 5 (2) and replace it by clause 2 of this Bill.

**Senator Chief E. Ugwuocha :** This Bill is non-controversial and I welcome it. I remember during the local government elections in the Region, anybody can just write anything about his political opponent, take to the Broadcasting Office and have it relayed over the network. But now that the Government has decided to take over absolute control, I am in favour of that step.

I support the Bill.

**Senator E. A. Lagunju :** In rising to speak on this Bill, I would like to make it clear that it is important that we all should realise that as a nation, there are certain sacrifices we should have to make and every effort should be made to centralise our activities in this direction. I sincerely hope that in our effort to boost up the prestige of the Nigerian Broadcasting Service, we should not

attempt one way or the other to gag the public because in the preamble to this Bill, the Minister who is in charge is empowered to give general and specific directions.

The Minister in this respect is now acting in a dual capacity as he represents both the Legislative and the Executive. He is in the cabinet in the Legislature—and the Parliament legislates—and he executes, he gets absolute control over everything. He is in a position to say what not to broadcast. That is the implication I see in this Bill. What is more, I have a feeling that we are doing all we can—thank God we have a written Constitution!—within so short a time from changing our federal position to a completely unitary system. I think this Bill is one of the steps towards that.

We all realise the importance of broadcasting. If America with her Articles of the Confederation written about 1787 still has a federal system of government—and America is regarded as one of the strongest, if not the strongest, nations of the world, then I see nothing against federalism.

If the Regional Broadcasting systems are all efficient and there are no charges against them of distorting facts, I find it difficult to understand why this move has been made.

If we look at Clause 2 subsection (b) it says that "the Chairman for the time being of each Regional Board" in other words, it refers to individual persons when it says that the Chairman of the Regional Boards shall be members of the Board temporarily. Now, as soon as possible all these Regional Chairmen will be cast aside and their places will be filled by some other people. That is another implication, and then, of course, the Minister has got control of everything.

Further Clause 6 (3) says "A Regional Board in the exercise of its functions shall take into consideration any general or specific directions in writing which the Minister after consultation with the Regional Board may give to the Regional Board;..." Again, it will be realised that the Regional Board has its own plans, yet the Minister is empowered to give specific directions which, may run counter to what the Regional Board has planned. The Regional Board must therefore be compelled to shelve its plans and carry out what the Minister has instructed. That is another implication.



[SENATOR LAGUNJU]

It seems to me that we are trying to move very fast and to see that this country moves from the present position of federalism to the position of a unitary system. This is however a matter for the Cabinet to answer and the Legislature to solve. Personally, I am of the opinion that this Bill should be adopted with caution. It is really regrettable to observe that whenever we debate Bills of this nature, some Members try to bring in politics. That is why this House has not been able to get the prestige it deserves. When we talk about something which we all know is reasonable, some people reason otherwise simply because the proposal came from a particular angle against which they are prejudiced.

Regarding the section on "Chairman for the time being" to which I referred earlier, I am at a loss to understand why nothing specific has been mentioned. On the face of what is in the Bill, the Minister may take over after two or three months. After all, he controls, and he gives not only general but specific instructions.

These are the few observations I have to make.

**Senator H. O. Abaagu :** This Bill has afforded me an opportunity to air my own views on this subject. The Minister said that he had received letters of protest from certain political parties and individuals in the country who have been disappointed by the Corporation.

I must say that I am one of those who have been disappointed. I say with all emphasis that a certain political party in the North has been a victim of the Nigerian Broadcasting Corporation, and that party is the N.P.C. The N.P.C. has entirely been disappointed by this Corporation. I am not holding any brief for the party but it is a fact. I will cite my own experience for example. In 1959, I was leading a political party; after some time I decided to transfer my allegiance to another political party, as a result of which I joined the N.P.C.

I have to call upon the Chief Whip of my party who went through all sorts of trouble to get the news out. I am not going to be hard on the N.B.C. because after all it is not wholly a Government enterprise: it is a Corporation.

But when the Government uses the money of the taxpayers to subsidise our Corporations, I see no reason why that Corporation should use the particular instrument to the detriment of the taxpayers.

Very recently, some people called on me from some part of the Tiv Division and complained about the riot damage levy. They complained that the ultimatum given them by the Northern Regional Government was too short and they led a delegation to me asking me to intervene so that the ultimatum could be extended. They also told me their grievances about certain people who led them during the riot. The N.B.C. after having got a copy of the release asked me to supply the names of the people who came to me. I certainly supplied the names but the N.B.C. did not broadcast the news till to-day. I know if I had gone to one of the Ministers or to a big man and asked him to help me, the N.B.C. would have broadcast it.

In the Northern Region, especially in the part of the country from which I come, no political party exists in the opinion of the N.B.C. I do not oppose any political party in this Chamber, but outside I do politics. Nobody can conscientiously say that he does not do politics outside the Chamber.

There have been series of complaints against the N.B.C. because releases are never broadcast; but on the other hand, there is one man who gets fed up with the N.B.C. Whatever he says will be broadcast. If he is not willing to say anything, the agent of the N.B.C. will come to him to ask him to say something.

I see no reason why we should continue to rely on the N.B.C.—an organisation which is subsidised by thousands of pounds, should work for the benefit of everybody. There should be no discrimination against any political party or individuals.

Another point concerns the Floor of this House. There is no reason why the N.B.C. should not gather the proceedings of this Chamber and broadcast them. After all, we do not play politics in this Chamber. Therefore, we may not make sensational speeches which will arouse the interest of the Press and the N.B.C., but this Chamber is being run at the expense of the taxpayer and every taxpayer is entitled to know what is happening in this Chamber. This complaint has been made

several times to the Minister who promised to do something ; but till now it has not been done. I am definitely disappointed in the N.B.C.

*Sitting suspended : 12.45 p.m.*

*Sitting resumed : 3 p.m.*

**Senator M. B. Chukwubuike :** Nobody in this hon. House doubts the fact that there are many irregularities in the Nigerian Broadcasting Corporation. We do not want them to continue. We have from time to time in this hon. House complained to the Minister of Information about these irregularities, and each time he told us that he had no direct control over Corporation. I think it is in consequence of this that he is to-day seeking powers which will enable him to give general and specific directions to the Corporation.

I hope that with the passage of this Bill things will start to run more smoothly in the Corporation than has been the case in the past. And when next this Honourable Senate is not given adequate coverage in news bulletins, we shall hold the Minister of Information responsible.

It is commendable that this Bill affects the whole of the Federation. I feel sure that the Government will continue in its policy of consulting the Regional Governments before introducing Bills of this nature.

I wholeheartedly support this Bill.

**Senator Dahlton O. Asemota :** I would like, first of all, to say how I understand this Bill. At the moment, the Nigerian Broadcasting Corporation is under the control of the Federal Government, with branches in the Regions which are under the control of the Regional Governments. Now this Bill seeks to impose a sort of arrangement whereby the Minister in charge of Broadcasting in the Federal Government should take full control of the N.B.C. including the sections which are under the Regional Governments.

If my assumption is correct, that is not really a very bad thing, but it would appear to me that the Parliament is being used nowadays as a forum for correcting whatever views that may exist or for doing anything that the Federal Government wants to do. If Parliament is regarded as an instrument for sense to the people of the Federation of Nigeria, it would be a different thing altogether. But things done

for reasons such as have prompted this Bill should not in my own opinion, be matters for the Parliament.

We have here before us lists of members of the major public bodies in Nigeria, and on page 10 we have the Nigerian Broadcasting Corporation with all the names of members and the salaries paid to them. On page 2 is the list of members of the Eastern Regional Boards, with their various salaries. If these people are supposed to discharge the duty for which they are appointed and paid this sum of money, I do not think there is any reason for any sort of legislation.

In opening this debate this morning, the hon. Minister of State said there have been complaints by the various political parties, and he went on to say that the Federal Government is like a woman who has four husbands. If really the Government are conscious of their responsibilities and appoint people to these various Boards, I do not see any reason for this legislation. What is necessary is for the Minister responsible for Broadcasting to cooperate with the Boards in the Regions and put across these views and find a solution.

Let us look at the Ordinance itself. Clause 6 subsection (3) states—

“A Regional Board in the exercise of its functions shall take into consideration any general or specific directions in writing which the Minister after consultation with the Regional Board may give to the Regional Board ;”.

There again, with this power given to the Federal Minister in charge of Broadcasting, what stops him from stopping the publication of anything which the Regions may consider important to them? We have different political parties in the Regions with differing interests, and certainly their views at times may conflict with those of the Federal Minister. In such a case, what stops the Minister here from stopping the publication of any news which may come from any of the Regional Governments? These are some of the things which should be considered very very carefully.

Parliament should not be used as a forum for ventilating grievances. Otherwise in future it will develop into Parliament being used to settle quarrels. I would not mind their limiting it to the House of Representatives. But it has extended to the Senate, and it is

[SENATOR ASEMOTA]

a slur on the Senators to call upon the Senate to give its blessing to such a situation. Senators should realise their responsibilities and that to-day in Nigeria the salvation of this country rests in this House. If Senators do not allow themselves to be carried away by sentiment—by thinking that they belong to a certain political party—and think and act as the fathers of the nation, then the salvation of the country is assured.

I am saying that this Bill is unnecessary. If the Minister will really consider seriously co-operating with the Regional Boards and interpreting his wishes to them, I think it will solve most of the problems.

The Bill also provides that the appointment of members to the Regional Boards is to be made by the Federal Minister. There again, if, for instance, the Regional Government sends a list of the people it considers suitable to sit on the Board, what stops the Federal Minister from cancelling those names and substituting them with others? The Regions know the people that will be useful to them. But the Federal Minister may not find them acceptable and may want to appoint some other people. These are things which should really worry the minds of hon. Senators. We do not know where we stand. We do not know where to look for a source of unity for this country.

Turning to broadcasting itself, if I tune my radio in Benin and try to get Lagos, sometimes I am unable to get it because the transmission is so poor. And instead of the Government thinking of improving the transmission so that one can hear news from both inside and outside Nigeria, they misdirect their attention to unnecessary things. The improvement of the transmitters is something to think about.

Let me read what the Eastern Regional Government has done which was published in the papers sometime ago—"The news broadcast of the Eastern Broadcasting Service is based on three major categories, according to an announcement made at Enugu. The first category will be N.B.S. world news, which comprises items that are strictly international. The second will be news from outside the Nigerian border. The third will be local items, including events in the various parts of the Federation."

Why can the Nigerian Broadcasting Corporation not formulate their own plans in accordance with this. To-day we hear more foreign news than Nigerian news. If the N.B.C. is going to be a centre from which all news are disseminated, it should arrange its broadcast of news in such a way that people in Nigeria will be able to know exactly what happens in the whole of the Federation, instead of devoting the major part of their time to events in Japan, Congo, Bizerta and so on, with only one or two lines affecting Nigeria.

That is another thing to which the Government should give consideration. They should so arrange their programmes that their news bulletins can be heard by people both inside and outside Nigeria. At the moment people tune to the Regional stations for more news. A leaf can be borrowed from the Regions if the Federal Government finds that it is necessary to do so.

We have been saying something about the publication of what happens in the Senate. The Minister always said he was not responsible for broadcasting. The hon. Minister of Health can bear me out, that on several occasions when we raised this matter, he said the matter would be passed on the Broadcasting Service. The time has now come to do something about it. We should first think of the unity of this country, before rushing to Parliament for any powers.

**Senator J. K. Nzerem :** I must begin my comment on a note of regret. I am so sorry that the Minister of Information has not thought it necessary to be here to introduce this Bill personally.

**The Minister of Health :** The Minister of Information is sick.

**Senator Nzerem :** I am very sorry if he is not well. I thought that he would have been here. Probably if he had not been sick he would have been here. I am very sorry indeed.

What most of the Senators have been saying is very touching, and I think it will be carried effectively to the Minister when he gets well.

In my own opinion, it is desirable that the Minister of Information should take complete control of the N.B.C. I am in sympathy with those who are afraid that complete control

by the Minister may tend to regimentation of ideas, which we must, I repeat must, oppose most vehemently in this country. Anything that savours of regimentation of ideas is a direct step towards totalitarianism.

We must sound a note of warning. While I think that any reasonable person will agree that the Minister in charge of any section or department of Government must have the last say about matters affecting his portfolio, it is desirable that certain safeguards must be put into the law. I have read the law very carefully and I do not think that all those safeguards which I would like to see incorporated in the Bill are there at the moment.

We have to admit, whether we like it or not, that the party system of Government has so many defects and this happens to be one of the defects. A party in power will appoint anybody it knows will carry out the policy of its Government; there is no getting away from that fact. I cannot blame a man who has to carry out certain policies for appointing those who will agree with him in carrying out those policies. I would like to see very good people appointed. They may not be party men; they may even belong to a party not supporting the party in power. They may be N.C.N.Cers, N.P.Cs or even Action Groupers. There is no use quarelling about this point every day. It is most unfortunate but there it is.

I think what we have to try to get here is to see that there are some safeguards in particular about this consultation with Regional Governments. I would like this question of consultation to be stated in clearer terms to read that "in the case of appointment of Chairman of Regional Boards of Broadcasting, the Regional Government may submit a number of names from which the Federal Minister in charge of broadcasting should select." I think if we can insert a provision of that nature, that will satisfy the Regional Governments.

Coming to the question of complaints about the N.B.C. I do not think the N.B.C. can ever satisfy everybody. We must realise that it is the wish of the N.B.C. to satisfy all shades of political opinion in the country. As the Minister pointed out in the morning, the N.C.N.C. has complained of injustice, the N.P.C. has also complained of being slighted and the Action Group has cried all along that the N.B.C. is pro-Government. Where are we now?

All that we can do here is to lay down broad policies and trust to chance that these policies will be carried out. But I think the Minister in charge is responsible enough to be able to carry out the wishes of Parliament.

I might give notice of an Amendment to that portion of the provision which enumerates those who are to be members of the Board. The Amendment would be to the effect that "consultation must mean that the Regional Governments should present a number of names from which the Minister should choose." I think this is desirable but there is no gain-saying the fact that the Minister must have control, but that control need not amount to regimentation of ideas.

With these observations, I beg to support.

**Senator M. G. Ejiafe:** I would like to commend the Federal Government for its clear headedness in recognising the injustice to date in the position of the Boards.

We have here for instance, figures like six members nominated by the Governor-General and the remaining 24 members nominated by the Regional Governments. I think this is unfair to the Federal Government particularly as the Regional Governments have their own Boards. So far as this is concerned, there is no quarrel. I think some solution should be found to restore the balance.

On the other hand, it appears that in trying to do so, the Government has moved to the other extreme by specifying under section 2 subsection (2) that the Chairman and other members of the Corporation shall be appointed by the Governor-General in Council. That is just another way of saying that all appointments shall be made by the Minister. It seems to me that the pendulum has swung from one extreme to the other.

I would like at this stage to support the point raised by the hon. Senator who has just spoken (*Senator Nzerem*). There is in fact a tendency towards one party rule because if the power to appoint is vested in the Governor-General alone, that is to say, the Minister, it will appear that in future the Board will be composed exclusively of people of one and only one shade of opinion. I think this will rob the Board of its true blessings. The best type of Board is one in which various shades of

[SENATOR EJIAFE]

opinion are represented. In this case the Minister is going to have his way by seeing to it that the composition of the Board is all of his own choice.

I would like to share the idea which has been propounded by the hon. Senator who spoke last when he said that the Board should be made up of people, not merely by consultation, but from the various regions on the recommendations of the Regional Governments.

On the question of control, the Government does not seem to have made a case. It seems to have made a case for not controlling, because the Minister has told us that every party has complained of being a victim of discrimination and that fact seems to have nullified the various protests. In effect, the Corporation seems to have been doing the right thing. I think the net effect is that the Corporation has been doing its job correctly. If this theory is accepted then the Government seems to have made a case that the Corporation does not require control. In that respect I would agree with the previous speakers that the Minister should only have general control, and not specific control, over the Corporation.

General control ought to be enough ; specific control seems to be undesirable at this stage of our development. I think we are all very proud of our independence and the freedom that goes with it. We are proud of the freedom of the Press and the freedom enjoyed by other organs like the N.B.C. I think that this freedom will greatly disappear if we invest absolute control in the Minister alone and say that he should exercise not only general powers of control but also specific control. I think we shall have less and less to be proud of the freedom which we have now won.

I would like to appeal to the Government to consider more seriously these two points namely, that some room should be allowed to the Regional Governments to make representations to their own people and make nominations of people of their own choice whom they consider suitable. After all, they have first-hand knowledge of their own people.

I think the Government anticipated the criticisms we are going to make where they said that one man from each Region should be recommended by the Minister responsible. That has been amended. We cannot both eat

our cake and have it. The Lower House has very wisely deleted the phrase. Otherwise, we should have criticised it.

If Government considers it reasonable that the Regional Governments should be consulted on certain points, I think we ought to allow it to come into law that the recommendation should be invited and that all the recommended names from the Regions should be taken.

**Senator Chief Fagbenro-Beyioku :** I think the Bill before us is one which aims at satisfying some of the points which we ourselves have projected in this House. The N.B.C., as we all know it to-day, is an organ of our Government which, if not properly handled, will bring this Government into disrepute. What is happening in the N.B.C. now is everybody's game of chance.

According to the existing Act the Minister in charge of Information had no power whatsoever over the general functions of the N.B.C. I think that if there is a stage in the existence of any nation where it should be properly guarded, it is at the formulative stage, the early stage, through which we are passing now. I think, we must be able to give a direct impression that Nigeria has come to stay as a Nation, and when we come to the Parliament we must forget everything about our colonial background. We have got to be very firm at times.

If we go out now, we will hear people talk of Ghana as springing ahead. The reason why Ghana has been in the news, why she has been in the forefront of every African country, is because she has accepted the fact of her independence ; she knows when to control and give unflinching orders.

We said that the N.B.C. has not been satisfying us. Since the inception of this Senate, we have been raising the point that the N.B.C. does not cover the proceedings of the Senate while they give prominence to the proceedings in the House of Representatives. Apart from the main news, about ten minutes is devoted to the events in the Lower House. That goes to prove that to the N.B.C., the Senate is just an insignificant place. We brought this to the knowledge of the Minister of Information and he promised us that he would look into it. At that time, he had no power. He has since taken the matter to the Cabinet who are now trying to invest him with the power so that our Ministry of Information will be properly guarded and our request met.

As to the control, I do not think we would want to go away with the general impression that this Bill seeks to muddle the Eastern and Western networks. If we have a general idea of our N.B.C. system, we will be able to understand the situation. The National Broadcasting Service is there. It is national and it has wings in the East, the West and the North. Apart from this national network, the West has its own Broadcasting Service, the East has and I think the North is on the way to having one. So, when we come to the Western Region, we have the Western Broadcasting Service side by side with the National one.

I do not think this Bill seeks to interrupt or interfere with the general functions of the Regional Broadcasting Services as such. Even the appointment to the Board would not affect those serving on the Regional Boards. It means we will have in the main Board all the Regional Boards within the network of the National Service. I do not think there is anything questionable in that.

I think we ourselves who are Senators, even though some of us come from the Regions or from the territory of Lagos, know very well that though our Regional Government recommended us, our appointment was made by the Governor-General. That is the ordinary sequence of things. If the National Broadcasting Service is the responsibility of the Federal Government, and is of national importance, then the only man who is competent to appoint Board members is the Governor-General. It does not necessarily mean that he will turn down any names recommended by the Regions. In any matter affecting a portfolio, the advice of the Minister in charge is taken into consideration.

On the question of the Board itself, that is where I have my own quarrel. It is an accepted principle that on every Board, labour must be represented. On the N.P.A., Railway, University College Ibadan, E.C.N., National Council of Nurses, etc.—labour is represented on all these Boards. In the N.B.C., we have labour interest because we have artisans, skilled tradesmen, craftsmen, labourers, carpenters and all types of workers and they are all scattered throughout the Regions.

There must be somebody on the Board who must have to watch and protect their interests

when their matters come forward for a decision. I find that under Clause 2 of this Bill, there is nothing whatsoever to allow for labour representation on this Board. I will like, during the Committee Stage, to make an amendment that Clause 2 should be further expanded to allow for the intake of a labour representative on the Board. If that is done, I will be satisfied and the Bill will have my own full support.

**The Minister of State** (Senator Dr E. A. Esin): I am very happy the way hon. Senators have spoken on the Bill. Some Senators felt this Bill tends to gag the other Broadcasting systems or to restrict the Regional Broadcasting systems. The last point was that Chief Beyioku wants labour representation on the Board.

I would like to clear the last point at once. It was unfortunate that the Minister of Labour did not raise any objection when the Bill was being considered in the Lower House. It may have been an oversight because on other Government Boards, labour is represented. I do not know whether hon. Senator has given notice of his Amendment to the President but I hope he has gone through the necessary procedure before suggesting the Amendment.

I now come to the point which has worried Senators so much. It is very clear in section 2 (1) of the Bill. I do not see any reason why we should quarrel and, I am very glad indeed that Senator Chief Beyioku has come to my rescue and has explained to hon. Senators how the clause will work.

We have complained several times in this House that we are not being given adequate publicity by the Nigerian Broadcasting Corporation as a part of Parliament. Hitherto, the Minister had no power to give specific direction, for example, that the Senate Debates should be included in the news broadcasts. These are things which were left out in the former Bill and that is what this Bill seeks to rectify. It is not true to say that the Minister has got too much powers. Political parties complain that they are not fully heard on the air. Every Region has its own Broadcasting Service except the Northern Region, so, it is time the Federal Government takes effective control of the Federal Broadcasting system because it will soon start broadcasts to the whole world.

[SENATOR DR ESIN]

Some of the Regional Broadcasting Stations broadcast news which should not be broadcast and their transmitters are so powerful that they are heard all over West Africa. Broadcasting or giving the information of our country to the outside world is so important that the Federal Government which is responsible for this matter should really take full control of it. But I would say that the Regional Broadcasting Services are not gagged. These are the things of which the Minister wants to get control without which anybody could get up and put something in the air to the outside world about Nigeria. I am sure the Minister is reasonable enough to know what is good for this country. Since the Federal Government is struggling to balance the power among four Governments, it is only right that at times a power like this should be given to the Federal Government to direct the affairs of the country to weld us into a united country because naturally by our constitution there is a tendency for the Regions to decide to fall apart.

It is only proper that we should amend our Constitution from time to time and pass laws that will bring us together. There is nothing bad in that at all. The Minister is seeking this power to direct the affairs of his Ministry not just using it to suppress or to gag any Region or any person for that matter. You will see with me, therefore, that the Minister deserves these powers. I am sure he will use these powers for the good of the country.

There are other points raised by hon. Senators, which are in my opinion minor points. Some Senators say they are not well reported personally. Others talked about their political leanings and said that their parties are not heard of. Every Member of this House who spoke this afternoon has a complaint against the Nigerian Broadcasting Corporation but everybody cannot be satisfied. It is impossible to satisfy everybody. The broadcasting system of the Federation of Nigeria is the best to serve the country properly.

I now come to the point made by Senator Asemota who said the Government wants to use this House as a 'rubber stamp' to pass Bills. This House is a statutory body and it is impossible for us to make any Amendment or any change to the law that governs it without

bringing it back to you for your information and for you to pass the law. That is why the Government from time to time bring things which you regard as minor before you. It is your legal right and we dare not step over it. If we tried to amend the law without bringing it to Parliament, we would be accused that the Government is being run like a totalitarian Government. We would want to avoid this and we would ask for your patience and tolerance from time to time to go into these Bills before passing them. I am sure the Minister of Information will take all your points into consideration.

*Question put and agreed to.*

*Bill read a second time and committed to a Committee of the whole House.*

NIGERIAN BROADCASTING CORPORATION  
(AMENDMENT) BILL : CONSIDERED IN  
COMMITTEE

*Clause 1—(SHORT TITLE, ETC., CAP. 133)  
order to stand part of the Bill.*

*Clause 2—(Section 5 of the Ordinance replaced).*

**Senator Chief A. O. Fagbenro-Beyioku :** I beg to propose an Amendment that a new subsection (*k*) should be added to Clause 2 to read—"One person nominated by the Trade Unions operating in the Nigerian Broadcasting Corporation to represent labour interest on the Board".

**The Chairman :** I am afraid Senator Beyioku you have not submitted your Amendment.

**Chief Beyioku :** I feel very strongly about this Amendment and if it is ruled out of order, I will be compelled to move a Motion when we do report progress. We should add this Amendment to Clause 2,—and I have not heard any assurance from the Minister that my Amendment will be given proper consideration.

**The Chairman :** Chief Beyioku, you have not according to Standing Orders submitted an Amendment to this Clause. I feel we should be the last person to make unlawful things lawful.

**The Minister of Works and Surveys (Alhaji M. Inuwa Wada) :** I would ask the Hon. Senator to re-consider his intention of moving an Amendment when the Senate reports

progress. He should not make it his first duty to bring disagreement among the Hon. Senators in this House. The Bill has passed through the House of Representatives and is now before Hon. Senators for endorsement as recorded. If the Hon. Senator feels strongly about it, I am sure he would have ample opportunity to go and discuss it with the Minister of Information. If he is able to convince the Minister of Information on his point, I am sure, the Minister may, at some future date bring an Amendment. But at this stage, well, I would not say to kill the Bill, but to delay the passing of the Bill, is not worthy of the Hon. Senator.

**Senator Dahlton O. Asemota :** I appreciate very much the sentiments expressed by the Minister of Works but I think the Minister should understand we do not necessarily have to pass any Bill that is brought to us by the House of Representatives. It should not be a custom of the Senators that anything that is brought to us, whether we have contrary views on it or not we should just give it our blessings and then go behind and begin to see the Minister. Our point is this: our views are responsible in this House, if we want to maintain the dignity of the Senate as Senators, it is for us to express our minds directly so that either the Bill is returned if we feel strongly about it or we put up an Amendment which we consider will fit the case of the Senate. It does not necessarily mean that because the Bill is passed by the House of Representatives it should ultimately pass through the House of Senate. That is the point I want to make Mr President.

**Minister of State :** (Dr E. A. Esin) : I am sorry to note how the Hon. Senator has made his case here. Indeed, the Hon. Senator, Chief Fagbenro-Beyioku, made his point but he did not take the normal procedure in this House by not giving his notice in good time. Now, the Minister assures him that if he gets in contact with the Minister of Information and he is satisfied that on every Board, labour is represented, it is a very easy thing to bring that to the House as labour representative and that there is no reason I am sure, why Chief Beyioku should delay this Bill because he wants Labour representation on the Boards. He could take this up by personal contact. I think Chief Beyioku should re-consider his stand in this matter and let it be put through the House.

I support Hon. Senator Asemota that it should not be the practice that every Bill that goes through the House of Representatives should just be passed by this House, but then we cannot set aside the machinery which has been set up in this House. (*Interruptions*).

**The Chairman :** The Minister of Information has given assurance that in due course, if Chief Beyioku contacts him, the matter may be given consideration and if necessary an amendment brought to this House.

**The Minister of Works and Surveys :** Before I answer on the question of Chief Beyioku's personal contact, what I object to is Senators having to approach a Minister on a subject. The fact is, that a strong feeling has been expressed in this House. All I want to say is that the Minister in charge will convey this strong feeling to the Cabinet and then the Minister in charge of Information or the Cabinet for that matter will give its own consideration to the feeling now expressed, not me. I would not go and discuss with the Senator behind closed doors: that is not my business. (*Interruptions*).

**The Chairman :** Order, order. Already, we have been assured that the point raised by this House about the inclusion of the representatives of labour shall be taken into consideration, and in due course, labour members may be inserted in this clause and the Amendment brought before you for approval. I think that satisfies everybody in so far as this Bill is concerned.

**The Minister of Works and Surveys :** On point of explanation, I see that some hon. Senators have taken exception to my short speech. I do not mean in any way to insult hon. Senators or to say that they are asked to rubber-stamp what has been passed in the Lower House. Everybody here is a responsible Senator and we expect of you a responsible statement and not to rubber-stamp or simply to obey what has been passed from the Lower House. I do not mean anything as such (*Loud cheers*).

*Clause 2—(Section 5 of Ordinance replaced), ordered to stand part of the Bill.*

*Clause 3—(Section 6 of Ordinance amended), ordered to stand part of the Bill.*

*Clause 4—(Section 10 of Ordinance amended).*



**Senator Professor Eni Njoku :** Clause 4 (c) provides that immediately after subsection (3) a new subsection (3) (a) be inserted as follows :

“(3) (a) The Minister may, after consultation with the Corporation, give to the Corporation general or specific directions on matters of policy or matters appearing to the Minister to be of public interest, and the Corporation shall give effect to all such directions”.

This new subsection which was not in the original Ordinance is one I viewed with extreme uneasiness because Broadcasting is one of the activities which usually in most liberal Democratic countries are exempt from close political control. There must have been good reason why this Clause was not contained in the original Ordinance. I have not heard, during this debate, any convincing argument why the Federal Government should now want to declare to the world that they are going to have political control over Broadcasting. I feel that the Government must have control—this is a public corporation—but I am sure that since the Government can under Clause 2 appoint all the members of the Board, Government has also the right to sack the members at any time if it feels that they are not doing its will. That is a very strong control, but I cannot see any reason why, apart from that general control which is the usual thing in a matter of this kind, the Minister should give specific directions as to what the Corporation should broadcast. Such a step is going to introduce a very invidious position.

There are two types of bodies which are not brought under this kind of control, one is the Broadcasting Service, and the other is the Institution of Higher Learning. It must be realised that these bodies must be given a certain amount of freedom in their operations in the best interest of the country.

The best control the Government can have is in the people whom it appoints to the Corporation. If the whole array of Members is appointed by the Minister, I am sure the Minister can sack any or all of them at any time. I am sure that that should be a satisfactory control over a body of this sort.

I have not however had the opportunity of discussing this Clause with the Minister whom I understand is sick. I have not also heard whether there are far more weighty arguments than what I have heard here to-day

which make this Clause necessary. I would in normal circumstance have tried to have this Clause withdrawn but since the Minister is not here and has not got the necessary Amendment, it is not possible for me to have the Minister's views on the matter.

I would strongly urge that the Government should reconsider this Clause very carefully. I know that the Regional Governments have a similar Clause by which they all control their Broadcasting Services, but two wrongs do not make a right, and I think the Federal Government should set an example in this matter. The other nations of the world are watching us and what we are doing; there may be one or two countries which do the same thing, but I say that it is not in the best tradition of a democratic government in the Commonwealth for this kind of Clause to appear in the Broadcasting Corporation Bill.

In view of the fact that I cannot make an Amendment now, I would urge the Minister strongly to consider this Clause and that he should as far as possible avoid using it. It should be nothing more than a dead letter Clause. Even if the Minister does not use it, so far as it appears in the Statute Book it would proclaim to the world that our Broadcasting Service is under political control. An early opportunity should therefore be taken to remove it.

**The Minister of State** (Dr the hon. E. A. Esin) : I just want to say that I do not know whether the Professor will agree with me in what I am going to say. He says that these things are not done in other advanced parts of the world but these other advanced countries are homogenous. They have gone through all the difficult stages we are just passing through, and we also look forward to the time when we shall be able to develop along similar lines.

*Clause 4—(Section 10 of Ordinance amended)—ordered to stand part of the Bill.*

*Clauses 5 to 11—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.*

### Trunk Roads

**The Minister of Works and Surveys** (Alhaji the hon. Muhammadu Inuwa Wada) :

I beg to move—

“That this House declares :—

(a) that the road starting at the junction with Trunk Road A.1 at Ebute Metta and ending at the first roundabout on Western Avenue (Iganmu) shall cease to be a part of Federal Trunk Road A.2 ; and

(b) that the road starting at the main gate to Apapa Wharf and continuing thence *via* Iganmu and Western Avenue to the junction with Trunk Road A.8 at Idi-Oro shall be the new Trunk Road A.2”.

This is a non-controversial matter on which I do not think I need detain Members long.

Because of the opening of Ebute Metta causeway and Western Avenue, which are Federal Roads, the road from the roundabout at Iganmu to Ebute Metta no longer serves the purpose of a Federal Trunk Road. It is still included in the formal definition of Trunk Road A.2, although it carries only local traffic and should properly be the responsibility of the Lagos Town Council. In November, 1960 the Lagos Town Council agreed to take over responsibility for the Iganmu-Ebute Metta road, subject to payment of one thousand pounds towards the cost of rehabilitation ; this has been paid.

In consequence, Trunk Road A.2 has to be redefined, taking into account this change, as starting at the main gate to Apapa Wharf, continuing thence *via* Iganmu and Western Avenue to the junction of Trunk Road A.8 at Idi-Oro.

Under the Nigeria (Constitution) Order in Council, 1960, First Schedule, Item 39, all alterations to Federal Trunk Roads are now made by Declarations or Resolutions passed by both Houses of Parliament.

This Declaration gives formal effect to the changes which I have outlined.

Sir, I beg to move.

**The Minister of Labour** (Hon. J. M. Johnson) : Sir, I beg to second.

**Senator Chief Beyioku** : I support this. The traffic between Western Avenue and Apapa is very heavy. During the working hours, the load of traffic shifts from Iddo to the Apapa road which is being declared a trunk road now.

I would like to suggest to the Minister that he should consider the construction of an overhead bridge at the railway crossing on the road from Apapa Wharf, because every 30 minutes traffic is held up on account of the gate being closed. There is a long que of traffic both from the Western Avenue and from Apapa Wharf itself.

It is unfortunate that the Lagos Town Council has accepted responsibility for the other road, otherwise, I would have suggested an overhead bridge too for the Ebute Metta crossing.

These are the only observations I would like to make.

**Senator Chief S. T. Hunponu-Wusu** : This is a very nice and short Bill. I am very much in favour of it.

But I would say that now that the weight of traffic which moves from Apapa down to Lagos is increasing, there should be an urgent need for an overhead bridge between Apapa and Ijora causeway.

Sometime ago, when we all agreed that across Ikeja road to the Airport an overhead bridge was necessary owing to the increased traffic, the Federal Government accepted the idea and constructed the overhead bridge. Now, with the increase in population and volume of traffic following the establishment of industries and factories at Apapa, the time has come when the Government should consider the building of an overhead bridge. I urge on the Minister to look into it. We should not wait until something tragic happens before we start doing something.

Hon. Senators will all remember that some of our schools sometime ago needed to be reconstructed and the Government took no notice of it until the tragic incident happened at St. Peter's School, when the building collapsed and eight children were buried under the debris. As a result of the calamity, the Government started building new schools in Lagos, and to-day we have sky-scraper type of schools being built by the Government.

Previously, our excuse used to be that we were not in control of things. Now that we are, we should be alive to our duties. We, as fathers in this House, should start to see that improvements are made where necessary.

[SENATOR HUNPONU-WUSU]

Our nation is growing from strength to strength. Visitors come to this country. We should therefore make this Capital worthy of its name.

We thank the Minister for bringing this Bill and the Lagos Town Council for accepting their responsibilities. There are, however, some problems which we have to solve. The capital is growing and there is an urgent need for expansion. When there is need for expansion, there is need for more roads and bridges. We have now got the new diversion under the Carter Bridge which we all advocated for last year, and that has gone a long way to ease the traffic congestion we used to have at Iddo. A new bottle-neck now is being created from Apapa. Tomorrow, when our Governor-General arrives, hon. Senators will all see the congestion that will exist.

**The Deputy President :** Order. The Senator has been talking out of the context of the Motion. He said that Lagos needed expansion; I could not quite follow as to whether he meant extension or expansion.

**Senator Hunponu-Wusu :** I appeal to the Minister to agree to look into this with reasonable success.

**Senator P. C. Ndu :** This is a non-controversial Bill, although it limits its provisions to the Federal Capital.

I must say that a child does not recognise that the market is over until he sees his own mother. It reminds me of a trunk road "A" connecting the Eastern Capital to the Northern Region. That road consists of 400 miles and the Government has tried to tar about 201 miles. There are still 199 miles untarred.

**The Minister of Works and Surveys (Alhaji Inuwa Wada):** On point of Order. The hon. Senator is speaking out of the context of the Motion. He has been speaking on something which has nothing to do with the subject.

**Senator Ndu :** I would like one of the Federal Ministers especially the Minister of Works and Surveys to tour the area between Eastern Nigeria and Northern Nigeria and see what we have been complaining about.

**The Deputy President :** Senator Ndu, I still maintain your points are irrelevant.

**Senator Ndu :** I would like to be relevant. The congestion, of course, on the Carter

Bridge last year has been removed. People have already said that the congestion has shifted to Apapa and, of course, this road required extension.

With these few remarks, I support the Bill.

**Senator A. E. Ukattah :** Mr Deputy President, the Motion is a very simple one and there is no cause at all for any long debate. If it is necessary to take over some of the roads here in the Federal Territory of Lagos in order to allow the Lagos Town Council to see about other roads it should be absolutely necessary also for the Regional Governments to be relieved of some of the roads they now look after in order that the Regional Governments may take over some roads from the Local Government bodies. I hope that the Minister is preparing a new take over programme starting from Lagos. Those of us who come from the Regions know the difficulty we experience and we know the importance of roads to a nation.

**Senator Dahlton O. Asemota :** I just want to say how happy I am to see the Minister of Works and Surveys present here to-day and, any time he comes here, we want to take advantage of his presence.

I was thinking that by this time the Shagamu-Ijebu Ode road would be fit for use. In January last year, when the matter was raised, the hon. Minister of Works and Surveys assured this House that the necessary agreement had been signed and the work was in progress. Although, he did not actually commit himself to a specific date, the assumption was that by this time that road would be fit for use. I tried to see if I could get through it but the road was only a little better than it was in 1960. Will the hon. Minister make a categorical statement to-day and tell us when he expects that the road will be ready?

**The Minister of Works and Surveys :** Not at this moment.

**Senator Asemota :** The Minister is not always present in the Senate and we always get replies from Ministers who are not directly concerned with roads.

**The Deputy President :** Senator Asemota cannot simply because the Minister is here ask him to make a statement. I only allowed him to speak because I knew he was going to speak on his usual request about the Shagamu-Ijebu

Ode-Benin Road. I am sure the Minister will take the necessary action on the points he has raised.

*Question put and agreed to.*

*Resolved* : That this House declares that the road starting at the main gate to Apapa Wharf and continuing thence *via* Iganmu and Western Avenue to the junction with Trunk Road A8 at Idi-Oro shall be part of Federal Trunk Road A2, and that the road starting at the junction with Trunk Road A1 at the first roundabout on Western Avenue (Iganmu) shall cease to be a part of Federal Trunk Road A2.

#### FACTORIES (NOTIFICATION OF DANGEROUS OCCURRENCES) REGULATIONS

**The Minister of Labour** (Hon. J. M. Johnson) : By official means or by design this Ordinance came as a 'tail-ender'. I respectfully move, that the Factories (Notification of Dangerous Occurrences) Regulations, 1961 (Legal Notice No. 105 of 1961), a copy of which was laid before this House *This Day*, be approved. This is a short and non-contentious Motion. I would like to speak on it a little because I am wondering if hon. Senators could understand the Regulation as it stands.

This only regularises the Factories Ordinance and as the law stands accidents could only be recorded when they involve human casualty. If any accident occurs in a Factory and workers are wounded or cases of death are reported then it is the duty of the employee or the owner of the Factory to report to the Inspector of Factories. But, if there is an accident in a factory like a crane falling down or a factory being destroyed by fire, the employee is not under this circumstance obliged by law to report this accident to Government. This, as it now stands, is irregular because if no report is made we will not have the opportunity of inspecting the factory and getting the owner of the factory either to break it down or to make sure that such an accident does not re-occur in any factory where it involves human casualty or even damage of walls or damage of any sort. The owner of the factory or the employer as the case may be is obliged to report to the Chief Inspector of Factories who immediately will inspect such a factory and make the necessary recommendations.

I beg to move.

**Minister of State** (Senator Nuhu Bamali) : I beg to second.

**Senator E. A. Lagunju** : Personally I have nothing to say about the Motion, but it says that a copy of this Regulation has been laid before us. I have not seen any copy of that Regulation and I do not know whether it was laid. I think we presume that it has been laid in the usual way !

**The Deputy President** : Senator Lagunju must not presume. I read the papers this morning and in Item 3, paragraph 7 I said— "The Factories (Notification of Dangerous Occurrences) Regulations, 1961, (Legal Notice No. 105 of 1961), by Act to lie upon the Table". This Notice was also published in the *Gazette* of which you already have a copy.

*Question put and agreed to.*

*Resolved* : That the Factories (Notification of Dangerous Occurrences) Regulations, 1961 (Legal Notice No. 105 of 1961), a copy of which was laid before this House this day, be approved.

#### ADJOURNMENT

**The Minister of Health** (Senator Chief M. A. Majekodunmi) : I beg to move, That the Senate do now adjourn until Friday, the 1st of February, 1961.

**The Minister of Works** (Alhaji the hon. Inua Wada) : I beg to second.

#### Respect for National Flag

**Senator A. E. Ukattah** : On this Motion for Adjournment I wish to reintroduce a matter I was not allowed to speak upon earlier on ; that is the question of the High Commissioner in the United Kingdom not being allowed to fly the Nigerian National Flag on his premises. We feel very strongly about this. The explanation we got in the morning was that the house was bought by the Government and that one of the conditions when the purchase was being made was that the Nigerian National Flag should not be flown there.

Now, this, indeed is something very painful. Whoever must have agreed to that bargain, no matter whether he did it in good faith, he has done no credit to the sovereignty of our nation. If he is allowed to fly a flag on the roof of his office but not in his residential quarters, I do not see the point in that. Now, in the office he has files and papers and writing materials he can

[SENATOR UKATAH]

fly a flag, and in the house where he lives, the Principal Nigerian representative is not allowed to fly the flag! The office is made more important than the man representing Nigeria.

May I say that it is nonsense that a house that was bought by the Nigerian Government is to be ruled by the seller of the house. He is now telling the buyer not to do what he likes in the house. I have never seen that sort of thing in my life.

I think I am speaking the minds of the Senators here and we want it to be forwarded to the Prime Minister that the Senate prays the Government to take note of the indignity caused to the sovereignty of our Nation by the High Commissioner in the United Kingdom not being allowed to fly the Nigerian National Flag on his premises and to take steps immediately to remedy the situation. That is the point I am suggesting and I think really, I am now speaking the minds of other Senators.

#### COLOUR OF LAGOS TAXI CABS

**Senator J. K. Nzerem** : I gave notice this morning that I would speak on the Motion for Adjournment about a matter which has been engaging my thoughts sometime.

In the streets of Lagos, we find a number of taxi Cabs, very many taxi cabs painted in the colour of a neighbouring country. I just cannot understand what it means. If they want to paint any colour on their taxi cabs why cannot they paint the Nigerian colour of Green and White. Why do we always have to look up to some other country ?

Is there nothing that the Government can do to stop that nonsense? Either they should run the cars in their natural colours or if they must paint a certain colour, it must be the colour of the National colours which I think is as good as anyone else. I submit that the Government should take up this matter with the taxi drivers' Union and stop that practice which is a flagrant insult on our National colours. Also I want to be assured that the Minister is right in what he says ; Tomorrow, is the 30th of August, I believe, and I can understand our having no Session tomorrow because of the arrival of the Governor-General ; Thursday is the 31st of August, 1961 ; what is there to exclude us from having a sitting ?

I do not know whether it is a slip of the tongue that we should not meet till Friday. That is the point I want to make.

**The Minister of Health** (Senator Chief M. A. Majekodunmi) : I would like to say a few words about the painting of taxi cabs in Lagos to which reference has just been made by Senator Nzerem. Unfortunately, he did not tell us whether these taxi cars were owned by the Government. If they are privately owned taxi cabs, I do not see what action he proposes that the Government should take in the colour of the taxi cabs because I am sure that individuals who own the cabs have every right to paint them in whatever colour they like. I think it would be most undesirable that Government should dictate to owners of private taxi cabs in what colours they should paint their cars.

Personally, I am not aware that there is any taxi cab in this country which is painted in the neighbouring country's national colours, but if Senator Nzerem feels very strongly about this, I think the regulation of taxi cabs is vested in the Lagos Town Council and if he is to press his point, he will have to invite the attention of the Chairman of the Lagos Town Council or the Town Engineer.

I have moved that the Senate do adjourn till Friday. It had been hoped that the lower House would be having a late night sitting tonight and that they would pass new Bills which would have to be considered in the Senate tomorrow. But it is now not possible for the House of Representative to have a late night sitting and therefore there will not be sufficient Bills to engage the attention of Senators tomorrow.

We have therefore decided that we should give two days' rest to Senators so that they can look around the developments taking place and also to take the advantage to pay their respects to His Excellency, the Governor-General, who is arriving tomorrow. Then on Friday we shall meet and at that time, we hope the Lower House would have accumulated enough Bills for us to consider.

#### Mileage Allowance

**Senator Asemota** : What I want to bring before the Senate is the method of calculating mileage allowances. I come from Benin and at any time I come here, they always deduct certain mileage which they consider excessive,

*Senate Debates*

725

[*Mileage Allowance*]

29 AUGUST 1961

[*Mileage Allowance*]

726

on my claim, and then deduct the amount from my salary. I think that the people responsible for calculating the mileage must have based their calculations on the mileage up to Tinubu Square. From Tinubu Square to our lodging is part of the mileage expenses which I consider we are entitled to claim. From Tinubu Square to Victoria Island and Ikoyi is little above five miles and that is ten miles to and fro which personally I always add to my claim and which has always been reverred.

Therefore, I would like the Minister to check it up. Everybody coming to Lagos

does not stop at Tinubu Square. We go beyond Tinubu Square to our lodgings and as we come for the purpose of attending meetings, I think we are entitled to claim any further extras over and above where the Government mileage terminates. That is the point I want to put forward.

*Question put and agreed to.*

*Adjourned at 4.40 p.m. until Friday 1st September.*

SENATE OF THE FEDERATION  
OF NIGERIA

Friday, 1st September, 1961

The Senate met at 9 a.m.

**The Clerk of the Parliaments :** I have to inform the Senate of the absence of Mr President and so the Deputy President will take the Chair.

PRAYERS

(The Deputy President in the Chair)

REPORT OF STANDING ORDERS COMMITTEE

**The Deputy President :** I have to lay on the Table of this House a Report from the Standing Orders Committee of which copies are already in the hands of hon. Senators.

PRESENTATION OF PUBLIC BILLS

SUPPLEMENTARY APPROPRIATION  
(1961-62) BILL

Bill to make supplementary provision for the service of the Federation of Nigeria for 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, presented by the Minister of State (Chief H. Omo-Osagie); read the First time; to be read a Second time *This Day*.

ROAD TRAFFIC (AMENDMENT) BILL

Bill to amend the Road Traffic Ordinance, presented by the Minister of Health (Senator Dr M. A. Majekodunmi); read the First time; to be read a Second time *This Day*.

PENSIONS (AMENDMENT) BILL

Bill to amend the Pensions Ordinance and to provide for the preservation of rights to pensions in certain cases (Cap. 147), presented by the Minister of Establishments; read the First time; to be read a Second time *This Day*.

WATER RATES RECOVERY (GOVERNMENT  
TENANTS) BILL

Bill to make better provision for the recovery of water rates in respect of certain tenements presented by the Minister of Works and Surveys; read the First time; to be read a Second time *This Day*.

EXPORT OF NIGERIAN PRODUCE  
(AMENDMENT) BILL

Bill to amend the Export of Nigerian Produce Ordinance, 1958 (No. 36 of 1958) presented by the Minister of Commerce and Industry; read the First time; to be read a Second time *This Day*.

EXPORT PRODUCE (FEDERAL  
POWERS) BILL

Bill to confer sundry powers in relation to certain produce intended for export presented by the Minister of Commerce and Industry; read the First time; to be read a Second time *This Day*.

CUSTOMS TARIFF BILL

Bill to confer sundry powers in relation to certain produce intended for export presented by the Minister of State (Chief H. Omo-Osagie); read the First time; to be read a Second time *This Day*.

EXCHANGE CONTROL (AMENDMENT No. 2)  
BILL

Bill to amend the Exchange Control Ordinance presented by the Minister of State (Chief H. Omo-Osagie); read the First time; to be read a Second time *This Day*.

FEDERAL SUPREME COURT  
(MISCELLANEOUS PROVISIONS) BILL

Bill to make further provision for the survival of causes of action in special cases, to amend the law as to tortfeasors and to contributory negligence, and for other purposes connected therewith, presented by the Attorney-General and Minister of Justice; read the First time; to be read a Second time *This Day*.

ADMINISTRATION OF JUSTICE  
(HABEAS CORPUS) BILL

Bill to provide for an appeal to the Federal Supreme Court from the grant or refusal of a writ of Habeas Corpus presented by the Attorney-General and Minister of Justice; read the First time; to be read a Second time *This Day*.

NOTICE OF MOTION

STANDING ORDERS

**The Minister of Health** (Dr M. A. Majekodunmi): Sir, I beg to move that the Standing Order of the House of Representatives which,

with necessary adaptations and modifications, have hitherto regulated the procedure in the Senate shall cease to have such effect, and that the Standing Orders contained in the Draft, a copy of which was laid before this House on 25th April shall be the Standing Orders of the Senate.

**The Minister of State** (Chief H. Omosagie) : I beg to second.

*Question put and agreed to.*

*Resolved :* That the Standing Orders of the House of Representatives which, with necessary adaptations and modifications, have hitherto regulated the procedure in the Senate shall cease to have such effect, and that the Standing Orders contained in the Draft, a copy of which was laid before this House on 25th April, shall be the Standing Order of the Senate.

### ORDERS OF THE DAY

#### SUPPLEMENTARY APPROPRIATION (1961-62) BILL

*Order for Second Reading read.*

**The Minister of State** (Chief H. Omosagie) : I beg to move, That the Supplementary Appropriation (1961-62) Bill be read a Second time.

This Bill raises no major new issues, and the details of the essential additional expenditure for which Parliament's sanction is sought are brief and set out quite simply in the Supplementary Estimates in the hands of hon. Senators.

The form of these Estimates is the one we are accustomed to. It has served us reasonably well in the past but it is perhaps fitting that in this Upper House of our Parliament, I should say that it is not a form with which we are necessarily entirely satisfied.

Budgetary form is increasingly being studied in many parts of the world to-day. In the United Kingdom there has been a major review aimed at simplification and the presentation to Parliament of a more balanced picture of the Government's finances. Next week a Nigerian officer of my Ministry goes to Addis Ababa where a conference of our friends in the United Nations Economic Commission for Africa will discuss budgetary classifications. And in my own Ministry a study has already been undertaken which may result in a considerable improvement in the

form of the Estimates I shall present to Parliament next year.

Form is in itself a comparatively small matter. The same cannot be said of the very large financial problems we shall have to face as we enter and implement the new Economic Programme we are now planning. Let there be no doubt at all in the minds of anyone that Nigeria cannot from its own resources alone, generate the financial sinews we require to stimulate the growth of our economy at the pace we all wish for so that our independence can be real in the economic as well as in the political sense. We need help from our friends, from our old friends and from the new one who are becoming increasingly ready to extend a helping hand to us.

I did not come back from my Economic Mission with millions of pounds in my pocket. This was never our intention or our hope. But there is no doubt whatever that the Mission increased the world's awareness of the economic potentials of Nigeria and that it has laid the foundation for practical steps to be taken to expand trade, to increase the flow of investment capital from overseas into this country and to widen the scope of technical assistance for our economic development.

Already Japan has sent a trade mission, the Soviet Union is planning to send a Mission very shortly and it is very likely that within the next few months many of the other countries which we visited will send their own Missions to us. These exchanges will, I firmly believe, in many cases lead to the conclusion of trade, cultural and economic co-operation agreements, through which increased financial and technical aid would be channelled to Nigeria. Apart from this, Nigeria has already been offered facilities for training in Universities, Technical Institutes and Colleges in all the countries we visited.

But in speaking of the importance of overseas aid, both financial and technical, necessary for our new Economic Programme let me mislead no one. These things are necessary but the major contributions towards the success of this new Programme must come not from abroad but from here in Nigeria, from the efforts and from the sacrifices of our own people. These efforts and these sacrifices are vitally necessary if we are to succeed and I have the fullest confidence that they will be made and that we shall succeed.



[CHIEF OMO-OSAGIE]

In these times of struggle which lie ahead of us, however, there can be no room for the racket and for the corruption which stain certain aspects of our life. I have spoken openly of some of these evil things in the past and I shall do so again in the future. Let us be quite clear about this. Every Nigerian who engages in these evil practices is not only guilty of dishonesty but is in fact a traitor to our Nation. These are not things about which we can, as we did when we served colonial masters, shrug our shoulders and pass on. Each of us has an active duty to root them out and to create a climate of public opinion in which the traitor is known for what he is and cannot exist.

And, now, about the Bill itself, there is little I need say. Despite the increased customs duties which I imposed last December imports have continued at a high level and it seems reasonable to anticipate that actual retained revenue at the end of the year will be £3 million—about the figures printed in the Annual Estimates. In the circumstances, I have thought it prudent not to regard the additional revenue as a means of increasing our budget surplus but have provided for a further contribution of £1.7 million to the Development Fund, thus leaving the estimated budget surplus for the year very close to the figure of just under £800,000 shown in the Estimates I presented in April and keeping to the minimum the increase in the financing gap in the present Economic Programme.

Particular provisions to which I would draw the attention of the hon. Senators are the substantial amounts for necessary increases in the strength of the Nigeria Police and an appropriation of £40,000 under Head 46—Ministry of Information for expenses of a conference of the Commonwealth Parliamentary Association to which Nigeria will act as host in Lagos later this financial year. Provision is also made for our subscription to the U.N.O. for which it was possible to provide a token amount only in the Annual Estimates.

With these few words, I commend the Bill to the consideration of this House.

Sir, I beg to move.

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

**Senator A. E. Ukattah** : I know really that the Appropriation Bill is meant to present the various aspects of the economic and financial policies of the Government. During the last Budget Session, I expressed my views on these policies of the Government, I shall therefore confine myself to just a few points during this Supplementary Budget Session.

The first point is about the first anniversary of our independence. The Prime Minister made a statement to the effect that hon. Members will not be invited to Lagos during the celebration of this anniversary. I really feel very strongly about this. I know that arrangements will be made at local levels for the celebration, still, it would have been more appropriate if arrangements had been made for hon. Members to come down to Lagos particularly as it is envisaged that Parliament may be recalled sometime in November. I think that arrangement should have been made in such a way as to bring hon. Members here to take part in the celebrations, and after a few days rest, to get on to the real business of Parliament. Such an arrangement would have helped the Government to kill two birds with a stone.

I do not know what other Members think about this. Those of us who come from the Regions know what happens at the local level and we certainly cannot say that things will be arranged at the local level on the same basis as they will be done in Lagos. We, as hon. Members, rightly belong to the Federal Government and I think that Government may have to reconsider this point.

I would like to say a few words on second-hand clothing. Already, the Minister of Commerce and Industry has made his views known about this, but I do not like to think that the importation of second-hand clothing is something injurious to this country. One of the three basic things in life is clothing, that is something with which to cover one's body. If people travel far into the contry, they will see that the problem of clothing is really causing a great difficulty to the poor people, and that these people depend for the time being on these second-hand clothes.

**The Deputy President** : Order, order ! The first point made by the hon. Senator is outside the scope of this Bill and the same applies to the second point. The hon. Senator should please leave these points until we get to the Motion for Adjournment.

**Senator Ukattah :** Thank you, Sir. I was thinking that the debate on the Second Reading of the Appropriation Bill allowed a wide scope for comments on the various aspects of Government activities. I accept your ruling, and even if I do not say a word more, I think I have made my point.

I come next to the question of scholarship. I really see that the Government is doing quite a lot to help our young men and women who are desirous of pursuing further studies abroad. But there is one thing which I seem to find missing in the scholarship policy of the Federal Government, and that is that I have never seen any scholarship award to Law students. I do not know why this should be so. People take to different types of studies according to their own aptitude, and if the Government should regard Law as something that is unnecessary. I wonder why it should look for lawyers for the Judiciary.

There is no doubt that the Government cannot do without lawyers. If it is necessary that we should have lawyers, really qualified lawyers, I think it is absolutely necessary and in keeping with common sense that the Government should help law students by awarding them scholarships to qualify to hold important posts, such as Magistrates and Judges.

I really hope that the Government will take note of this point. I am feeling that the policy whereby scholarship is not awarded in Law is now outmoded, and that the time has come when it should be looked into. Awards should be made to students to qualify for the LLB. degree and also for a post-graduate course for the doctorate degree in Law. If these Law students are helped and properly trained, we can always have available the best for our future Judiciary. I do not need to say more about this, and I hope the point has been well taken by the Government.

Provision has been made for the United Nations Organisation. That is a very worthwhile contribution. And this gives me an opportunity to congratulate the Government on the sound decision taken to appoint hon. Jaja Wachuku the Minister of External Affairs and Commonwealth Relations. The appointment of that young and erudite man has been uppermost in the mind of every good citizen of this country, and the action of the Prime Minister in appointing him is most welcome

and commendable. The Prime Minister simply said *Amen* to the prayers of the whole nation.

My final point is a suggestion about a matter of which, perhaps, the Government may have been thinking privately. It is the question of trying to provide cheap modern buildings for the people of this country. I think the Northern Region Government is already thinking of such a thing.

I said earlier on that one of the three basic needs of life is clothing. I think that shelter is another one. One is really in sympathy when one sees the squalor in which people live. Hon. Senators will agree with me that one of the greatest good that can be done to the citizens of this country is to help them to have cheap modern buildings. After all, it is said that health is wealth. Whatever may be said about the economy of this country and economic expansion, the health of the people must be first assured.

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

**Senator L. C. Daldry :** This is the first Supplementary Appropriation Bill for the year 1961-62. It asks for about £3 million, but the actual expenditure on the various Government departments is only £1.3 million. The balance of £1.7 million is a direct transfer to the Development Fund.

£1.3 million is a comparatively modest sum in comparison with the position of Nigeria's finances as a whole, and it certainly does not call for any comments or criticism from me.

The transfer of £1.7 million to the Development Fund can only be regarded as a welcome transfer and will help to bridge the gap in financing the development programme.

But my main interest in this matter is the statement that has been made, that the whole of the £3 million is likely to be covered by additional revenue this year. On the face of it, that is a good thing because whenever we have supplementary estimates, it is a good thing to know that additional revenue will be obtained to cover the amount involved.

But the Minister of Finance has made it quite clear that the additional revenue is mainly to come from import duties, and so it seems that imports are increasing. If these

[SENATOR DALDRY]  
 imports are capital goods like plant and machinery, and so on, then that is all to the good. But we have been told that the increases—the Minister of Finance used the words, “are not an unmixed blessing”. He used those words in the Lower House. Therefore, I expect that increase in the imports is mainly in consumer goods—and therefore his headache about the balance of payments is also increasing.

If my assumption is correct, I still do not feel there is any cause for real alarm, and I do not feel that any critical situation has yet developed. But there is no doubt that in the economic sphere a really difficult problem is beginning to face the Government in connection with this continuous rise in consumer imports.

Any Government in Nigeria must have as its main policy the continued increase in the standard of living of the people. Any other policy would be unthinkable. The problem is, how can Nigeria steadily increase the standard of living of the people without at the same time steadily increasing imports of consumer goods? I feel that the answer is that Nigeria simply cannot. It is not possible, as things are at the moment, to continue to increase the standard of living without continuing to increase imports of consumer goods.

In any case, would it be possible for the Government really to damp down these consumer goods by putting really severe and penal duties on them? I do not think it would be possible. There may still be room for further duties on luxuries. But if what the public now regards as necessities get very much more expensive, the public will not just stop buying them: they will start crying out for more wages. And that is just what Government and commerce cannot afford at present.

Sometimes, a problem like this can be solved by what is called an export drive. But there is very little we can do about that here. We are already exporting from Nigeria as much really as it is possible to export. Our exports are mainly primary commodities—groundnuts, cocoa and palm products and we are exporting as much as we can, but we are at the mercy of world prices and in fact an increase in our crops may even defeat its own object by causing a glut and thus depressing the prices on the world market.

There is, I think, no quick overnight answer to this problem of consumer imports and the best way, I feel, at the present, is to do everything possible to increase the manufacture of more consumer goods here in this country so as to reduce the amount that needs to be imported and to reduce the amount of foreign exchange needed to pay for it. We want more consumer goods manufactured here and the best way to achieve that is to encourage people to set up factories for manufacturing consumer goods here. In other words, to intensify the drive for a favourable climate for investment.

As far as investment from abroad is concerned, I think the Government and the Minister personally are doing all they can. The Minister is constantly emphasising in his public statements this question of a favourable climate for investment. He is indefatigable in his travel round the world projecting Nigeria. All this globe-trotting is a very exhausting business for the Minister coupled with the strain of running the Ministry and we must give him every credit for what he has done and is still doing in this way, but a favourable climate for investment is essential to solve this balance of payment difficulties. Overseas capital is very sensitive and is easily frightened away and for these reasons, I want to underline something which the Prime Minister said only a few days ago in the course of a debate in the lower House. He said :

“My greatest concern is the impression that we will give to the outside world”.

I do not want to quote the Prime Minister out of context. He was not, in my view, saying that the greatest problem of all that he has, is this one of giving an impression to the outside world. He was saying this in connection with a certain debate on a certain subject and I think he had very much in mind this question of the balance of payments and the need to set up a favourable climate for investment and that is why he said, “My greatest concern, is the impression that we will give to the outside world”. I do not want to say any more about this, except that from a financial point of view, it is absolutely vital that Nigeria should give an impression to the outside world of a united Federation and not of a divided or wrangling Federation. But on the question of a favourable climate for investment, this morning, I am not so much concerned with

questions of investment from abroad. I am thinking very much more of the necessity for a favourable climate and for encouragement for Nigerian investors. It is here, I think, that there is great room for improvement, not by the Minister but by Nigerians themselves.

Frequently, in my professional life I am asked by potential investors from abroad to give an opinion as to what their chances are of getting Nigerian participation by way of shares in companies to be set up here and I must confess that it is not always easy for me to give as favourable an answer about their chances as I would wish. There are definitely many genuine inquiries on this subject. There are many people from abroad genuinely anxious to get Nigerian participation in their business. I know that there is not as yet in this country a great reservoir of money for private investors. Even so, there should be a fair sum available in a country with such a huge population as this.

I know there have not been shares in the past to be bought and there has not been an organised market but only the other day I was present when the Minister opened officially the Lagos Stock Exchange and now the machinery is there for small investors. The fact is, Sir, that thrift and investments are really new ideas to the Nigerian Public. It is not their fault, because for many years most of the people in this country, or at any rate a very large number, have been on mere subsistence level salaries and any talk about savings and investments would have been unrealistic; but things are changing now. There are still millions of people in this country on a mere subsistence level but a substantial middle and upper class society is beginning to form with salaries above mere subsistence level. These people are spending more and more on consumer goods and that is why the Minister has got this headache of the balance of payments.

It is right and proper that if people are having salaries above mere subsistence level, they should spend some of it to raise the standard of their living but my point is, it is not right that they should spend *all* in this manner. Some, however small, should be saved. I think that everybody fortunate enough to be above subsistence level in their salaries should try to save something and invest something. It is essential for a Nation's progress that the people should possess the virtues of thrift and

the will to save. In a free and democratic society, this is necessary and I believe, Sir, this is a message which must be got through to the people of this country now; that is a message about the importance and the necessity of saving something, however small.

I want to conclude my support for the second reading of this Bill, by suggesting to the Government that there should be a propaganda drive on this subject of saving and investment. In a neighbouring country, compulsory saving has been brought into force. I am not in favour of that. I would rather see voluntary saving as part of the Nigeria scheme but I believe that the average man does not really understand what this balance of payments problem is really about. The average man very naturally feels that the more he earns the more he should spend in the shops but if 40 million people go on like that indefinitely, it will be disastrous. The average man must be convinced somehow that he must try to save something, however little. So, I am suggesting a really serious propaganda drive to get these facts home to the general public.

The Minister is doing his best but he cannot solve this problem alone. He must have the support of the public. The facts should be hammered home over the wireless and by all other propaganda methods and if this is done and the public really understand what the problem is, and that saving is a method of helping the Government to solve it, I have sufficient faith in the average Nigerian to feel certain that there would be a good result.

**Senator E. A. Lagunju** : Speaking on the Supplementary Appropriation Bill for the provision of the sum of £3 million for the services of the Federation for the year 1961-62, I have a few comments to make. Senator Daldry has mentioned that this sum is too small and we all admit it particularly when we remember that two-thirds of the amount provided is for economic development. We equally admit that most of the items in the Estimates are worth undertaking. We have money voted for the Niger Delta Development Board and about £5,000 is for the Nigerian Ports Authority.

We are very happy the Minister concerned is doing all he can as regards checking smuggling. We sincerely hope the Nigerian Ports Authority will do something about this because

[SENATOR LAGUNJU]  
if smuggling continues we know what that means. Smuggling leads to loss of revenue and the greater part of our revenue comes from customs duties. If most of the articles imported into this country are smuggled, I wonder whether we shall be able to realise this appreciable sum of money. Besides, smuggling may lead to the introduction of contraband articles, articles which have not entered the country *via* the proper channel. We must make a desperate effort because if the Nigerian Ports Authority fails to do its best to check smuggling all sorts of unwanted articles might be brought into this country. Smuggling may encourage gambling.

I am happy that Senator Daldry also mentioned the question of encouraging production. If smuggled goods get into this country they will be sold at lower rates and this will cause lawful goods to be sold at cheaper rates and this will discourage producers. I hope the Nigerian Ports Authority will do all it can to help fight smuggling in this country.

While I do realise that Lagos should be made a worthy capital, it seems to me that there is too much concentration of development in Lagos. We realise that the whole country is still undeveloped and I hope we are not going the Persian way where the Palace of the Persian King is so beautified that you get all sorts of precious things with a sharp contrast between that Palace and the surrounding houses. If Lagos is concentrated upon and it is made another Paris and we exert little or no energy on the other parts of the country, I wonder what type of contrast we shall get. It is true that Lagos should be beautified but I think amenities should be evenly distributed and there should not be too much concentration on the Federal Capital. That is just my own opinion about it.

I now come to the question of telecommunications. We are doing all we can to instal new automatic telephone exchanges but it seems to me that we have not been able to concentrate on extending telecommunications facilities to some areas. In saying this I have in mind Oshun Division. It seems we have not done enough for that area in so far as telecommunications is concerned. There are many potential subscribers in different places in Oshun Division, in particular the Ifelodun District. There are so many towns without

telecommunications facilities. If we want an all-round development every part of the country deserves its own quota because what concerns all should be approved by all.

I now come to the question of globe-trotting. Personally, I have nothing against it. It is necessary that our Ministers should go round and project Nigeria abroad. All I have to say is that since many tours will have to be made, it will be necessary to limit the number of people going abroad each time. Only technical experts should be allowed to go on the tours. It is not necessary to go with an army of people round the globe. If the Minister goes out, he should only go with a handful of competent men and the experts to advise him.

With these few remarks, I support the Bill.

**Senator M. Muhammadu Sani Dingyadi:**

I rise to support the Supplementary Appropriation Bill now before the House but before doing so, I would like to make some remarks which I hope will be given very serious consideration by this Government. The independence which we achieved last October freed us from the yoke of foreigners as far as the administration of this country is concerned, but, it does not and cannot altogether free us from the foreigners' yoke until the economy of this country has been greatly improved.

America's freedom depends largely on its improved economy which largely depends on the promotion of that country's trade and industry. Looking through the Estimates, I notice that a sum of £88,000 has been voted for the Ministry of Commerce and Industry. I welcome this increase assuming that this increase is going to be used for the establishment of a new trade, but on investigating further, I find this sum is only provided to allow for the refund of what we have already absorbed as part of our economy. I always want to see that the Estimates for this Ministry is increased to allow for a constant establishment of industries and trade. This country is agriculturally rich and I would strongly advise this Government to do everything possible to see that our raw materials are absorbed by industries established in this country.

We should not be contented that this country remains a producer of raw materials for other countries and a consumer of goods from those

countries. It is very surprising that despite all the animals we have in this country we still import tinned meat. Despite all the groundnuts we grow in this country, we still import margarine and soap and despite all the cotton we grow, we import 99 per cent of this country's cotton goods. Cocoa and palm kernel are still exported raw to other countries.

I strongly suggest that the Federal Government and the Regional Governments should join forces to see that efficient trade and industry is introduced in this country. The four Governments should appoint a Board whose sole purpose will be to advise on ways and means by which industries and trade could be established in the country. When sufficient industries have been established, the work of the Marketing Board would be to find world markets for the goods. It is the collective responsibility of all the Governments in the country to see that this country is highly industrialised in the immediate future. I know that the Government does not normally establish industries on its own but the Government can support and invite foreign investors into the country.

The next point I want to touch is communications. The road construction work in the Federal Capital is excellent but outside Lagos, it is not very satisfactory. The Federal Government is in charge of most of the roads in the country but it is surprising that the Regional Governments are well ahead the Federal Government in road construction. To be frank, the Regions have done very good work on the construction of roads while the Federal Government has been very slow in its activities. I said it before and I want to say it now that we have not got a single road joining the Federal capital and Kaduna, the capital of the Northern Region, or Kano, the commercial centre of the North. We have not got decent roads joining the interior and the strategic points on our border.

I have to mention the appalling condition of the Kaduna-Tagina Road with its dangerous bridges and culverts. In the North-Western part of the North, the economy of the country is suffering woefully. The improvement of the road has been so neglected that it is impossible to move from this part of the country to any strategic points in the country, like, Lagos, Zaria, Kaduna, Kano or Katsina. This part of the country is very rich in all kinds of raw

materials and they have animals of all sorts. Industries have not been established in this part to utilise these things and the evacuation of produce has become an impossibility due to bad communication. Lorry owners who wish to do it do it at great risk to life and vehicle.

The Sokoto-Yelwa-Kantagora road which joins this part of the country to the South is a stretch of 270 miles of crudely built untarred road. Thousands of lives and vehicles have been ruined on this road. One would have to complain bitterly of the appalling condition of the stretch of roads joining Gusau and Funtua. I understand that work has started on this road with the hope of improving it partly.

**Senator Chief Fagbenro-Beyioku :** I refer to the Standing Orders of this House that "a Senator shall not read his speech but he may read short extracts from books and papers in support of his arguments and may refresh his memory by reference to notes". I think we must have to keep to that.

**Senator Dingyadi :** The improvement has been so slow that the road had to be closed. The part of the road sanctioned to be improved is 32 miles. What is the Government's intention regarding the remaining part of the road is a matter for speculation. Four days ago, I attempted to drive on this road and it took me six hours to complete a distance of 70 miles. That is at the rate of less than twelve miles per hour.

These two examples are enough to show that this Government has been very slow in its road construction programme. The economy of this country cannot be improved with poor communications.

Next, I have to congratulate the Government for the introduction of automatic exchange services. I suggest that this should be continued and introduced throughout the country as quickly as possible.

Another point I will comment on is the question of the Mass Malaria Control Scheme and the Water Supply Investigation Scheme in the North. I am glad that the Government has provided for these two things. The Water Supply Investigation Scheme has proved very satisfactory in Bornu Province and we hope that it will be extended in the very near future to Sokoto Province. We are in need of water there. Mass Malaria Control has

[SENATOR DINGYADI]

been so successful that it is worth continuing. I have to say that this is the only way in which malaria can be completely eradicated in Nigeria.

The last point I want to make is on soil conservation. I have looked into the Estimates but cannot find where any provision has been made for this very important scheme which has recently been proposed. I think that hon. Senators are well aware of the position of land fertility in the northern part of Northern Nigeria. Rivers are drying and the soil is losing its fertility very rapidly. This is a matter of great concern not only to the local people but to the whole of Northern Nigeria. I think that it would even be correct to say that it is a matter which affects the whole of Nigeria and the other nations of the world. I understand that the United Nations are making some contributions towards this proposed scheme. The local people and other elements in Northern Nigeria are also making some efforts. I am therefore strongly advising the Federal Government to contribute its share towards this scheme as soon as possible.

With these few remarks, I support the Supplementary Appropriation Bill.

**Senator (Mrs) Wuraola Esan :** I rise to support the Supplementary Appropriation Bill. I was thinking that the Minister of Finance would tell us that he has not been able to balance his budget. I am happy to learn that he is looking forward to income derivable from increased import into this country.

There was a debate here sometime ago on whether women should pay tax or not. I am sorry I was not able to be present but, at any rate, whether or not I was present, the Bill has been passed and women will now pay tax. Women are not afraid of taxation. As a matter of fact, very few of us are going to be directly affected and those who will be indirectly affected, that is, those who would be taxed without the authorities ascertaining whether they earn up to £200 or not, will, of course, get the money back from the men. I am happy therefore to know that the men are indirectly taxing themselves.

I have a suggestion to make about increased import. If one looks round Lagos now, one finds that the majority of things sold at the

markets are consumer goods imported from abroad and the women who can boast of having some money with which to buy these things are those who trade in consumer goods like textiles, crockeries, cutlery, beer and things like that. If we allow this situation to continue indefinitely, very grave consequences may result. I happen to know that not many women would like to trade in foodstuffs in our local markets. Many women who trade mostly in *gari*, vegetables and such commodities only labour unnecessarily because they realise very little profit. I think it is necessary to encourage these women and by encouraging them, Government will be encouraging the progress of industry in general.

I see no reason why the Government should not encourage people from abroad who would like to come and settle down here in Nigeria in order to refine and improve our local foodstuff, so that the foodstuff may be suitable not only for local consumption but also for export. I am sure that commodities like *gari*, *tapioca* and starch if well developed will not only bring much profit to the local dealers, but will also serve as an inducement to more people to join the industry. Further, the articles of consumption will become exportable

I would like to speak briefly on the weaving industry. The Government should devise means of developing this industry. We cannot depend on imported goods alone in this country. If we develop our own native weaving system, clothes will be made cheaper and more people will prefer to buy locally made clothes rather than rush to buy goods imported from Manchester.

The next point is about the Women Police. I observe that an amount of money has been earmarked for Police. I would therefore urge that the present uniform of our women police should be improved upon. The women police have not been recruited to frighten people; and if they are to deal with children and to be polite and lovable in order to be able to do their work more efficiently, they must be attired properly. The hon. the Minister in charge may not agree that trinkets should be worn by them—I do not mind that—but I am sure he very well knows what I am talking about. I would like them to be very attractive even in the course of their duty.

Another point which I have mentioned before is in respect of police women employed on traffic duties. It is really an arduous task for women to stand in the middle of the roads directing traffic. I am however happy to observe now that it is not normal to see them regularly on the roads. Definitely there are other kinds of work on which they can be employed, particularly those that will not often bring them out into the streets. And when they do come out it is essential that they should look very attractive.

Many Members have spoken about the acute shortage of doctors in the Ministry of Health. A statement has been made to the effect that there is at present only one doctor to 50,000 patients. This is not a very encouraging statement to make considering that a lot of money is spent each year on health problems. I think that the recruitment of doctors should be the chief concern of our Government and the Minister of Health should look into the position and take immediate steps to improve the position.

Apart from this, the conditions of our hospitals should be improved. Many of us who have been to hospitals know what happens. I know of course that the Federal Minister of Health is only concerned with Lagos hospitals, but even in Lagos if one attends a hospital in the morning, one may never return home until about 3 o'clock in the afternoon and what is more, one may never get any medicine to take back home even though one has managed to see a doctor. If this state of affairs is allowed to continue the people of this country may not be able to enjoy the health necessary to build up a strong and virile nation. Women are in the majority in Nigeria to-day and they are much more concerned with the health of their menfolk and their children. In order, therefore, to please them, something should be done to improve the state of things in the hospitals in Nigeria. Then coming down from Ibadan to Lagos, one sees what our Minister of Finance told us is one of the excellent roads constructed in Nigeria. But, according to laymen like me, I do not think it is excellent. All along from Ibadan to Lagos it is nothing but bumping and jolting and rolling. It is a serious matter that elderly Statesmen like us, who are not as young as the Minister of Finance, should come all the way to this

House to do business and, on our return to our homes, suffer from rheumatism because we have travelled on bad roads. Our roads should be properly developed because, as Senator Ukattah said this morning, health is wealth. If we have well-built trunk A roads, the exorbitant expenditure on maintenance would not arise.

One point I would like to make is about the composition of the team that tours the Continents on economic missions. I wonder why no woman is included in the team to tour with the Minister of Finance. I suppose women are only to spend and not to earn! If not, there are several women in this country who are interested in our economic development and who, too, have made contacts outside Nigeria, unknown to the Minister of Finance. If such women are taken along, they can make useful contributions to the success of the economic mission. At present, only the men go about and the women do not even see what they bring back. They either tell us that they go to borrow money for our economic development or that somebody is coming to establish industries, but for many years we do not see the result. If women are taken along, they will see that things are done quickly, and they know the right way to approach the people.

If we must make comments here on anything brought before this House, we would like our comments to be noted, and, if necessary, something should be done about them. In the past, it had been said that we merely support everything the Government brings before us and rubber-stamp debates from the Lower House. We do not come here to do that. We come here to contribute our own individual views on anything put before us. I would not get up to say anything if I have nothing to say. As a matter of fact, I can listen better than talking because talking happens to be my means of livelihood as a teacher. Even when we do say things that the Government do not consider sensible, they should make sense out of them and not ignore the contributions we make in this august House.

With these few remarks, I support the Bill.

**Senator M. B. Chukwubike :** I rise to speak in support of the Second Reading of the Supplementary Appropriation Bill. In doing so, I have a few observations to make.



[SENATOR CHUKWUBIKE]

Police. The rate of recruitment of young men and women into the Police Force is very commendable. We all know that, among other things, we need adequate police protection in this country. The country is growing very rapidly both in status and population, and an increase in the strength of our Police Force is absolutely essential. I praise the work they are doing in the Federation.

Turning to smuggling, I must say with great emphasis that it is the country's public enemy No. 1 and should be regarded as such. The Police have been doing much to combat this evil force, but I must say that the smugglers are like the locusts of the desert—the more they are arrested, the more they find new tricks by which to carry on their unlawful trade. The point I want to make is that any method that can succeed in the total annihilation of this evil practice is welcome. Traders lose and the nation loses as well.

The economic mission. I must say that the tour of the mission was a huge success.

**An hon. Senator :** How do you know ?

**Senator Chukwubike :** Among other things they discovered that favourable trade exists between Nigeria and many other countries of the world. Above all, the way the mission projected the Nigerian personality abroad is very commendable. I praise the mission and wish it more grease to its elbows. We are looking forward to the day when the fruits of the mission will be seen.

The progress of the Federal Government in the fields of economic development, education, telecommunications and health is very creditable.

Bridging the River Niger. I wish to say a few words about this important project. My heart was filled with joy when I watched the contractors at work on this project at Onitsha. The venture is very bold and, when completed, will benefit all parts of the Federation of Nigeria.

I must say that the choice of this Company is very good. No company in this country can compete with this company both in efficiency and in speed. One needs to see the good work being done by them in Eastern Nigeria.

Coming to our farm products—those of us who happen to come from places where palm

trees grow know exactly what difficulties and risks people go through in producing the palm produce. Besides, we all know the usefulness of palm produce. All I want to say here is to draw the attention of the Government to the price of palm oil. Something must be done to remedy the situation. I appeal strongly to the Government to look into this. Perhaps, the Minister will have some comments to make on this. I wholeheartedly support the Bill.

**The Minister of Finance** (Chief the hon. Festus Okotie-Eboh) : I do not propose at this stage to prevent hon. Senators from contributing to this debate, but I am sure that some of those who have already spoken have made most of the points that hon. Senators would like to make and I will reply to some of the important ones.

I want to say straight away that nobody who is fairly sensible would consider this Senate a rubber-stamp institution. On the contrary, I think it is an essential check on what may be looked upon as the excesses of the Lower House, and in most cases, I think that the contributions we have made here have been a very useful instrument in running our affairs in the Government.

I want to assure not only Senator Mrs Wuraola Esan as such, but all the Senators that when Senators make speeches here, such contributions are not just thrown into the waste paper basket. All the points made by Senators are referred to the different Ministries and are carefully studied and scrutinised. Those that are really worthy of quick action or study are put to the Minister and are carefully studied and implemented, where necessary. Therefore, all remarks are well taken.

I want to congratulate the Senate still on her good fortune, in a debate on the Supplementary Appropriation Bill, in having an expert in the field always to lead the way. I refer to hon. Senator Daldry. I can only wish the Senate luck to retain his services for many years to come.

Senator Daldry has spoken on the climate for overseas investments and he quoted the Prime Minister's views on this issue arising from a different matter in another place. I want to assure him and all the Senators again that we in the Government are quite conscious of the importance of overseas invest-

ments in this country and we believe that if this climate is made unhealthy for such investment, it would be impossible for them to come.

He said overseas investors are all very careful. One must have to be very careful in investing one's money and unless one is sure that one's money will be safe and that it will yield dividend, it would be stupid to make such investment. That is why we want, as far as possible, to keep our heads above water in some of the statements we make.

Naturally, a large country like Nigeria must have its skirmishes and squabbles among its teeming millions one time or the other. I want to cease this opportunity to assure overseas investors that our differences are just internal. They are not such that we think would create such atmosphere as could scare anyone away from this country. It exists everywhere. Even in the United Kingdom there still exist political groups: those who advocate the type of liberal socialism or socialism in its extreme are still in existence there.

The fact remains that what matters is the existing principles and policy of the Government of the day, and there is no doubt that all the parties that form the Government, either in the Region or in the Federal Government, have been trying in the past, and their policies remain the same. The National Economic Council, where all the Governments of the Federation participate, is growing stronger and our policy is reassured from time to time not only by the Prime Minister and the Premiers and the Ministers of Finance, but by the generality of all the Governments of the Federation of Nigeria.

The hon. Senator Daldry also mentioned the question of saving. Saving, naturally, is something that is dearest to my heart. Senator Mrs Wuraola Esan mentioned in her speech about this as well, and whilst she supports saving, she also supports some sort of extravagance in a way. She herself, being always a well-dressed woman, surely cannot claim to be saving too much because too much of gold and *Aso-Ebi* is still going on. I am not suggesting that our women should not dress well, nor that the hon. Senator should not wear beautiful gowns sometimes, but I think the time has come for us to really save one

way or the other. Much as I would like us to dress well, it is essential for us to spend less money on fanciful things. I trust that all the Senators will join the Government in making this propaganda.

As Senator Daldry has said, we now have Stock Exchange. We have created so many financial institutions now for both the small and the big person to keep his or her money. We want young men also from school to train immediately to start saving money. It is only by saving money that we can have money in this country. If a man or a woman spends all what is available, naturally, there will be nothing left for a rainy day. So I think that in Nigeria, the idea is so much for fanciful things, nice cloths, drinking beer, whisky, bitters. They are good sometimes but, as Mrs Wuraola Esan has said, even in England people should try to eat Nigerian food to encourage selling them. I can assure her that it is gaining ground already in the United Kingdom. Our students there and some of us who go there do buy now from London market *Gari, Okro, Egusi*, and I think anytime Senators go there they should not get worried carrying pepper and all that. They can even get red pepper in London or even in the United States of America, as well as *Amala* and *Burukutu*.

Senator Lagunju spoke about smuggling. I gather that he comes from Oshun Division which includes Oshogbo and all those places. Let him tell the Government in that part that that area is one of the areas where smuggling is being carried on through the Oyo and Ogbomosho border. I appeal to him, kindly, to help me to talk to them. Unlicensed lorries ply all those places to the other territory outside Nigeria and do a lot of smuggling. I am happy that he himself hates smuggling and wants us to combat it.

We really must congratulate both the Police, the Navy and the Customs on their vigilance and the way they carry on their duties of recent. The impact is being felt in our trade because, as Senators have said, it is a great evil and danger to our economy. It not only cheats the Government but it also cheats the ordinary businessman. If a trader orders goods and claims them through the Customs, and he gets to the market and cannot sell them for even a profit of a penny because somebody managed

[MINISTER OF FINANCE]  
to smuggle similar goods across the border, then his own personal economy is being tainted by someone who is doing back-hand business.

We are happy that hon. Senators are supporting us and, although I have not put it to my Colleague and the Prime Minister, we hope that in the River areas and across the borders we shall experiment the use of helicopters. The Nigerian borders are very wide and it is difficult to comb them from the ground or from the rivers. Maybe if that experiment succeeds and it is approved by the Government, we shall have moved ahead again in our endeavour to track down smugglers.

Naturally, Senators have heard the case of second-hand clothing and the racket going on with it, particularly in Port Harcourt area where we seized six thousand bales of second-hand clothing—principally new shirts that people in America parcel and then say they are rummage. They say they are old clothes and that they are not worth anything. They have special marks which they put on the bales for their agents. These agents are either people in the trade or in the Customs Department; some of them are even employees of the Nigerian Ports Authority. All of them know these marks and when the bales—say six thousand bales—arrive, they select those particularly marked and pack them inside and then put the real rummage bales in front of it so that when the Customs Officer comes to check, he examines certain percentage, one or two bales, and says—"Oh, it is all right." But the real thing is behind. The invoices are made for two shillings for each of the rummage shirts or things like that and when they pay that, the duties on it are kept here in Nigeria. When enough money has been accumulated, they tell their principal in the United States to fly down, and when he comes here he collects the money. The man we chased ran away with £6,000 collected by such means in Port Harcourt. Hon. Senators will agree with me that these people are a great danger to our economy and we feel we should fight it out with them.

Senator Lagunju also mentioned the question of concentration of development in Lagos and wanted us to come to his rescue in Oshogbo. I want to tell him that the Governments of the Federation have their different responsibilities.

The responsibility for most of the development that could be done in a place like Oshogbo rests with the Regional Government, and I can assure him that the Regional Government is alert to its responsibility in improving those places.

Lagos must be improved. It is the Capital of Nigeria. Whatever we say, people will come to Lagos first to see the Federal Government before they go to the Regional Governments. Therefore, the Capital of the Federation as well as the Capital of the Regions must have priority of development. Industrially, we know that Lagos is becoming short of land, and therefore, what Oshogbo loses by face development it will gain by the establishment of industries in the Regions.

Further, we do not think that we should make Lagos a sort of Paris, but I am sure that the Deputy President will frown at Senator Lagunju's statement that there is too much improvement in Lagos. If I may speak his untrammelled mind, I think he feels that the development is not enough, that more should be done for Lagos.

We can assure everybody that we have not only the interests of Lagos at heart but also of all the sections of the country, and where the Federal Government can find reason for any improvement, it would not hesitate to do so. That is why we are keenly interested in the developments in the Regions by supporting the establishment of industrial projects and by contributing to them so that we can develop not only the Capitals of the Regions and the Federation but also the rural areas.

I now come to roads generally. My Colleague, the Minister of Works and Surveys, is already looking for money to make a general survey of our roads. I think that it is only right that we should be able to take our cars, drive from here to Kano or Ibadan or anywhere in Nigeria, especially when the bridge over the River Niger is completed, one should be able to get up any time of the night and drive to anywhere in the country.

As regards bumpings and gallopings that hon. Senators complained about, I will say that only bad carpenters always blame their tools. If a car is not properly greased—and I think it was Senator Dingyadi who said that his

driver was driving at twelve miles an hour : maybe his driver was lazy or his tyres were not properly inflated before he left home. So the blame cannot be put on the road.

As far as the road from the North is concerned, I have gone through the portion that has been tarred. They are very nice. And for the information of Senator Mrs Wuraola Esan, from here to Ibadan on the Ikorodu road is one of our best roads. They are straight and sometimes it is necessary for cars to gallop so that they can check drivers from sleeping and for Senators to read their papers when they are being driven to Lagos. I think that my Colleague is always alive to his responsibilities to see that our roads are well cared for.

As regards the inclusion of women in the Economic Mission, nothing could please me better than if Senator Wuraola Esan, as well as any other lady agrees to serve on the Mission. But I can assure her that even in the last Economic Mission, we had three Nigerian women Secretary-Typists in the delegation and wherever we thought it was time to look for women investors, although they were officials, we asked them to serve on the Committee so that they could try to use the usual women's tactics for making money. Whether they are as rich as Mrs Wuraola Esan or not does not matter, but they tried to assist us in getting some women investors.

I want to tell hon. Senators that in New York we were able to get two women investors who want to come and establish a Building Society in Nigeria. They are still communicating with us. Whenever they have the opportunity to visit Nigeria, I shall insist that they will be Senator Mrs Wuraola Esan's guests.

Mrs Wuraola Esan also spoke about the scarcity of doctors. That is the responsibility of the Minister of Health. But why worry about these doctors? As far as I am concerned, I hardly go to these doctors because there are enough of native doctors! The only essential thing is for them to have the appellation of a doctor!

I want to tell a brief story of what actually happened. Members who come from Aba can bear me out. There is a tibesman of mine who is a Native Herbalist at Aba. When people started to say that there are many fake

doctors, he wanted to call himself a doctor too. His name is Uku. He gives his name as "Dr Uku", and in order to escape prosecution, he spelt his doctor as "Ductor". With this sort of names they could practise as doctors with impunity and nobody could get hold of them. So we can have enough of doctors and the ratio will not be 1 : 50,000 but 1 : 5,000!

I am happy that the hon. Senator from the East (*Mr Chukwubike*) says that we have already begun work on the Niger Bridge at Onitsha. We hope that the work will move on with great speed but when it is completed, it will be a toll-bridge and we will be able to get our money back.

My Colleague the Minister of Works is also thinking of a second Lagos bridge. Although we are not committed to it yet, hon. Senators will all agree that this congestion in the streets of Lagos is very appalling, and if we can get a second Lagos bridge and make it a toll bridge, then it will ease the situation and make it better and freer for all of us to ride in Lagos.

Finally, I want to say again that we are very grateful for the way in which the Senators have handled this matter. What we are asking for is the money which we urgently require for our social development. If we are given the money, as I hope, we will be able to put them into useful purpose which will be for the good of the community at large.

**The Minister of Health** (Chief the hon. Majekodunmi) : The hon. Minister of Finance is a very humorous speaker. He has made certain references to native doctors and I would like to have it on record that the Government certainly does not contribute to the idea that native doctors could excellently pass as doctors in order to improve the ratio of doctors for the population. I think it will generally be understood that this is meant to be a joke.

Native doctors have their place in their traditional life, but we certainly would not like the population of the Nigerian public to get the idea that Government has given official recognition to these practitioners to hold themselves up as scientific doctors.

We are only too conscious of the fact that there is a very severe shortage of doctors. In fact, the Government itself will be the first to publicise that we are short of doctors. Nobody

[MINISTER OF HEALTH]

who is reasonable could possibly lay this shortage at the door of the present Government. It takes seven years to train a doctor, and before he can be admitted to a Medical School at all, he should have passed the Higher School Certificate examination Advanced level in five subjects, including three Science subjects. These are very high qualifications indeed for admission.

Hon. Senators must have read from the White Paper on Educational Development which is based on the Recommendations of the Ashby Commission, that the Government is fully conscious of its responsibility in this respect and we are planning that at the end of the planning period, our Medical Schools here will be producing 400 doctors every year.

At the moment, we have a Medical School at Ibadan which is trying to produce doctors, but it has not been so far able to produce as many as we need in any one year. We hope, in the next eighteen months, the first batch of doctors will be ready and within another few years, we shall step up the production in the Medical School in Ibadan to 100. Here in Lagos, we are planning to establish a Medical School which will produce 100 doctors. We also have the same plan for Enugu and Kaduna, so that we are not unaware of this shortage and we are doing our best to rectify it.

I would like to assure hon. Senators of what is being done in this respect.

*Question put and agreed to.*

*Bill accordingly read a Second time.*

**The Minister of Finance :** I beg to move, That the Bill be now read the Third time and passed.

**The Minister of State :** I beg to second.

*Question put and agreed to.*

*Bill accordingly read the Third time and passed.*

EXCHANGE CONTROL (AMENDMENT)  
(NO. 2) BILL

*Order for Second Reading read.*

**The Minister of Finance :** I beg to move, That a Bill for an Act to amend the Exchange Control Ordinance be read a Second time.

Exchange Control was originally introduced in Nigeria as a war measure under the Defence (Finance) Regulations, 1939. These were re-

placed in turn by the Defence (Finance) (No. 2) Regulations, 1939 and a series of other Regulations. Our present Exchange Control Ordinance came into operation on the 10th December, 1950, thereby placing Exchange Control on a more permanent basis. Regulations have been issued from time to time since then to meet the changing conditions which have occurred.

The principal object of Exchange Control in Nigeria, as in other countries, is to conserve foreign exchange resources and to ensure that they are not dissipated by unnecessary payments abroad. It is on these last words—"unnecessary payments abroad"—that I should like to lay emphasis.

Under our existing Exchange Control we have been concerned to conserve our resources of the currencies of countries outside the sterling area. To this end, payments to countries outside the sterling area have required prior Exchange Control permission. It is the Federal Government's policy to preserve this state of affairs and to maintain freedom to transfer funds to and from the sterling area countries as in the past.

The purpose of this Bill is merely to ensure that Exchange Control permission is obtained for two specific types of transaction which the Federal Government feels to be a wasteful use of external resources and likely to have a harmful effect on Nigeria's credit-worthiness overseas.

Hon. Senators are already aware that substantial amounts of funds are transferred every week from Nigeria to the United Kingdom and other countries by way of stakes in football pools or through other betting arrangements. I am sure this hon. House will join me in saying that this is most undesirable for our economy. It has been estimated that Nigeria is losing roughly two to three million pounds a year on foreign football pools. I ask, how can we honestly appeal to our friends overseas for assistance when we allow our own resources to be used so recklessly? I am sure that those Nigerians who love to invest in football pools will be prepared to invest in domestic pools—and they are able to do this as a result of the establishment of a local pool.

Immediately this legislation comes into force, no payments in respect of football pools or other betting arrangements may be made to

any place, and I emphasise *ANY* place, outside Nigeria, without reference to my Ministry.

I now turn to the second part of this Bill which relates to loans, bank overdrafts or other credit facilities and to repayments of such facilities, *not* including those relating solely to the import and export of goods. Under our present Exchange Control arrangements, it is possible for residents of Nigeria to take up such facilities in the sterling area without the knowledge of my Ministry.

We know that all businessmen require loans and overdraft facilities for the conduct of their business. Banks and other credit institutions are liable to provide these facilities and it is not the intention of the Federal Government to interfere with their legitimate business in this field. On the contrary, it is our aim to strengthen their position because we believe they have a very important role to play in the economic development of our country.

What the Federal Government intends now, is to bring within the provision of our Exchange Control Law those overdraft facilities which are taken outside Nigeria and which could have serious repercussions on the credit-worthiness of Nigeria if they were to assume large proportions. Government is, therefore, proposing to bring these financial transactions under control before these proportions are reached. Furthermore, payments of interest and other charges under such facilities to any country outside Nigeria must, in future, receive the prior permission of my Ministry. In order that the Federal Government may be informed as to the extent of facilities already arranged, all residents of Nigeria enjoying such facilities are required to submit details to my Ministry within three months of the coming into operation of this Act.

I should like to stress once again that the arrangement I have just outlined does not include loans, overdrafts and other credit facilities which are related solely to the import and export of goods, nor to the repayment of such facilities.

It is not the intention of the Federal Government to disturb legitimate trade. Ours is a free economy and we intend to keep it free.

This Amendment is also not intended to cover the small personal overdraft facilities that may be required by Nigerians temporarily

overseas. To this end, I have authorised all licenced banks in Nigeria to continue to make available to Nigerians overseas, including Students, personal overdraft and other credit facilities of an amount not exceeding £100 at any one time.

We have all expressed concern over the deterioration in our balance of payments position during the last year or so. It has been a major objective of the Federal Government to improve that position and these Amendments to the Exchange Control Ordinance are designed to that end. I am sure, therefore, that all Members of this House will welcome the Bill and give it full support in the interests of inspiring confidence in our economy.

In conclusion, I should like to impress upon the hon. House that my sole purpose in employing the Certificate of Urgency procedure has been to make it impossible for anyone to take advantage of any foreknowledge of the provisions of this Bill. Instructions will be issued to the Banks to-day so that immediate effect may be given to this measure should it receive the approval of Parliament.

Mr President, Sir, I beg to move.

**The Minister of State** (Hon. M. A. O. Olarewaju) : Sir, I beg to second.

**Senator Chief A. O. Fagbenro-Beyioku** : This is a wise move and I feel that the Government is only responding to the wishes of the people. I am sure that with this Bill, which I know will pass through this House, Government should start now to think of the possibilities of redeeming whatever investment Nigeria is having outside this country.

To the best of the knowledge of some of us in this hon. Senate, Nigeria has a huge amount of money flowing outside Nigeria, and if this amount will be brought back home, it will help substantially in our Exchange Programme and in the general Development Programme of the country.

I support the Bill with this strong observation on our investment abroad.

*Question put and agreed to.*

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

## ROAD TRAFFIC (AMENDMENT) BILL

*Order for Second Reading read :*

**The Minister of State** (Hon. M. A. O. Olarewaju) : I beg to move the Second Reading of a Bill for an Act to amend the Road Traffic (Amendment) Ordinance, 1961.

It has been observed that the number of traffic offenders on which summonses have not been served is high throughout the Federation. This is due mainly to the fact that many offenders on being asked to state their address gave one which is false or misleading.

The object of this Bill is to enable Police Officers to retain the driving licence of an offender where it is considered that any difficulty is likely to arise in the service of a summons until the offender reports to the Police Stations to collect it or a summons has in fact been served on the offender.

This Bill applies to Lagos only and it is intended that the Regional Governments will be asked to consider introducing legislation on similar lines. The Bill is straightforward and I hereby commend it to the House.

**The Minister of Works and Surveys** (Alhaji the hon. M. Inuwa Wada) : I beg to second.

**Senator P. A. Ogundipe** : This is a very welcome Bill which, I would say, has long been overdue for introduction as part of our laws.

It is known that in this country almost all drivers are reckless and irresponsible. It is absolutely a disgrace to call somebody a driver, whereas it is a vocation that one ought to be very proud of. The recklessness of most of our drivers is responsible for most of the accidents and loss of lives and property in this country. It is common knowledge that, driving some 200 miles away from Lagos, one would come across the wreckage of no less than ten to fifteen cars or lorries. One would see signs of blood, of horror, death and grief resulting from reckless driving.

Reckless driving persists on our roads because many of the drivers still do escape punishment after having committed the offence, and many of them go about with false driving licences and feel sure that by giving false addresses, they can escape without being found out. There is very little check on excesses in driving.

This Bill is, therefore, a welcome amendment to the law regarding road traffic. All I need to say further is that the Government should not stop at this; they should continue to think of other measures by which reckless driving and all the evils that accompany it could be checked. The country cannot afford to be losing the lives of men, women and children.

The Bill is very welcome and I commend the Government for presenting it at this time. I have gone through the Clauses and have seen that the few points that one would have asked to be considered have already been included in the Bill.

I notice that there is a Clause which makes it possible for the Police to return the driving licence in good time without making use of it as a means of corruption. It provides that the Police should return the licence if the proper address could be got. If that is not done, it is the owner of the lorry or car who would suffer and not the driver.

This Bill is very welcome and the Minister in charge is commended for bringing it up. With these few words, I support it.

**Senator A. E. Ukattah** : I wish to speak just briefly on this very commendable Bill.

One finds that the number of accidents on our roads every day is on the increase. I think the principal reason for this is that those who are responsible for such accidents escape unpunished. Therefore, whatever measure the Government can adopt to ensure that offenders are tracked down and punished will be very welcome, and I think that this is one of such measures.

Already a piece of legislation similar to this has been passed in the Eastern House of Assembly, and I think that the Government of the Federation is doing a nice thing by following suit.

I have, however, to sound a note of warning—that in putting this law into effect, the Police must ensure that the main reason for passing this Bill is not defeated. The Police should bear in mind the particular section in the Memorandum which provides that a driver's licence is to be forfeited or temporarily seized only "where it is considered that any difficulty is likely to arise in the service of a summons". Anything done outside this provision will place difficulties in the way of drivers. I hope that the Police would not make it their routine

business to stop every driver and confiscate licences and expect something to be done before they can be returned. It may not be unreasonable to expect that sort of thing. I do not expect any trouble to arise.

The next point I would like to speak on concerns the acknowledgement of the receipt of a licence. It is provided that when a licence is confiscated, the owner has to acknowledge receipt when it is returned to him. I would want the Government to consider the advisability of an amendment which I intend to move in Committee. If the Deputy President would allow me, I will read the section of it which I intend to amend.

**Senator A. E. Ukattah :** In Clause 2, (1) and (2) it is stated that Police officers should retain the driving licences of any person committing an offence and a written statement should be given.

Now Sir, we have the Bill and I intend to move an Amendment that the statement be given on a prescribed form. This will remove the difficulties that may arise as a result of the high degree of illiteracy among drivers.

Similarly, I intend to move an Amendment on the signing by the holder of an acknowledgement: the acknowledgement should be given on a prescribed form. I hope the Minister will note these points because I want to move them in Committee.

My last point, Sir, is that while I praise the Government for bringing this Bill, I would like to invite their attention to the fact that there is something wrong in the office where driving licences are given. You find that many of the drivers on the road have never been apprentices even for a week and they possess driving licences I do not know how they managed and these licences fell into their hands. I think it is due to lack of vigilance on the part of the Department. So, I am inviting the attention of the Government to the fact that quite a number of our drivers on the roads have never been apprentices but they possess driving licences.

It is only due to one thing that these people have these licences, and that is corruption. The Government should exercise vigilance on this and make sure that every driver possessing a driving licence is actually qualified for the licence and licences should not be given to people who have not been apprentices.

With these few remarks, I commend this Bill to the House.

**Senator A. O. Fagbenro-Beyioku :** Sir, I have nothing against the Bill as such but I want to take this opportunity, particularly as this Bill covers Lagos to place on record my own general observations and appreciation of the efforts of Mr Denley, the present Superintendent of Police in charge of traffic. I think this English gentleman has done a lot of improvement to the traffic situation in Lagos and it is not always for us to come here and condemn. Wherever we find cause to commend we should commend. He has done a lot to ease traffic congestion in Lagos.

But there is one thing I observe, Sir, Mr Denley is a specialist on traffic and he is always posted to traffic, but I have observed from time to time, no Nigerian Police Officer has been left permanently with him to understudy him so that by the time he retires, that Nigerian Officer will be able to take over in the same standard of efficiency as Mr Denley is now performing the duties. I observe from time to time that we have a Police Inspector or an A.S.P. working with him to-day then three months later he is removed.

I do not share the belief that our only duty is to come here and condemn every time. If you condemn, you are not encouraging the people to perform their work efficiently. We must find out what is wrong. There is a general spirit of frustration, particularly in the Traffic Division. People are frustrated. I feel, Sir, that people must be trained to be specialists. There should be specialists in draughtsmanship, people who draw the map when there is accident; some to draw signs, some who are specialists on investigation and all that sort of thing. Where you have these people and it comes to promotion, these people do not get their promotion because then we start to think of Inter. B.A. or Inter B.Sc. If you do not promote them, you are not encouraging them. I am appealing strongly to the Minister in charge of Police, Sir, to look into this situation so that we may have in this country a contented Police Force which will give us the efficiency we really need.

My next observation is that to get driving licences here in Lagos is extremely difficult. There are people who have served their apprentices and qualified and for three or four



763 [Road Traffic (Amendment) Bill] 1 SEPTEMBER 1961 [Road Traffic (Amendment) Bill] 764  
[SENATOR FAGBENRO-BEYIOKU]

years have not been able to get a driving licence. It may be another thing in the Eastern Region, where people who do not serve apprentices for more than a week may get licences. I know people, responsible people, even professional drivers who find it very hard to get licences. I appeal very strongly to the Minister to do whatever he can, to help remove the difficulties people are now having in getting their driving licences. I agree entirely that people must be competent, efficient, to be able to get licences but the restrictions and difficulties are too much.

With these observations, Sir, I support the Bill.

**Senator H. N. Udoh :** Sir, I think everybody in this House and in the whole of Nigeria welcomes this Bill because as one moves from one place to another one is not safe either in a car, in a lorry, or on foot. One is not safe because of the unreliability of the drivers. Evidence of recklessness can be seen on the Lagos-Ibadan road and many of these accidents are caused by owners of transport who urge their drivers to speed in order that they can make many trips daily. This has caused much loss of life.

We call in the Police when there is accident and they are expected to come and see what has happened and how it happened and to be sincere themselves.

With all the accidents all over the country one is compelled to ask—Did these drivers go through their test and, if so, who tested them? Or is it a question of the highest bidder is the purchaser?

Now to the question of Police Officers detaining drivers licences and saying their addresses are not known. Are their addresses not in their driving licences?

The Policemen should get the address from there. These drivers are tricky customers. They are prepared to tell you something to-day and another thing on the same topic next morning. They will never give their correct addresses I am suggesting that if they do not produce their driving licence or give their addresses the driver and the car should be detained and, if the car cannot move the driver should be detained by the police until he produces his driving licence.

I have observed that some drivers even drive without a driving licence. I am strongly supporting the Bill that these reckless drivers should not be pardoned.

**The Minister of State (Hon. M. A. O. Olarewaju) :** I honestly thank hon. Senators who have made valuable contributions to the debate on this Bill. I have been listening to the points raised by hon. Senators with keen interest and they have been carefully noted. I assure the House that all necessary steps would be taken to see that the Nigeria Traffic Police Officers perform their duties without fear or favour. I would like to say that there is no country in the world where the Police Force is popular. Even the Scotland Yard Police hailed throughout the world are criticised by the British people, so that I am not surprised that Nigerian Police Officers are being criticised as well. I assure you, hon. Senators, that the interest of the public as far as this Bill is concerned will be looked into.

*Question put and agreed to.*

*Bill read a Second time, and immediately considered in Committee.*

ROAD TRAFFIC (AMENDMENT) BILL :  
CONSIDERED IN COMMITTEE

*Clause 1—(SHORT TITLE, ETC.), ordered to stand part of the Bill.*

*Clause 2—(INSERTION OF NEW SECTION 25A).*

**Senator A. E. Ukattah :** I have an Amendment, Mr Chairman.

**The Chairman :** According to Standing Orders, you have to submit your Amendment in writing and that has not been done.

**Senator Ukattah :** I have been trying to reach you, but I find that my hand is too short.

**Minister of State :** I have no notice of the Amendment.

**The Chairman :** Senator Ukattah, I will read the relevant portion of the Standing Orders that governs this.

Standing Order 47 (3)—“Any amendments proposed to the bill either in committee of the whole House or in a standing or select committee of which notice has not been given shall be handed to the chairman in writing”.

The object of getting this down in writing is this. When you bring your Amendment, you are neither a Minister nor a Lawyer. Even if you are a Lawyer, you are not a Minister. Your Amendment ought to be couched in such a way as to be in keeping with the Bill before this House. But the Minister cannot just sit down in the House now without previously getting the Amendment in the proper way to consider it. It is down in the Standing Orders that the Amendment must be submitted to this House in good time.

**Senator P. A. Ogundipe :** These Bills were distributed to us this morning and it is difficult for anybody to make any amendment earlier than this.

**The Chairman :** Senator Ogundipe, you have had this drafted for several weeks now and if you had any Amendment to propose, you should have said it a long time ago.

Senator Ukattah, if you had any amendment, you should have sent it to the Clerk in good time. You had this published in the *Official Gazette* for some time.

*Clause 2—(INSERTION OF NEW SECTION 25A)  
—ordered to stand part of the Bill.*

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

#### PENSIONS (AMENDMENT) BILL

*Order for Second Reading read.*

**The Minister of Establishments** (Alhaji Shehu Shagari): I rise to move the Second Reading of a Bill entitled the Pensions (Amendment) Act, 1961.

In the Pensions Ordinance, as is the case with all major pensions schemes, provisions exist which allow an officer to transfer from one service to another and still preserve his eligibility for pension on his final retirement. These arrangements were devised when the great bulk of transfers which had to be considered were those of expatriate officers between one British overseas territory and another, but they are proving inadequate now that Nigeria is independent. Within Nigeria a considerable number of semi-commercial bodies are coming to the fore to which, for public reasons, it may be desirable at times to supply

Public Services Officers. Some of these bodies, like the Central Bank, are creations of the Government but their superannuation regulations may differ widely from the normal pensions provisions applicable to public servants.

In the international field numerous organisations exist and there may be excellent reasons for supplying officers temporarily or permanently to one of these bodies.

While it would be inappropriate because of the different nature of their superannuation schemes to deal with such organisations under the existing arrangements whereby continuity of service of transferred officers is maintained for pensions purposes, it is nevertheless necessary to ensure that the pensions already earned by officers released for service in those organisations permanently or temporarily are not lost.

The Bill now before this House seeks to introduce a new form of service to be called "approved service". Very briefly it allows for the release of an officer to these organisations either permanently or for short periods while preserving his earned pension up to the date of his release in "cold storage".

There is also provision in the Bill to allow for the payment of a "transfer value" to such an organisation if an officer is permanently transferred. The payment of such a sum ensures that the officer will receive on retirement from the organisation or authority to which he is released, the full benefits for his earlier service with the Federal Government in consideration of the "transfer value" paid by the Federal Government.

This small Amendment which an opportunity was taken to make is very technical and requires no more explanation.

Sir, I beg to move.

**The Minister of State** (Dr the hon. E. A. Esin) Sir, I beg to second.

*Debate adjourned.*

*Debate to be resumed tomorrow.*

*And it being 12 noon the President adjourned the House without Question put, pursuant to Standing Order 4 (7).*

SENATE OF THE FEDERATION  
OF NIGERIA

*Saturday, 2nd September, 1961*

*The Senate met at 9 a.m.*

**The Clerk of the Parliaments :** I have to inform the Senate of the absence of Mr President and so the Deputy President will take the Chair.

PRAYERS

(The Deputy President in the Chair)

PRESENTATION OF PUBLIC BILLS

BANKING ORDINANCE (AMENDMENT) BILL

Bill for an Act to amend the Banking Ordinance, presented by the Minister of State (Chief H. Omo-Osagie); read the First time; to be read a Second time—*This day*.

TREASURY BILLS (AMENDMENT) BILL

Bill for an Act to amend the Treasury Bills Ordinance, 1959, presented by the Minister of State (Chief H. Omo-Osagie); read the First time; to be read a Second time—*This day*.

CUSTOMS AND EXCISE MANAGEMENT  
(AMENDMENT) BILL

Bill for an Act to amend the Customs and Excise Management Ordinance and for other purposes connected therewith, presented by the Minister of State (Chief H. Omo-Osagie); read the First time; to be read a Second time—*This day*.

PUBLIC HOLIDAYS (AMENDMENT) BILL

Bill for an Act to amend the Public Holidays Ordinance (Cap. 166), presented by the Minister of Internal Affairs; read the First time; to be read a Second time—*This day*.

CRIMINAL PROCEDURE CAPITAL SENTENCE  
(AMENDMENT) BILL

Bill for an Act to amend the Criminal Procedure Ordinance, presented by the Minister of Health; read the First time; to be read a Second time—*This day*.

SEDITIONOUS MEETINGS BILL

Bill to prohibit certain meetings in the Federal Territory during sitting days of either House of Parliament, presented by the Minister of Health; read the First time; to be read a Second time—*This day*.

ACTS AUTHENTICATION BILL

Bill to make provision for the authentication and recording of Acts of Parliament, presented by the Minister of Health; read the First time; to be read a Second time—*This day*.

OBSCENE PUBLICATIONS BILL

Bill for an Act to amend the law relating to the publication of obscene matter; to provide for the protection of literature; and to strengthen the law concerning pornography, presented by the Minister of Health; read the First time; to be read a Second time—*This day*.

ORDERS OF THE DAY

PENSIONS (AMENDMENT) BILL

Order read for resuming adjourned debate (1st September).

**Senator A. O. Fagbenro-Beyioku :** Sir, this Pensions Bill should give us the opportunity to make observation on certain irregularities connected with actual pensions earned by retired civil servants. I am sure it is a fact known to Government because several representations have been made to Government on the difficulties experienced by retired members of the civil service.

It is not so acute in the case of expatriate officers and senior service officers. Junior service officers retiring from the civil service find it very difficult to get their pensions and gratuities. There has been a case where it took a man about eighteen months after retirement to get his payment. On one particular occasion I had to go to the Secretariat myself and pick up a big row because they took such a long time. I asked them whether they wanted that man to die so that his dependants will start wrangling for the money.

I think it is very very wicked. I have no stronger word for it than that it is very wicked. Several representations have been made to Government in this direction but it appears Government seems unconcerned about it.

This matter should receive the immediate attention of Government, if people are really to benefit by the pensions and gratuities earned.

Sir, I want to make mention here of the "approved services". When daily paid men are transferred to the pensionable grades they usually lose some portion of their service and such loss affects their earnings either by way of gratuities or pensions. I think, Sir, that under the superannuation scheme, for a daily paid man to be qualified for pension must have been in service for over twenty years whereas a man on permanent establishment will only have to do ten years. Taken together, the man on permanent establishment has already enjoyed a better status and a better condition of service than the daily paid man and yet in the long run, the end of the journey, he still has some advantage over the daily paid man.

I feel, Sir, Government should realise that the question of pensions and gratuities in this country as it is at the moment, is nothing short of a social security measure because apart from the pensions and gratuities earned by civil servants, there is at the moment, no other form of social security. If there is discrimination at the start against the daily paid man, at the close of his career, the discrimination should be removed by Government.

If you take into consideration granting the daily paid man who may be transferred to the permanent establishment the full advantage of his service—

**Minister of Health** (Chief the hon. M. A. Majekodunmi): The hon. Senator is not speaking to the Bill at all. This Bill seeks authority for Government to pay the earned pension of Government officers who are transferring their services to semi-Government bodies like corporations. It has nothing to do whatsoever with the pensions or emoluments of daily paid workers.

**The President**: Senator Beyioku will realise that if everybody here should continue to speak on matters which do not come before the House, it will take days, if not months, to deal with matters which we have before us. I would like you to speak strictly on whatever may be before the House. In this connection, I am also asking the Members especially to see to it that when speaking on anything, they confine themselves to the provision of the Bills before the House.

**Senator Fagbenro-Beyioku**: Thank you very much Mr Deputy President but at the same time I am not directly out of order and the point I am making—

**The Deputy President**: When the order is given, when you are ruled out of order, you must not return to the same point.

**Senator Fagbenro-Beyioku**: Thank you, Sir, but I want to say that there was a case of daily paid man, who was transferred to the Lagos Town Council, which comes under the "approved services". After about ten years' service with the Lagos Town Council he came back to the Government but his previous service was not taken into consideration. It is my own opinion that this is not outside the Bill we are now discussing. I think, Sir, that Bills give us an opportunity to place certain facts before the Government because apart from passing Bills, it is our duty to place before Government a certain handicap which may be connected with that Bill. I have made my points on this issue and I am sure the points will be duly noted by the Minister of Pensions and Establishments.

*Question put and agreed to.*

*Bill read a Second time and immediately considered in Committee.*

#### PENSIONS (AMENDMENT) BILL :

##### CONSIDERED IN COMMITTEE

*Clause 1-6—ordered to stand part of the Bill.*

*Bill reported without Amendment : read the Third time and passed.*

#### WATER RATES RECOVERY (GOVERNMENT TENANTS) BILL

*Order for Second Reading read.*

**The Minister of Works and Surveys** (Alhaji the hon. Muhammadu Inuwa Wada): I beg to move that a Bill entitled "A Bill for an Act to make better provision for the Recovery of Water Rates in respect of certain tenements" be now read a Second time.

The collection of charges for water from Federal Government servants occupying Government quarters in Lagos is at present carried out by the Electricity Corporation of Nigeria for the Government on an agency basis. These arrangements stem from the days when the Electricity and Water Undertakings were one Branch of the former Public Works Department. They are now proving unsatisfactory and, apart

## [MINISTER OF WORKS AND SURVEYS]

from causing administrative inconvenience to the Electricity Corporation, are resulting in loss of revenue to the Government.

It is very desirable that these arrangements should not be terminated and that water charges for Federal officers occupying Government quarters in Lagos should in future be deducted from their salaries. But it is doubtful whether the Federal Government at present has the legal powers necessary to deduct water charges from salaries. Moreover, it seems that, under the Waterworks Ordinance (Cap. 213), section 2, only the Lagos Town Council is at present authorised to receive payments for water supplied in Lagos and that the Federal Government has no powers to collect water charges itself from its officers. In order to regularise the position it is necessary for the Government to have powers both to raise water charges against its employees occupying Government quarters in Lagos and to collect such charges by way of deduction from salary. This Bill makes provision accordingly.

The Bill also makes provision for the recovery of arrears of water rates outstanding at the commencement of the Act, and for payment of moneys collected under the Act into the Consolidated Revenue Fund; provision is also included to enable the Minister of Works and Surveys to make Regulations prescribing water rates for the purposes of the Act. This is indeed, a straightforward Bill, the intention of which is simply to improve the arrangements for the collection of water rates from Federal Government employees occupying Government quarters in Lagos and thus to increase the revenue received by the Government from that source.

Sir, I beg to move.

**The Minister of Mines and Power** (Hon. M. Maitama Sule): Sir, I beg to second.

**Senator M. Salahu Fulani**: May I seize this opportunity to say a few words about this Bill. I have been trying to contribute to Debates in the Senate but the Deputy President seems to be biased against me.

This is a very straightforward Bill and I hope it will have the unanimous support of the whole House. But there are two things which I would like the Minister to be vigilant about.

What will happen if a Government employee lives in a Government quarter for only two weeks and he is transferred to another station?

What provision is the Government making to recover the charges for the water which he has used? I hope the Government will be vigilant about this sort of thing because there is a lot of money being wasted on water. The Federal Government should see to it that they collect more money than the E.C.N. used to collect from people who use the water provided in Government quarters. I hope every effort will be made to see that more money accrues to the purse of Government when the Ministry of Works and Surveys takes over the question of water rates in Government quarters.

The second point is that there are people especially in Lagos who have more than three houses, who are Government officials and they still live in Government quarters. These people let these houses out and collect money at the expense of Government. What would happen to this type of people. I have been in Lagos for some years now and I happen to know one or two Government servants who do this sort of thing.

There are also people who try to evade the payment of water rates by all sorts of means. One of this is to have one, two, three or four houses. They let out their own houses and leave in Government quarters. These people may pay water rates on their houses but they are cheating Government. May I know from the Minister what is being done to check this sort of practice?

**The Deputy President**: Order, order. Senator Fulani used a certain expression when he was starting his speech. He said the Deputy President appears to be biased against him. Will the hon. Senator please withdraw that statement.

**Senator Fulani**: Mr Deputy President, I withdraw it.

**The Minister of Works and Surveys**: The hon. Senator has raised two points. One is in connection with arrears of water rates. He cited an example of a Government Servant occupying a Government quarter for only two weeks and then vacating it. It is quite simple. Before any officer enters a Government quarter, it is handed over to me and the officer taking over makes sure that arrears of either water rates or any rates connected therewith are referred to the former occupant of the house. When the new occupant is vacating, before he does so, the water meter will be read and the amount of water he has

consumed will be assessed. The officer will be informed and the money is deducted from his salary. So, there is no question of an officer not paying because at the end of the month, before he receives his salary, whatever he owes to the Government will be deducted.

The second point is about an officer occupying a Government quarter while privately owning a house or two. In this case, Government is only concerned with Government quarters as far as this Bill goes. In the case of his private quarters, water rates will be paid direct to the Lagos Town Council. There is no question of the officer not paying for water used in Government quarter.

*Question put and agreed to.*

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

*Sitting suspended : 9.35 a.m.*

*Sitting resumed : 9.45 a.m.*

EXPORT OF NIGERIAN PRODUCE  
(AMENDMENT) BILL

*Order for Second Reading read.*

**The Minister of Health** (Chief the hon. M. A. Majekodunmi): I rise to move that a Bill for an Act to amend the Export of Nigerian Produce Ordinance, 1958 be now read a Second time.

The main purpose of this Bill is to rectify an anomaly arising from the definition of "produce" in section 2 of the Ordinance. The opportunity has also been taken to correct two typographical errors in the printed text of the Ordinance.

Under section 3 (b) (ii) of the Ordinance the Minister is empowered to grant, with-hold or cancel licences to export any produce, which word is defined in section 2 as including produce subject to a Regional Marketing Board Law. Because of the use of the word "including", the power conferred under section 3 (b) (ii) can be applied to all produce and not only to that which is controlled by the Marketing Boards. This was not intended when the original legislation was drafted, as exports are already controlled by the Exports Prohibition Order, 1959, made under the Customs and Excise Management Ordinance, and the Export Prohibition Order have recently been amended so as to remove from their ambit produce controlled by the Marketing Boards.

The purpose of the present Amendment is to make it clear that the Export of Nigerian Produce Ordinance relates only to Marketing Board produce and not to any other produce. To this end, the word "means" is substituted for the word "includes" so that the definition in section 2 will now read—

" 'Produce' means produce subject to a Regional Marketing Board Law and any product derived from such produce by local processing".

I turn now to the two typographical errors. The first occurs in the definition of "product derived by local processing" in section 2 of the Ordinance which at present refers to any produce subject to a Regional Marketing Board. This is meaningless and the purpose of the Amendment is to insert certain words which were inadvertently omitted from the text of the Ordinance when it was originally prepared. The definition as amended will now read—

"product derived by local processing of any produce subject to a Regional Marketing Board Law, which has been purchased from a Regional Board for processing in Nigeria".

The second error occurs in section 5 (a) of the Ordinance where the word "produce" has been employed in place of the word "product". This is now corrected.

This Bill is a non-controversial one, and I commend it to the House.

I beg to move.

**Minister of State** (Chief 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.*

EXPORT PRODUCE (FEDERAL POWERS) BILL

*Order for Second Reading read.*

**The Minister of Health** (Chief the hon. M. A. Majekodunmi): I rise to move the Second Reading of a Bill for an Act to be entitled "Export Produce (Federal Powers) Act, 1961".

The object of this Bill is to empower the Minister to prescribe grades and standards of quality for any non-Marketing Board produce intended for export, after consultation

[MINISTER OF HEALTH]

with the Produce Inspection Board and the Government of any Region affected. It has been drafted in close consultation with the Regional Governments who have given it their full support.

Similar powers were originally vested in the Produce Inspection Board established under the provisions of the Produce Inspection Ordinance, 1950, but this Board ceased to exist and the Produce Imports and Exports Ordinance, 1959 came into operation on the 1st of December, 1959. As a result of the powers with which it was invested having since been transferred to another person or body, this Bill seeks to invest these powers in the Minister responsible for external trade.

I do not intend to emphasise the importance of ensuring that any Nigerian produce for export should be of good quality and should be highly competitive in the world market. But if high grades and standards of quality are to be in force, it is essential that the powers to prescribe these grades and standards should be invested in some person or body. This is the sole object of the present Bill which I commend to the Senate.

I beg to move.

**Minister of State** (Senator Dr E. A. Esin) : I beg to second.

**Senator A. E. Ukattah** : Although this Bill prescribes some grades and standards of quality, I find it very useful because, formerly most of the products of Nigeria were regarded as inferior by overseas buyers as a result of adulteration. Recently, as a result of the absence of a body to see about the standards or grades of quality, our export produce has suffered a serious decline.

The palm produce in the Eastern Region was regarded as a source of wealth until the decline in prices. I think that was due to the fact that there are some countries outside Nigeria which grow oil palm—places like the East Indian Islands such as Sumatra, Borneo, and so on. These places produce oil of high quality, and when our own palm oil was placed side by side with that from those places, our own was regarded as inferior. And the situation is worsened by the iniquitous practice of adulteration. It is really gratifying that the Government is going to do something.

I have to emphasize the importance of this Bill. I hope the Minister will regard it as very urgent and very important and to pay very close attention to it as the Bill is to make our export products get reasonable value and not be considered inferior when compared with other products of other countries.

*Question put and agreed to.*

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

#### CUSTOMS TARIFF (AMENDMENT) BILL

*Order for Second Reading read.*

**Minister of State** (Chief Omo-Osagie) : I beg to move, That a Bill entitled "An Act to amend the Customs Tariff Ordinance be read a Second time.

In the application of Section 12 of the Customs Tariff Ordinance, 1958, experience has shown that it is sometimes inevitable to charge the full duties on some composite goods with regard to the kind of ingredients thereof and this Bill seeks to empower the Board of Customs and Excise to impose or levy duties on such goods in proportion to such parts and ingredients that will result in an equitable levy.

I beg to move.

**The Minister of Commerce and Industry** : I beg to second.

**Senator E. A. Lagunju** : This Bill as moved by the Minister is non-controversial. I just want to sound a note of warning here, that if the composite goods are raw materials required for industrialisation programme, we should do all we can to see that duties imposed are not prohibitive. I sincerely hope that the duties to be imposed will not be additional to what was formerly imposed, and should not be made indiscriminately on any and every article. The major thing I am trying to say is that everything possible should be done to promote indigenous industries and the only way we can do that is to see that duties imposed on things required for industries are not prohibitive.

With these few comments I support the Bill.

**Senator A. E. Ukattah** : I would like the Minister to explain what he meant by "composite goods" in the Bill. What are they ?

**Minister of State** (Chief Omo-Osagie) : I am grateful to the hon. Senators who have

spoken on this Motion. There is only one point I would like to reply to very briefly, and that is, I will refer the hon. Senator to Ordinance No. 60 of 1958 which clearly give the definition of "composite goods".

*Question put and agreed to.*

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

*Bill accordingly read the Third time and passed.*

#### MINERALS (AMENDMENT) BILL

*Order for Second Reading read.*

**The Minister of Mines and Power** (Hon. M. Maitama Sule) : This is a simple and non-contentious Bill with only two Amendments ; and, this Bill, was passed by the Lower House without much, if any, debate.

The first Amendment is to simplify procedure and save time and money both to Government and the mining community. The existing section 37 of the Minerals Ordinance allows for the renewal of mining leases provided that the lessee is carrying on the work in a normal and businesslike manner.

There has been, however, legal argument as to whether the wording of the existing Clause empowers Government to grant more than one renewal. It had been the practice to grant more than one renewal when reports from the pertinent Government officers indicated that mineral remained in the ground and that there were no political objections to such renewal. If such renewals are not allowed then a lessee has to go through the tedious and wasteful process of re-beaconing the area, Government officers have to report on it treating this as a new application and thereby much unnecessary work is created.

The object of section 2 of this amending Bill is therefore to make it clear that more than one renewal of a lease may be granted at the discretion of the Minister and subject to the safeguards written into the new subsection (2) (a).

The other Amendment to section 64 is, I suggest, sufficiently explained in the explanatory memorandum to this Act. When the consolidated re-enactment of the Minerals Ordinance took place in 1945, survey of a mining right was included with other forms

of title as being obligatory whereas there is normally no reason for these cheap forms of title to have a survey made. Should Government feel that in a particular case survey is required, then the Minister may still require such a survey. As I said in the beginning, the Bill is simple, non-contentious, straightforward and, I therefore commend it to the hon. Senators.

I beg to move.

**The Minister of State** (Chief H. Omosagie) : Sir, I beg to second.

**Senator Chief A. O. Fagbenro-Beyioku** : The Bill before the House is only to amend the original Ordinance but I think it will be worthwhile to make some observations on how our minerals are administered at the moment. We are all aware of the fact that most of the licences are now held by foreign firms. I feel the Government in pursuance of its economic policy should be able to bring about a situation where as much as possible of our minerals will be brought under State control within the planned economic system. I feel the time has come for the Minister to be thinking seriously of having our minerals brought under control under what I will call—"the planned economic system".

What we want in this country now is to see that most of these licences do not go out. If our men are not well-off, Government must be able to train geologists, must be able to train mine engineers and, must be able to train a Nigerian who will take over the control of our mines, instead of as at present that we have our mines being controlled by foreign firms and our licences going to foreign firms.

**The Minister of Mines and Power** : I really do not understand what the hon. Senator is trying to point out to me. It has been the policy of the Government, of course, to encourage people who have not only the know-how but also the capital to exploit our natural resources. I may point out one thing that there are a lot of natural resources in Nigeria yet untapped and it is our policy that we should try to exploit these natural resources in order that we may develop the country economically and raise the standard of living of our own people. But, we must admit that we cannot raise the capital that we need locally and in this particular case, hon. Senators will agree with me that we must be realistic.



## [MINISTER OF MINES AND POWER]

Much as we would like to see our men and, I think my duty is first and foremost to the Nigerian, I would like to keep them in the forefront in this matter and, much as I would like that, we must be realistic about it that for a long time to come we have got to attract foreign investment from abroad.

Meanwhile, we are doing everything possible within the country to encourage our local men to take more interest in these things but I can assure you that we are not sitting idle. It is our policy to encourage private investment both within and from outside the country and it is also our policy and intention to continue to encourage our local men.

Hon. Senators will appreciate that each time I go to Jos on tour, I always try to explain to the African miners that they must come together, they must do this or that so that they will be in a better position to compete with expatriate mining companies; because unless they do that they will never be able to compete, they will never have the necessary capital. I am assuring hon. Senators that this is receiving our attention. By the Grace of God we shall achieve our objective in the not very distant future.

*Question put and agreed to.*

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

## BANKING ORDINANCE (AMENDMENT) BILL

*Order for Second Reading read.*

**The Minister of State** (Chief H. Omo-Osagie) : I beg to move that a Bill for an Act to amend the Banking Ordinance be read a Second time.

The Bill provides for two Amendments. The first relates to the appointment of Assistant Banking Examiners. The second is to fill the gap that has been found in the law relating to the procedure to be followed when a bank's licence is revoked.

The first Amendment, as I have said, is intended to enable the Federal Government to appoint Assistant Banking Examiners. When the Banking Ordinance was framed, it was provided that a Banking Examiner should be appointed to examine periodically under conditions of secrecy the books and affairs of

each and every licenced bank. The main purpose of appointing a Banking Examiner and providing for the examination of banks' affairs is to protect the public by ensuring that the provisions of our Banking legislation are fully observed and that appropriate standards of efficiency and integrity are maintained.

It has also been the aim of the Federal Government to enable help and advice to be given to banks. The object, of course, is not merely to harry the banks or attempt to uncover minor flaws.

The present Banking Examiner is an expatriate on a five-year contract term. I consider that the time has now come when an Assistant Banking Examiner should be appointed to learn the job in the office of the Banking Examiner with a view to replacing him eventually. I have in mind that the post should be filled by a Nigerian.

I am sure this Amendment will commend itself to this hon. House. Apart from the fact that the Amendment will help to strengthen the affairs of the Banks, it is also a further attempt on our part to demonstrate practically the policy of the Federal Government to bring about the rapid Nigerianisation of all important posts in the Federal Public Service.

I now turn to the second part of this Bill. Under section 14 of the Banking Ordinance, the Governor-General in Council is empowered to direct me in certain circumstances to make an order revoking the licence of a bank and requiring its business in Nigeria to be wound up. This is a course of action which may be pursued after an examination has shown that the licensed bank is carrying on its business in a manner detrimental to the interests of its depositors and other creditors or has insufficient assets to cover its liabilities to the public or is contravening the Banking Ordinance.

However, at the moment the law does not make provision to ensure that the interests of the depositors, creditors and shareholders of a bank whose licence has been revoked are adequately protected. This is a gap which this Amendment seeks to fill by requiring such a bank within 14 days of its licence being revoked to apply to a High Court for an order, winding up the bank under the supervision of the Court. But if the bank fails to apply within the time prescribed, then the Minister

of Finance may so apply to the High Court, and in the meantime, may appoint the Official Receiver as provisional liquidator who shall have the powers conferred by the Companies' Ordinance and be deemed to have been appointed a provisional liquidator by the High Court. The provisional liquidator can then take charge of the bank's affairs preparatory to calling the statutory meetings and doing other things for the appointment of a liquidator of the bank.

This Amendment to the law is long overdue. I am sure it will commend itself to this hon. House.

Sir, I beg to move.

**The Minister of Mines and Power (M. Maitama Sule)**: Sir, I beg to second.

**Senator E. A. Lagunju**: This Bill is an important one. As stated by the Minister the first object of the Bill seems praise-worthy on the surface because he said that the first object is to appoint an Assistant Banking Examiner to understudy the European who now holds that post. We all believe in Nigerianisation and we are prepared to support any move by the Government along that line. But we sincerely hope that when we are trying to Nigerianise, we are not sacrificing efficiency on the altar of Nigerianisation. That is a very important thing.

The second point I want to make is that we are not doing ourselves good because personally, it seems difficult for me to understand the aim and purpose of this Bill at this particular time. For one thing, we do realise that any bank exists for the good of the public and the bank should discharge duties to the public as such. We do not want any bank to be bankrupt or to be insolvent but one thing I know is that, no foreign bank whether the Barclays or B.W.A. will fall under the category of this Bill. I am afraid that we are doing all we can to spite indigenous banks. In any case it does not matter if we cut our nose to spite our face but whatever we do, we should do it with caution.

In the original Bill, the man vested with the power to authorise the Minister of Finance was, of course, the Governor-General but we are vesting the power solely in the Minister of Finance himself. The Governor-General is out of the show. I wonder where we are drifting to. The Governor-General, I think,

is a functioning section of our Constitution. I hope we are not trying to make the Governor-General merely a dignified portion of the Constitution without any powers at all. Therefore, the removal of the power and its vesting in the Minister of Finance, I think, is giving expensive powers to a particular Minister. We must realise the frailty of human nature and whenever we do anything like this, I sincerely hope that we move with caution. If we are prepared to destroy indigenous banks, of course, we shall have to bear the brunt some day. Personally, I go through this Bill with a lot of misgivings.

These are the few comments I have to make.

**Senator M. Salahu Fulani**: I rise to support the Bill on the ground that there has been a lot of misgivings about the banking business in this country and some cases have cropped up recently which really bring the whole country into disrepute. I do not think any attempt should be made by anybody to oppose the passage of this Bill, if the banks have nothing to hide.

The Bill only seeks to bring into consonance the whole business of banking by asking that the standard of our indigenous banks should be the same as those overseas. The hon. Senator who spoke last referred to the Barclays Bank and the Bank of West Africa, the standard of which is really very high. The whole purpose of this Bill is to bring the banks run by Nigerians to the same standard. On that ground I see no reason why the Bill should not have the whole-hearted support of every Senator.

I support the Bill.

**Senator M. G. Ejaife**: I am happy that the Federal Government is showing very great concern for and interest in the protection of investors. I suppose a number of people, including myself, fell victim to the Farmers' Bank and the memory of it is not yet altogether over. I think that if there were some legal protection such as is now being framed the tragedy which befell several people in Nigeria could have been averted. I have therefore to commend the Government for its courage in proposing this Bill.

I do not know however whether the timing of this Bill is appropriate. We are all aware of the controversy taking place at the moment

[SENATOR M. G. EJIAFE]

over an indigenous bank, although I am consoled by a Clause in the Bill which says that one of the aims of the Federal Government in putting up this piece of legislation is "to help and to advise" and not to harry any bank whether indigenous or otherwise. I do hope that this is so, and that whatever happens any bank, particularly indigenous banks, will be advised and helped to grow from strength to strength. It will be a very sorry day when it comes to light that the Government of the Federation or the highest legislature in the land has lent support to a Bill which is purported to harry any bank, particularly indigenous banks.

Like the hon. Senator who spoke last, I have some misgivings that there are two clauses which do not seem to lend support to the promise to help made in the Bill. I notice, for instance—I am quoting from the Bill—Section 1 (a) "There may in the same manner be appointed one or more fit persons as Assistant Examiners". This is a very good thing indeed and as the Minister has explained, the man to be appointed will be a Nigerian. What we are praying for is Nigerianisation in every department of our country's affairs; but then we are told that this man "shall have and exercise the powers of Examiners under this Ordinance." I cannot see any necessity for the Assistant Examiner to have and exercise such powers while the Examiner himself is around.

I understand from the submission of the Minister that the expatriate examiner we have at the moment is on a five-year contract. I do not know when it began but I presume that the contract has still to run for a few year more and I think that the main work of the Assistant Examiners should be to understudy and acquire the experience, skill, and knowledge of the powers exercisable by the Examiner and the Assistant Examiner will have to exercise these powers when he eventually takes over from the Examiner.

There are two reasons why the Assistant Examiners should not exercise these powers now. The first is that the Examiner is still around, and the second is, that the tabling of this Bill is too near a time when difficulties surround a particular indigenous bank. From all indications, it seems that a kind of design is on in connection with a particular bank. I do hope that this is not so, because if an Assistant Examiner clashes with people who are interested

in the affairs of a particular bank, there is nothing prevented such an Assistant Examiner from making the result of his examination adverse to the bank; and if the recommendations of the Assistant Examiners are adverse, then the powers they will exercise are a foregone conclusion.

It seems that the systematic elimination or liquidation of a bank seems to be provided for in this Bill. We are told under section 3 that "Where the Minister makes some order revoking the licence of a bank and requiring the business of a bank in Nigeria to be wound up, the bank shall within 14 days, after the making of this order, apply to the High Court for an order winding up the bank under the supervision of the court." The whole process seems to have been arranged and I must say that I read this Clause with some misgiving. It will be a very sad day indeed when it will be shown that in Nigeria instead of encouraging, advising and strengthening an indigenous bank, anything at all is done to its detriment. It will be a very black page in the history of this country if this turns out to be so.

I do not want to impede a legislation which on the surface is quite a good one but I would like an assurance from the Minister that there is no design whatsoever, and that our fears will not turn out to be justified, that this Bill is in any way connected with a particular bank over which there is controversy at the moment.

**Senator A. E. Ukattah :** I rise to support this Bill. I am not holding brief for the Government but it appears to me that the fears of my hon. Friend who has just spoken are unfounded. There is no reference at all in this Bill to any indigenous bank. I think what Government seems to do is to make sure that banking business in Nigeria is properly run and that irrespective of whether a bank is an indigenous or an expatriate one, it must be absolutely efficient. I think that is where the emphasis lies.

Any one who goes to put his money in a bank expects it to yield some profit after some time and it would be very sad if after depositing one's money, however small the amount may be, one is told after a day or two that the bank has wound up.

The object of this Bill is to empower the Minister to appoint a fit—I lay emphasis on the adjective "fit"—person to be assistant examiner. I do not think that the Government

will appoint just anybody to be assistant examiner. I think really that the fear expressed by my hon. Friends are unfounded.

This is indeed a Bill that is designed to make banking successful. There is nothing that suggests that it is meant for strangling indigenous banks. The provisions of this Bill apply in the same way to indigenous banks as they apply to other banks. Therefore, it is a welcome Bill. I do not support the fears entertained by my hon. Friends. If the Bill comes into force now and there happens to be a case of any bank not conforming to the provisions, it is simply a coincidence. We have no particular bank in mind, and I do not think anybody has any particular bank in mind.

The provisions of this Bill are useful, generous and very progressive to banking institutions. I support the Bill.

**Senator L. C. Daldry :** I feel quite sure that the purport of this Bill is not to harry any bank at all. I know from personal experience that the whole object of the bank examiner is, first and foremost, to help and not to harry. I know that, from personal experience, because the examiner has been to all the banks, including my own already.

If the assistant examiners are trained in the same tradition as the present examiner, I am sure they will be performing a very useful work, and I feel certain that it is the intention that they should be trained in that same tradition. After all, it is high time that the banks should begin to be examined in Nigeria by Nigerians.

The provision of section (3) of the Bill can only be brought into force if and when the Minister revokes a bank's licence. The Minister cannot revoke a bank's licence except in the circumstances given in section 14 of the main Banking Ordinance. Section 14 lays down the circumstances in which he can revoke a licence, and it is quite clear from that that an examination has first to take place. And it would be a very serious matter indeed for both the Government and the Minister if they were to revoke a licence without due and proper cause.

The banks are in the nature of trustees for the money deposited with them and it is absolutely essential that the very highest standards should be applied to the profession of banking. That is absolutely essential.

There has been some mention this morning of names of some expatriate banks. But this Bill is really non-discriminatory, and I commend it to the House and support it.

**Minister of State (Chief H. Omo-Osagie) :** I am grateful to the several Senators who have spoken on this Bill. I am happy too that all those who have spoken agree that the appointment of a Nigerian or Nigerians is a necessity at this time of our development. I am happy too that Senator Ukattah did point out and emphasise the word "fit". I do not think that any Government that is charged with the responsibility of looking into the banking system of this country would simply get up one morning and pick up anybody from the street and say he is a banking examiner. No responsible Government would do that.

According to Senator Daldry—who, as far as we are concerned in Nigeria, is an expert in banking, and I think he knows the job of banking almost thoroughly—

**An hon. Senator :** Almost ?

**Minister of State :** Well, man is never perfect. When we appoint somebody, he must be a person who is well trained and can do that work efficiently and do it without bias or partiality.

One Senator spoke about a banking examiner delegating his powers to his assistant. Let us look at it from this angle. Nigeria is developing very rapidly. We have several banks in Lagos, Kano, Kaduna, Enugu, Port Harcourt, Ibadan, and so on and so forth. Supposing a banking examiner is engaged in some work in Lagos or in any other part of the country and it becomes necessary to examine other banks at the same time, I think it would be very appropriate for that banking examiner to delegate his power to his assistant to carry on the business.

Coming to the second part, I will be very sorry at any time any Government tries to discriminate against banking institutions in this country. In my Ministry, we deal with all banks at the same level—whether expatriate or indigenous.

This Bill gives power to the Minister to revoke the licence of any banker. I do not think there will be any Minister in Nigeria who will lose his sense of proportion and revoke a

[MINISTER OF STATE]  
banking licence simply because he hates the banker there. I do not think so. We have known the history of many banks in Nigeria. A Senator said that he was unfortunate to be a victim of such operations in Nigeria in the past. I knew the first African bank in Lagos.

The proprietor ran away and has not been seen till to-day. I am not prepared to mention his name. Many of us know the gentleman who first introduced an African bank in this country. It is to guard against cases like this that Government must try to evolve a system whereby the public can be protected from unscrupulous people who want to make money quickly by establishing a bank. I think we should all appreciate this. We have got the Barclays Bank; we have the Bank of West Africa; the British and French Bank—these are all expatriate banks. We have not found trouble with any of them. Many of the African banks are doing very well and, as was pointed out by Senator Daldry, one cannot revoke a bank's licence unless examination is made and a report is submitted and it is on the face of the report, of course, that anything can happen. I think it is clear, therefore, that the remarks of some of Senators are unjustified and uncalled for.

*Question put and agreed to.*

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

TREASURY BILLS (AMENDMENT No. 2)  
BILL

*Order for Second Reading read.*

**Minister of State** (Chief Omo-Osagie): I beg to move that a Bill for an Act to amend the Treasury Bills Ordinance be read a Second time.

I should not like to speak at length on this Bill because it is simple and straightforward. Hon. Senators will recall that at the last Budget Session, an Act amending section 3 of the Treasury Bills Ordinance was passed into law. The object of that Bill was to increase the limit of the principal sums represented by Treasury Bills outstanding at any time from ten to twenty *per cent* of the estimated revenue of the Federal Government.

The purpose of this new Bill is to enable the Federal Government to lend part of the pro-

ceeds of the issues of Treasury Bills as short-term loans to Regional Governments who might wish to take advantage of this short-term borrowing in anticipation of the collection of their revenues.

Already the Federal Government is making very good use of the proceeds of the issues of Treasury Bills. Apart from the fact that we are trying to build up here in Nigeria an effective money market, the proceeds of the issues of Treasury Bills will enable us to even out fluctuations in our recurrent budget and we are most anxious to extend this facility to the Regional Governments who have expressed their desire to have this type of short-term finance. I need hardly say that the Federal Government is, as usual, willing to co-operate and assist Regional Governments on matters of this nature. The proceeds of the issues of Treasury Bills will represent an additional source of finance to Regional Governments.

As this is not a controversial matter, I am sure that all Members of the House will welcome this Bill as it helps to strengthen the financial resources of the Government of the Federation.

I beg to move.

**The Minister of Mines and Power:**  
I beg to second.

*Question put and agreed to.*

*Bill accordingly read the Third time and passed.*

CUSTOMS AND EXCISE MANAGEMENT  
(AMENDMENT) BILL

*Order for Second Reading read.*

**Minister of State** (Chief Omo-Osagie): I beg to move that a Bill entitled "An Act to amend the Customs and Excise Management Ordinance and for Other Purposes connected therewith" be read a Second time.

This Bill seeks to rectify some defects which have come to light in the application of the provisions of the Customs and Excise Management Ordinance (No. 55 of 1958).

The first amendment relates to section 124 and it intends to provide for a general limitation of one year for the repayment of customs and excise duties and fees overpaid. This will widen the scope of the section which at present does not cover all the types of duties and fees which are ordinarily overpaid.

Section 136 of the Ordinance makes a licensed customs agent liable as if he were the proprietor, but it does not prescribe the period during which such liability shall continue. It is essential in the interest of both the agent and the Board of Customs and Excise that the period should be prescribed, and clause 3 of the Bill seeks to provide for a limitation of one year.

One of the items which is ordinarily included in the value of goods which are liable at *ad valorem* rates of duty is the cost of insurance. Where goods are not insured, it has been the practice to include in the value for duty a national amount estimated to cover the cost of insurance, and clause 4 of the Bill seeks to rectify the omission, in the Ordinance, of an authority for the Boards of Customs and Excise to include such a notional amount.

I beg to move.

*Question put and agreed to.*

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

#### PUBLIC HOLIDAYS (AMENDMENT) BILL

*Order for Second Reading read.*

**The Minister of Mines and Power** (Hon. M. Maitama Sule) : I rise to move on behalf of my Colleague the Minister of Internal Affairs that a Bill for an Act to amend the Public Holidays Ordinance be now read a second time.

The object of this Bill is quite simply to provide for the commemoration of Independence Day as a Public Holiday, while at the same time not increasing the present number of public holidays, and I feel confident that this primary object is one which has popular support throughout the Federation.

I wish to make it quite clear at this stage that, in deleting the Sovereign's Birthday, we mean no disrespect. In the United Kingdom, the Queen's Birthday is celebrated by parades, but there is no public holiday and so we are following a well-established precedent by deleting it from the list of public holidays in Nigeria.

At present, there are eleven days of public holiday in Nigeria, which is reasonable to the point of being generous. The substitution of

Independence Day and the deletion of the Sovereign's Birthday will therefore render that total number unchanged, so that the public holidays thereafter to be observed in Nigeria will be New Year's Day, Good Friday, Easter Monday, Independence Day, Christmas Day, Boxing Day, Id el Fitr, Id el Kabir and Id el Manlud.

Hon. Senators will observe that this Bill is intended to apply only to the Federal Territory of Lagos. This is because the power to legislate on Public Holidays in the Regions lies within the competence of the Governments. But I hope that those Governments will consider passing laws to achieve a similar purpose in their respective Regions.

Sir, I beg to move.

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

**Senator Chief A. O. Fagbenro-Beyioku** : This is a welcome Bill. Nothing has given me the greatest joy of my life than the deletion of the Queen's Birthday. I am also looking forward to the day when other measures in that direction will be taken. I gathered from the speech of the Minister when introducing the Bill that the main idea is to allow for the commemoration of our Independence. This is welcome but in the commemoration of our independence, the declaration of October 1st as a public holiday alone is not enough. I should have thought that the Bill would have gone further than that ; to say that there will be a public holiday to commemorate our Independence and that the day will be commemorated with all splendor and fanfare.

When we were in the British Empire, as a member of the British Empire we were celebrating Empire Day which was Queen Victoria's birthday—May 24 and, a lot of loyalty, allegiance and submission to the British crown was usually included in the programme for that day.

**The Deputy President** : Order, order. This Bill is to make the 1st of October a public holiday in commemoration of our Independence Day and not the detail of how the holiday should be spent.

**Chief Fagbenro-Beyioku** : Thank you, Mr Deputy President. I do agree that when you call us to Order we must stop but the Minister of Health should be nationalistic enough to—

**The Minister of Health :** I do object to that Mr Deputy President. I very strongly object to Chief Beyioku's statement.

**The Deputy President :** I would like Senator Chief Beyioku to explain further what he meant by the Minister of Health not being nationalistic enough.

**Chief Fagbenro-Beyioku :** I think by now the Minister of Health ought to have developed a thick skin. It is not every time that we will praise him. At times we will say things he does not like and at times we will support him. I want to assure the Minister of Health that I mean no harm.

As I was saying, I support this Bill but we want the Government to make elaborate plans for the commemoration of our Independence. It should not be celebrated with a State Banquet alone, we want the children to know that we are celebrating our Independence. We want the ordinary man in the street to know that we are celebrating our Independence and not celebrating it with a secret State Banquet at the Federal Palace Hotel.

**Senator Chief S. T. Hunponu-Wusu :** This is a very short Bill and I would like to support Senator Fagbenro-Beyioku that the first anniversary of our Independence should be well celebrated. We are all looking forward to that day but one finds that the 1st of October this year is a Sunday and Sundays have always been a quiet day for resting. For this reason, I would like an announcement made throughout the Federation that the 1st of October being a Sunday, Monday, the 2nd of October will be a public holiday for the commemoration of our Independence. I would like the Minister to tell us what he proposes to do about this.

**Senator P. A. Ogundipe :** We do agree that what this Bill seeks to do is to amend the former Public Holidays Ordinance but we must realise the importance of this particular day—the 1st of October. We have heard the list of holidays read out by the Minister of Mines and Power but I notice that almost all these public holidays are holidays for one religious body or the other.

This Independence day public holiday, should be a day that should affect the whole of the Federation of Nigeria. We should be

able to emphasise on the Floor of this House that it should be given the grandeur it deserves.

Looking through the Supplementary Estimates, one sees that the sum of £3,000 is going to be spent in celebrating the anniversary. One cannot imagine whether the sum is going to be divided at the rate of £600 or £700 for each of the four Governments of the Federation to feed the school boys. I do not know—

**The Deputy President :** The Minister has already informed this House that this particular holiday the Bill for which is before this House is for Lagos alone and most of the preparations that would be made are for Lagos. Those of the Regions will have to be made in the Regions and by the Regional Governments of which you are one. If you want £10,000 or £100,000 to be spent, I think, it is up to you to go to your Region and appeal to the authorities to spend as much.

**Senator Ogundipe :** One is forced to say that it is the duty of the Federal Government to think of a way by which this day will be the day for the whole of the country and to be so celebrated in future in the way that the whole of the country including all the Regions will be affected and be brought into the show. In any case, this much one has to say that—

**The Deputy President :** Do you want to be invited to the Lagos Celebration ?

**Senator Ogundipe :** Definitely so, Sir. I would still add that in the celebration of the Independence day, it will always be necessary, if no arrangements have been made for the Regions, to bring all the Legislators to the Federal Capital and all necessary arrangement made to celebrate it as elaborate as possible.

**Senator A. E. Ukattah :** I just wish to express my joy at what this Bill seeks to achieve. Under the old colonialism, we observed holidays like the Empire Day, Birthdays, Burial Day and so on. I am really happy that one by one all these have died and the only one left which is the Queen's Birthday, which reminds us of the bitter days of colonialism, is now being abolished and is giving way to a more important day. The first feature of the Bill that I like is that it abolishes the day that reminds us of colonial rule.

Secondly, it does not increase the number of public holidays we have at present. It would have been a sad thing if we had made an addition to the number of holidays existing. Many people complain that there are too many public holidays. Government has appreciated that fact and instead of adding, it has replaced one. There is no doubt that those who fought for our national independence wrote an important history which must be read and understood by every citizen both living now or yet to be born. There is no better way of reading and understanding this history than by observing the birthday of our national independence as a public holiday.

**Senator M. G. Ejaife :** I am one of those who will suggest that the Independence holiday be celebrated with all the pomp that it deserves. I do not subscribe though to summoning all Parliamentarians to Lagos because I think that will cost the Federation a considerable amount of money which can otherwise be used in various parts of the Federation for the purpose of the celebration itself.

I think that there is nothing preventing Parliament from legislating that this day should be of Federal application. After all, when the other holidays were declared, they were declared when we were away in our Provinces and were declared as Federal holidays. I should have thought that if this were declared as a country-wide holiday, there would be no quarrel.

I would suggest that the Federal Government should try to persuade, respectfully but firmly, all the various Regional Governments to legislate to the effect that the 1st of October be a public holiday. That will vindicate the unity of the country because if Lagos alone celebrates the independence on the 1st of October when others are going about their jobs in the usual way, it will tend to emphasise the disunity which we are trying to decry in the country.

I would like to commend the Federal Government for this as one of their nationalistic moves but I would like to point out that I think they should have taken bold steps by eliminating a few more holidays. We cannot afford the luxury of very many holidays in the country now. We are now independent and we must put our shoulders to the wheel. We

are crying about shortage of money, we are trying to plan the economic development of the country. We want money right and left and one way of doing it is to increase productivity. The trade unions are crying for shorter days and higher wages, at the same time, we ought to cut down the number of holidays. We have very many religious holidays, three Moslems' and about five Christian ones. I cannot see why, for instance, Easter Monday and Boxing Day should be holidays. I do not think they are observed in the United Kingdom.

One thing that struck me while we were celebrating the Empire Day in those days was that in England, there was no such thing as Empire Day. I went about in the United Kingdom and I asked people and they said that they had never heard of it. But poor us here, we celebrated it by marching and feasting the day while nothing of it is known in the home country of the Empress. That is gone and also goes to-day the birthday of the Queen which in any case would have gone because Queens come and Queens go but independence day will never go.

We shall always remember 1st October as the day of our independence. I would like to suggest that the Government has not gone far enough. It should have taken a bolder move to remove two more holidays and therefore, reduce the present number. That will enable us to increase our productivity.

**Senator R. A. Umoh :** I rise to support this Bill. It is not my wish to encourage holidays but I think the 1st of October is a day that should be honoured by everybody in this country. It reminds us of the day we were admitted to the membership of the comity of nations, and were given recognition by the world as a nation. It is true that a thing is what you make it. If we want this day to be known very widely, and if we want it to be honoured by the members of the Nigerian community, we must give it very wide publicity.

Further, the Federal Government should not have stopped at declaring October 1st a Public Holiday, it should also have made it possible for all the other Regions to observe it as such. Not only should this day be observed as a holiday, it should be a day of great happiness and rejoicing throughout the length and breadth of the country. It is too soon to hold it in the way we are now trying to do. At this



[SENATOR R. A. UMOH]

initial stage, we should make everybody feel the significance of this great day both in the Federal territory and in the Regions. We all remember the great fanfare with which we celebrated the Empire Day during our colonial days. We remember the pronouncements made about the importance of Empire Day and how we, who were scholars then were made to feel that it was a truly great occasion.

Now that we have got our independence, we should not look down upon the anniversary of that day as we are now trying to do. The present arrangement of the Federal Government will not bring it very clearly to the minds of our children, particularly those who are in the Regions that the 1st of October is a truly great day. Everything should be done to make those people in the Regions appreciate that the occasion should be held in very high esteem, and celebrated in a way befitting the dignity of our great country.

**The Minister of Mines and Power** (Hon. M. Maitama Sule): We must jubilate and rejoice but I doubt if it will be in our interest, at least economically, to do that with all the pomp and pageantry which some hon. Members are now advocating.

I entirely agree that Independence Day is a very important day; it is a day on which we should give our thanks to Almighty God for redeeming us from the yoke of imperialism; it is a day when we should rededicate ourselves and become more determined to carry on with the task before us, the task of developing this country; it is a day when everybody throughout the country should remember the past and get some inspiration; it is a day when we should make the promise to work harder than we have been doing in the past. But I do not think that in our attempt to build our country with the limited resources which we have at our disposal, we should celebrate with so much pomp and pageantry as to cost so much money.

I have explained earlier in moving the Second Reading of this Bill that the reason why this particular Bill is applying to the federal territory alone is one of Constitution. It is a Constitutional issue. We have now come to legislate over public holidays in the Federal Parliament. The power to legislate over public holidays is in the Concurrent List. It is much the responsibility of the Federal Government as well as that of the Regional Governments, but I can

assure hon. Members that the Regional Governments are doing something and we hope that in no distant future they will have similar Bills passed in their respective legislature.

I will say that, as regards the 1st October being Sunday, arrangements are already being made and I can assure the hon. House that a committee has already been set up and that the whole arrangements are being considered by this committee.

I assure hon. Senators that it will be a grand holiday and we can all expect quite a good celebration but not so expensive as some hon. Senators would like us to have it. I am saying this not with any disrespect to hon. Senators; I do realise their enthusiasm and anxiety, especially those hon. Senators who were in the forefront during the colonial days fighting for the cause of freedom. I can understand their feelings. It is one of our great men who used to say that political freedom without economic freedom is a sham, and I can assure you that it is in conformity with that that we are celebrating it in the way we have chosen to do.

*Question put and agreed to.*

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

#### CRIMINAL PROCEDURE CAPITAL SENTENCE (AMENDMENT) BILL

*Order for Second Reading read.*

**The Minister of Health** (Chief the hon. M. A. Majekodunmi): I rise to move the Second Reading of a Bill for an Act to amend the Criminal Procedure Ordinance.

This Bill has been made necessary by the provisions in our new Constitution. Hitherto, the provisions governing the procedure to be adopted in the carrying out of capital sentences is contained in the Criminal Procedure Act, and the exercise of the Prerogative of Mercy by His Excellency the Governor-General are all contained in this Act; but sections 94 to 96 of the Constitution of Nigeria contain provisions relating to the exercise of the Prerogative of Mercy.

These provisions differ from those applicable before independence to which I have just referred in that the powers of the Governor-General are now to be exercised in accordance

with the powers of the Minister to be designated by him. In the case of a death sentence, the Minister, in making his recommendation, must first have obtained the advice of the Advisory Council appointed for the purpose.

It is also intended, as a result of the passing of this Bill, to make it unnecessary for a warrant of execution to be issued because the act of execution in fact normally takes place in accordance with the order of the Court.

This Bill is not contentious. It is only designed to bring into line with our Constitution the practice which has been adopted before the coming into operation of the Federal Constitution.

I beg to move.

**The Minister of Mines and Power** (Hon. Maitama Sule) : 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.*

#### SEDITIONOUS MEETINGS BILL

*Order for Second Reading read.*

**The Minister of Health** : I beg to move the Second Reading of a Bill for an Act to prohibit certain meetings in the Federal Territory during sitting days of either House of Parliament.

Hon. Senators will recall the unfortunate incident which happened sometime early this year, when certain unruly elements stormed the Federal Parliament and threatened to invade the Chambers of the Senate. Many Senators had expressed themselves very strongly in condemnation of this act of hooliganism on the part of some of our students.

This Bill is designed to prohibit a recurrence of such unfortunate incidents. It provides, in fact, for the exclusion within the precincts of the Parliament meetings of more than 50 persons without authority from the Police. It, of course, makes adequate allowance for the holding of religious meetings and other such lawful congregations.

I am sure the Bill will be very welcome to Members of the Senate, and I do commend it for acceptance.

I beg to move.

**The Minister of Mines and Power** : I beg to second.

**Senator M. G. Ejaife** : I have no intention of opposing the Bill either in part or in whole, but I would like to make very few observations.

The first is in relation to Clause 2 section (1)—“Subject to the provisions of this section, no meeting of more than fifty persons shall be convened”. Perhaps the Minister concerned will explain to us why the ceiling should be 50. Am I to understand that a meeting of 49 persons can be held? I am surprised that 50 should be the ceiling number. Certainly less than 50 persons can come and cause similar troubles.

My second observation is in relation to Clause 2 (2) (b)—“for any religious, charitable or scientific purpose”. It seems to me that it will be possible for any crowd of people numbering 50 upwards to come under the false cloak of a religious gathering and carry out their real purpose. I think that that subsection is unnecessary. I think there is sufficient provision for such organisations in subsection (c) where the Prime Minister is permitted to give consent where he is satisfied that the crowd of people has no nefarious objective. I think it will be unnecessary to insert subsection (b). Perhaps the Minister may like to put some light on that.

**Senator H. C. Abaagu** : The last speaker has already said what I have to say. I just want to emphasise further what he has said about the ceiling of fifty. A meeting is a gathering of two or three persons. In fact, 2, 3, 4, or 5 people can even come here and cause a disturbance. I would suggest that there should be no meeting at all. The number fifty should be reduced to, say, three. That is to say, when the House is in session, there should be not more than three people standing and conferring together. Even the people who come to this House to cheer the Senators are more than fifty and sometimes they are less. So what I want to suggest now is that nobody at all should be allowed.

**The Minister of Health** : I wish to assure hon. Senators that this Bill could not have been drafted without close consultation with our Police Force, and presumably the Police are quite convinced that they can deal with a crowd of about 50; but if it comes to two

[MINISTER OF HEALTH]

hundred it will tax their resources unnecessarily. Therefore a crowd which is more than fifty technically becomes an illegal crowd after the passing of this Act. That is why I think that the number fifty (which is not a magic number but one which has been arrived at after consultation with people who deal with the maintenance of law and order) is reasonable. Of course, we have to make provision for people to have parties or family gatherings. Any gathering which numbers more than fifty and which is not specially approved under this Act would become illegal. Those are the two observations which I have to make just to shorten the debate for this day.

**Chief Fagbenro-Beyioku :** Even though this Bill is a welcome one, we must start to be warning ourselves not to leave any impression in the minds of our people that may make them to misunderstand our Government. We, as Parliamentarians and Senators, must not run away from the people or deprive them of some rights unduly. We have some fears about their fundamental human rights. This, in my opinion, is one of fear and I feel that if we are convinced that we are giving to the nation, as we are at present doing, what the nation actually expects of us, we want the nation or the people to come near us and, through their demonstration, to give us the impression of their reactions to things we do.

One cannot by a class of law, however powerful that law may be, suppress the emotions of a people. In my opinion, we are only crying wolf where there is no wolf because the students came here the other time and demonstrated; and the next thing we have to do is to pass a law saying "Don't come within one mile"! If I am to hold a grand family gathering and I have a guest of one hundred, according to this law, I have to apply to the Prime Minister if I am holding that meeting at Beckley Street (which is about fifty yards from here). If we are going to have a marriage ceremony or naming ceremony, simply because the Parliament is meeting, we have got to apply to the Prime Minister if we are going to have a guest of over fifty or about 300! Supposing the Prime Minister says 'No' and the Police say 'No'? Are

we calling for the confidence of the people or are we driving the confidence of the people from us?

It is good that this Bill has come before us. Under subsection 3 (1) which reads:—

"Every person who convenes, gives notice of or attends any meeting prohibited by this Act, or as owner or occupier of any premises consents by any means to the use of the premises for the purposes of such a meeting, shall be guilty of an offence...."

On what evidence? And then the meeting has not even been declared illegal but seditious and there is nothing in this Bill to give us a definition of what "seditious meeting" will mean according to this Bill.

We are not trying to obstruct the passing of this Bill, but I am only trying to appeal to the Government to re-consider their stand: perhaps they want to modify this Bill in future or make amendment to it. For the moment, in my opinion, we must not do things which will make people to start to think of us otherwise.

That is my observation on this Bill.

**Senator A. E. Ukattah :** I rise just to announce that I will be making an amendment to Clause 2 (i) in the Committee. Senator Beyioku must have a different opinion. Personally, I was not happy when a Minister was rough-handled here and I would not like myself to be rough-handled just because I come to work for the nation.

He was talking of allowing people to hold a gathering during the sitting of the House of Parliament. In my opinion, there should be no meeting at all. The question of Police being able to deal with 49 people is immaterial. One mad man is sufficient to drive all of us out of this House. The next observation I will make is on Clause 2 (2) (b), but I have nothing against it.

## ADJOURNMENT

*Motion made and Question proposed, That This House do now adjourn* (The Minister of State: Chief Omo-Osagie).

*Question put and agreed to.*

*Resolved: That this House do now adjourn. Adjourned accordingly at 12.00 o'clock.*

SENATE OF THE FEDERATION  
OF NIGERIA*Monday, 4th September, 1961**The Senate met at 10 a.m.*

**The Clerk of Parliaments :** I have to inform the Senate of the unavoidable absence of Mr President. The Deputy President will therefore take the Chair according to Standing Orders.

## PRAYERS

(The Deputy President in the Chair)

## PRESENTATION OF PUBLIC BILLS

CHILDREN AND YOUNG PERSONS  
(HARMFUL PUBLICATIONS) BILL

Bill for an Act to prevent the dissemination of certain pictorial publications harmful to children and young persons; read the First time : to be read a Second time—*This day.*

## INSURANCE COMPANIES BILL

Bill for an Act to provide for Insurance Business by the Registration of Insurers and for other purposes connected therewith : read the First time : to be read a Second time—*This day.*

## MARINE INSURANCE BILL

Bill for an Act to provide for Marine Insurance and to prohibit gambling on lots by maritime perils : read the First time : to be read a Second time—*This day.*

## STAMP DUTIES (AMENDMENT) BILL

**The Clerk of the Parliaments :** This has been certified by Mr Speaker of the House of Representatives as a Money Bill within the meaning of section 61 of the Nigerian Constitution.

Bill for an Act to amend the Stamp Duties Ordinance : read the First time ; to be read a Second time—*This day.*

## ORDERS OF THE DAY

## SEDITIONOUS MEETINGS BILL

Adjourned Debate on Question (2nd September), That the Bill be now read a Second time.

*Question put and agreed to.**Bill read a Second time and immediately considered in Committee.*SEDITIONOUS MEETINGS BILL :  
CONSIDERED IN COMMITTEE

*Clause 1—SHORT TITLE, ETC.—ordered to stand part of the Bill.*

*Clause 2—(MEETINGS TO BE DEEMED  
SEDITIONOUS)*

**Senator M. G. Ejaife :** I move that subsection 2 (b) of Clause 2 be deleted.

We are all aware that this is a Bill which tends to check some excesses ; we are aware also of the points made by the hon. Senator who thought that the Bill was obnoxious. We are now suggesting that this Clause should be scrapped ; but if we are going to uphold this Bill and pass it, which I think we should, it should be made fool-proof. If we allow this Clause which refers to "any religious, charitable or scientific purpose" I think we shall be going wrong. Not everybody is well meaning. A group of people who gather with the sole intention of obstructing the business of the House or doing precisely what has led to the drafting of this Bill, may cloak themselves under this Clause. One of the main reasons why there are several cases in court is these difficulty of interpreting some of the laws ; and I think that it is for the court to decide in fact as to what is a religious, charitable or scientific meeting.

In any case Clause 2 (2) (c) is all inclusive when it says "for any other purpose with the consent of the Prime Minister given on such terms as he may think fit." I think that covers everything including any other contingency which may arise. And since any purpose seems to be covered by this Clause, I think it is unnecessary that subsection 2 (b) should form part of the Bill.

I therefore move that the Clause be deleted.

**Senator Fagbenro-Beyioku :** I still hold strongly to my view that this Bill is born out of fear and we must not continue to let our minds be unduly disturbed. There is an extent to which Parliament can restrict the liberty and the right of the people. If we go beyond that extent we are inviting trouble. Everybody knows what religion means. If a man says he is having a religious meeting, and the Police get there to find that instead of having a religious meeting according to the Moslem, Christian or Native rites, he is doing something else, the Police have the right to

[SENATOR FAGBENRO-BEYIOKU]

take necessary action. I think the Police are competent to decide whether or not a meeting is of religious, charitable, or scientific nature. But if we simply say that because a batch of students had once demonstrated outside Parliament, we should therefore become nervous and try to restrict everybody from exercising his right as a civilian, we shall be adopting a measure which sooner or later is likely to rebound on us.

I therefore submit that the three subsections in Clause 2 should remain. It is just one of the things that will make our people know that in the passage of this Bill no harm is meant. But if we say that anyone who wants to perform the funeral obsequies of his mother must first go to the Prime Minister and obtain a permission to do so, I think we will be overdoing things.

**The Minister of Health** (Chief the hon. M. A. Majekodunmi) : I would like to intervene at this stage in order to cut short the debate on this matter.

I am in sympathy with the hon. Senator who moved the Amendment but I would like to assure him that this type of Bill is not the kind at which this Government rejoices in passing. It is a Bill which has been forced upon the Government by circumstances, and we very sincerely look forward to the day when we shall have the pleasure of coming before this hon. House to ask for it to be repealed. We are in the transitional stage in this country ; we have just started with our federal form of constitution which we must all learn to respect. But there have been some incidences from which we feel that the authority of Parliament has been abused by certain irresponsible elements. That is the circumstance under which this Bill has been brought before this hon. Senate.

Government will certainly not accept the amendment because we would like to be very liberal in our attitude towards religious, charitable and scientific organisations, and to ensure that those people who genuinely and *bona fide* do want to hold such meetings have the opportunity of holding them during the sitting of Parliament.

I assure the hon. Senator that these Clauses are put there just to ensure that the liberty of a citizen of Nigeria is not unnecessarily

restricted. I would like therefore to suggest to the hon. Senator to withdraw his Amendment.

**The Chairman** : Would the hon. Senator like to withdraw his Amendment ?

**Senator Ejaife** : In view of the enlightenment given by the Minister and my hon. Colleague, I withdraw the Amendment.

*Clause 2—(MEETINGS DEEMED TO BE SEDITIOUS)—ordered to stand part of the Bill.*

**Senator A. E. Ukattah** rose—

**The Chairman** : I think Senator Ukattah wants to speak. The hon. Senator cannot speak however on an Amendment that has been withdrawn by the Mover.

*Clause 3—(PENALTY FOR CONVENING ETC. SEDITIOUS MEETINGS).*

**Senator A. O. Fagbenro-Beyioku** : We have our tradition in this country and I want an assurance from the Minister that our respected form of life will not be trampled upon. If for instance, there is a funeral ceremony along Ajasa Street which is very near to this hon. Senate, and about 50 or more people gather together for the purpose ; do these people come within the terms of Clause 3 ? Would they necessarily have to apply to the Prime Minister, stating in their application that a funeral ceremony is going to be observed ? If this is so, I would respectfully submit that the Government should think of exercising this law in such a liberal way that it will not obstruct the tradition and custom of the people of this country.

**The Minister of Health** : I have already assured the House that it is not the intention of the Government to restrict the liberty of the people of this country. May I assure the hon. Senator that in the application of this Law, every consideration will be given to our traditional mode of life.

It is clear from this Law that what this Act seeks to avoid is a repetition of what occurred here towards the end of last year, when a mob invaded the Houses of Parliament. But if a person is genuinely celebrating the birthday of his child in Ajasa Street, I have no doubt that the Police, after satisfying themselves that he is not really planning a nefarious act, will grant the necessary permission. I assure the hon. Senator that this Bill cannot be enforced

in such circumstances, and I assure him that in the application of it, every consideration will be given to the legitimate wishes and tradition of the people who are resident around the precincts of the Parliament.

*Clause 3—(Penalty for convening, etc., seditious meetings)—ordered to stand part of the Bill.*

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

#### ACTS AUTHENTICATION BILL

*Order for Second Reading read.*

**The Minister of Health :** I rise to move the Second Reading of a Bill for an Act to make provision for the authentication and recording of Acts of Parliament.

This Bill is a technical one and it seeks to simplify the procedure whereby Acts of Parliament are authenticated. The present method of authenticating Legislation has been found to be cumbersome, and it is now desired to replace this method by a simpler method which is known as *Assent by Commission*. This procedure involves the preparation of true copies of Bills as they pass through Parliament and the preparation of a properly certified Schedule of such Bills. This Schedule, when approved, will be signed by His Excellency the Governor-General, and sealed with the Seal of the Federation. Thereafter, the Bill will be endorsed as published by authority, and when so published, it will have effect as if the Assent in Her Majesty's name, as now required, appeared thereon. It will, therefore, no longer be necessary to show this on the face of the Act.

As I have already explained, the Bill is merely a technical device to simplify the method of authenticating Legislations which have passed through Parliament, and I have no doubt that it will not invoke any debate from Members of the Senate. It is a technical Bill.

I beg to move.

**Senator Chief O. A. Fagbenro-Beyioku :** I beg to second.

**Senator Salahu Fulani :** As the Minister has just explained, this is not a controversial Bill as it only seeks to simplify an Act of Parliament. I suggest that the whole House should endorse it and give it unqualified approval.

*Question put and agreed to.*

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

#### OBSCENE PUBLICATIONS BILL

*Order for Second Reading read.*

**The Minister of Health :** I beg to move the Second Reading of a Bill for an Act to amend the Law relating to the publication of obscene matter, to provide for the protection of literature and a law concerning phonography.

The Law in relation to obscenity at present is found in section 232 of the Schedule to the Criminal Code, and the Obscene Publications Act of 1857 of the United Kingdom.

In as much as such laws are based on the English law, it has been found to be completely out of date and not fully applicable to circumstances here in Nigeria. In recent months, the Police have brought to the notice of the Attorney-General large scale traffic in phonographic literature and it has been found that the law as it stands is not usually applicable in the circumstances in which the Police have found these literatures. This law seeks to make it possible for this kind of literature to be seized and destroyed. Hon. Senators will agree that it is not right that such literature should be freely circulated in this country where it is likely to deprave young people and indeed some adult as well and so, I very strongly commend the Bill to the Senate and beg to move that it be read the Second time.

**Senator Chief A. O. Fagbenro-Beyioku :** I beg to second.

**Senator A. E. Ukattah :** I think really that the Government has come with a very welcome Bill. Whatever affects the morals of our people must be regarded as very important. In fact, I was getting the impression that our Government was not exercising sufficient vigilance over certain magazines and other publications coming into this country but seeing that this kind of Bill is coming before us now, I feel the Government is doing something so far as the morals of our young people are concerned. Young children are very impressionable and whatever obscene publication is presented to them will make very long and lasting impression.

This Bill, I said before, is really very commendable and I do not think we have anybody to quarrel with it. I beg to support.

**Senator Mrs Wuraola A. Esan :** I rise to support this Bill. It is, as the Hon. Gentleman who spoke last said, a very commendable Bill. We really congratulate the Government for bringing about such a Bill because in Nigeria to-day, so many children go the way of the West because of the kind of publications that can be bought for 3d or 4d in the streets now. What I would like the Government to take in hand also is the pictures shown in our local cinemas because it is really very depressing the way these children go to these pictures and absorbed them *in-to-to*. They even have to go home and practise what they see because not so long ago I went to a house and found two children with imitation guns shooting at each other and telling Daddy, "you must lie down, daddy, you are the rogue; this is the man defending me and I am going to rob this bank" and so on, just demonstrating to the people sitting down. This sort of thing, may be very good but these comic and obscene publications and all sorts of bad publications now reaching our children are not doing them any good. Rather they do them much harm if such a thing is not checked and for this, I am grateful that the Government have thought it fit to bring about such a Bill.

With these few words, I beg to support.

**Senator P. C. Udu :** This is a very important Bill. The moral of a country depends on small children growing up and it is said that the imitative faculty is too great in children. Whatever they see that is bad they practise it. I have witnessed some pictures which show how cleverly rogues could get at people's properties and children see this. In other instances, some pictures show how habitual criminals threaten other peoples' lives and take their properties.

I believe the Government which is so gracious this time to introduce a Bill to prevent such crimes will in future, as the Government has now taken it in hand, prevent some of the pictures not to be shown to children and if it has got to be shown at all, it will have some discrimination, that children of eighteen years and less should not attend this kind of pictures and its publications should be banned as well. With these few remarks, Mr President, I beg to support the Bill.

**Senator Chief S. T. Hunponu-Wusu :** This is a very short and nice Bill, and I would like to remind this House that this is one of the

things that we need for our Nation. From time immemorial, the Muslims have their rights for their own law which they teach their children. The Christians too have their own way of training their children, the same thing with our old grandfathers, they have their ways of teaching their children but with modern civilisation and the series of recent publications that have been coming into our country the minds of our young children have been polluted to the extent that these children have not much regard for morals. The laws we are being asked this morning to pass are those things that Nigeria do deserve particularly in this our infancy.

We are a very very young Nation and I am happy that the Government have thought it fit to put in such a Bill this morning. In the second place, I will go further to say that the publications that are coming out now have supported the idea that no child can be flogged in any school where he commits any crime as far as morals is concerned.

In the olden days however, fear is created in the minds of any child or any pupil in any school knowing fully well that he or she will be well punished for such a crime. It is an indulgence which these publications have given to our children that is growing now to destroy tradition that has been laid down by our forefathers. That is why, to-day, we have juvenile delinquents and so forth, but there was nothing of that before, and I am happy that this Bill was introduced. We would like our Government to look into this matter and as time goes on publications of the nature that will affect the morals of Nigerian children must be carefully studied and if there is need to change some of the Western civilisation Laws.

Western civilisation laws by which privilege is given to a child to have no regard for elders must be changed. We are a young Nation and we should try to make our laws and orders that are suitable to us.

It is my pleasure that after the passing of this Bill all publications coming into the country as well as other important matters that have been mentioned by hon. Senators like films will be censored. I am sure the Federal Government has got the people whom Senators feel will help in seeing that this Bill is well applied. I would only ask that the people to do the censorship should be careful

when censoring a publication. I know there are laws which prevent children from seeing certain films but these are things we must look into.

With these few remarks, I support the Bill wholeheartedly.

**Senator M. Salahu Fulani :** The last speaker has touched most of the points I should have spoken about. Juvenile delinquency is a world-wide problem and I am happy that the Federal Government has taken up this matter.

There is one point that I would like to bring to the notice of the Minister. The mere passing of this legislation cannot bring about the solving of the whole problem of juvenile delinquency. If one takes a walk along the streets of Lagos one finds youngmen walking about aimlessly. How can the Government prevent these people from influencing our children? There is a saying that the devil finds work for lazy people. The problem of these children is not solved merely by the passing of legislation, but we should find them ways of employing their lives, avenues to use their young minds and energy for the good of this country.

I support the Bill.

**Senator Chief R. A. Umoh :** I rise to support the Bill and in supporting it I have to congratulate the Government for having brought up this Bill at this time as any delay in bringing this Bill may cause great distress to this country.

We see that the development of the rising generation of this country really depends on three different influences. The first is home influence. The child behaves outside according to his or her home training. The second is school influence. The child spends the greater part of his life at school. The last is the influence he gains from his environment. This is what the child sees, what the child reads and what the child actually does outside school hours and outside his family life.

It is praise-worthy that the Government has thought it fit to help the rising generation to grow up as strong adolescents both morally and physically. The morals of children help to build up a nation. When the morals of the children are well looked after, they grow very

well. It is these children who form a very strong nation.

We can also never get away from the Christian side of the problem. It is a great help to the growth of a high standard of spirituality among children. It is true that even when there is trouble in a nation, even in the olden days Israel had great enemies around its borders, but by the help of God, by the help of their high standard of spirituality they were able to conquer their enemies. If Nigeria can also bring up her children spiritually, I am sure we will have a strong Nigeria in the future.

In addition to that, it is true that the Government is becoming a father, the father of this great nation to protect both the body and the soul of the people of this country. As we can see without the protection of our souls without our dependence on God in raising the morals of our children; we cannot build up a strong nation and we will be a nonentity. we can see this in Psalm 26 where it is said that everything entirely depends on God.

I support this Bill which the Government has brought up in time wholeheartedly.

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

**The Minister of Health :** I am very happy indeed that this Bill has received such cool and enthusiastic support from the Senate. It is a progressive Bill and it is one of a series of Bills which the Government hopes to introduce to help the welfare of our young people and to protect their interest. I have nothing more to add to the introduction which I have made to the Bill and, I thank hon. Senators for their kind remarks about this Bill.

*Question put and agreed to.*

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

FEDERAL SUPREME COURT (MISCELLANEOUS PROVISIONS) BILL

*Order for Second Reading read.*

**The Minister of Health** (Chief the hon. M. A. Majekodunmi) : I beg to move the Second Reading of a Bill for an Act to make provision for the restoration of the right of



## [THE MINISTER OF HEALTH]

admission to bail in certain cases and of the right of appeal from Interlocutory Orders and decisions in special cases in the Federal Territory.

This is a Bill which will give joy to all lovers of freedom and Parliamentary democracy everywhere in the country. This Bill seeks to restore rights of the citizens which have been inadvertently taken away from them by the passage of an Ordinance in 1960 shortly before Independence. The Federal Supreme Court Ordinance of 1960, was enacted before Independence and, one of its objects was to repeal the existing Federal Supreme Court Appeal Ordinance of 1955 but, unfortunately, the effect of this repeal was that it made it extremely doubtful whether an appeal from any of the three Regional High Courts now entitled the appellants to bail while the case is being heard or where the question of law has been reserved for hearing by the Federal Supreme Court.

In the Federal territory, there is a provision for admission to bail in such cases. There is a High Court of Lagos Ordinance section 50 (a). So this Bill seeks to restore this right of the citizen which has been inadvertently removed by the passage of the Ordinance to which I have referred.

It also seeks to provide for an appeal where Interlocutory Order or decisions are made or given in the High Court of Lagos. It has been found impossible for an appeal to be lodged as formerly as a result of this Bill, this High Court of Lagos Ordinance, which was passed but now after the passage of this Bill, it will be possible for an appeal to go to the Federal Supreme Court in cases where Interlocutory Orders or decisions are made in the High Court of Lagos.

This is a progressive Bill and rather than diminish from the rights of the citizens, it restores those rights which have been inadvertently removed and I am sure it will be very heartily welcomed by the Members of the Senate.

**Senator Fagbenro-Beyioku :** Sir, 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.*

ADMINISTRATION OF JUSTICE  
(HABEAS CORPUS) BILL

*Order for Second Reading read.*

**The Minister of Health** (Chief the hon. M. A. Majekodunmi) : Sir, I beg to move the Second Reading of a Bill for an Act to provide an appeal to the Federal Supreme Court from any refusal of a *writ of Habeas Corpus*.

This is another progressive Bill which seeks to give the right to the individual to appeal to the Federal Supreme Court in cases where there is a refusal of *Habeas Corpus*.

This Bill is a highly technical one in its application. Under a decision of the Privy Council delivered in the case of Esugbaya Eleko in the year 1920-21, a Nigerian may sue for a *writ of Habeas Corpus* before every Judge of the High Court if necessary. In England, however, it was decided by the Court of Appeal that the decision in Privy Council case was based on a wrong view of proceeding. There is, therefore, no inherent jurisdiction to deal with an application for a *writ* before every Judge of the High Court. To remedy this, special Legislation was enacted in England and what we now seek is to provide for a person whose rights are unduly restricted to go before a Judge of the High Court here and follow the normal machinery for appeal. He would not have to go before every Judge of that Court in search of a remedy.

As I pointed out earlier, this is another progressive Bill which seeks to give the right to the citizens to appeal against the decision of the High Court in cases of a *writ of Habeas Corpus* and I have no doubt whatsoever that it will commend itself to the Senators.

**Senator Fagbenro-Beyioku :** Sir, 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.*

CHILDREN AND YOUNG PERSONS  
(HARMFUL PUBLICATIONS) BILL

*Order for Second Reading read.*

**The Minister of Health** (Chief the hon. M. A. Majekodunmi) : I beg to move, That the

Bill be now read a Second time. This Bill is a complimentary Bill to that relating to Obscene Publications, which has just been passed.

If we are to control publications likely to be harmful to the morale and to corrupt children and young persons, this is the time when we should legislate to give the Police authority to take action before damage is done.

The Children's and Young Persons' Ordinance affecting the existing law applies only when a question of obscenity arises, in relation to the class of secondary offences against children and young persons. A child is defined in our legislation as a person under 14 years of age, while a young person is one who has attained the age of 14 and is under the age of 17 years. Some other measure of control is therefore essential since, although a person not yet 9 years of age may not be sentenced to imprisonment or committed to prison, he may be affected to a degree by publications of the nature contemplated in this Bill—and at an awkward stage of his career.

The test of what constitutes obscenity will, for the purposes of this Bill, be the tendency of any word or picture to portray the commission of crimes, acts of violence, or cruelty, or incidents of a repulsive or horrible nature, and this Bill will afford that protection necessary.

During the debate on the Bill of Obscene Publications, Senators expressed fears that this Bill does not, in fact, cover all the literature which could be harmful to young citizens but I think they will readily agree that this Bill which we are now discussing does, in fact, cover all such publications, including pictures and pictorial representations.

As I have said earlier, it is one of those progressive Bills which are necessary in a progressive society and I have no doubt that hon. Senators will pass it.

Sir, I beg to move.

**Senator A. O. Fagbenro-Beyioku :** Sir, I beg to second.

**Senator P. A. Ogundipe :** Sir, I would like to speak in support of the Bill. In fact, when I saw the first one on Obscene Publications I was wondering if it was in any way different from this one, the Children and Young Persons (Harmful Publications) Bill; but as we have seen and heard from the Minister of Health,

this last one is quite complimentary to the other one and covers all such things as one would like legislated which are not covered in the other one.

We all know, especially those of us who are teachers, that children are interested in stories; stories and pictures more than anything else, and that they will go out of their way to read. They will even neglect their mathematics, geography and history in their anxiety to read stories, fiction, etc., and especially books that are written in a light hearted way that are likely to affect the morals of children. The Government, therefore, is to be highly commended for making the necessary proposals to cover this up by legislation.

There is, in fact, sufficiently good literature in our schools for our children to read but children have been known to have a tendency to read bad books. The Government of the country is vigilant enough to remove the temptations of reading bad novels and seeing bad films which are unsuitable to our moral code, in the interests of the nation.

As many Members have submitted to the passing of these two Bills, the first one for Obscene Publications and now this other one, I also give my strong support to the passing of this very useful Bill.

I beg to support.

**Senator Chief H. N. Udoh :** It appears this morning that all the Bills are more or less for the oncoming generation. Many people in the towns and villages who are engaged in their daily round of duties are not aware of what their children do because they have little time for them. Teachers and mothers are the people who observe these things, more especially in the rural areas. Parents should be grateful to the Government for these two Bills we are now handling.

Children seem to know more than their parents and some careless parents are not aware of a certain waywardness in their children. It is freedom, you know. Too much of it puts such things in the brains of the young ones and the young ones have such a magnetic power in their power of imagination. We learn by reading. Certain things which they read and certain things they see, they try to imitate.

[SENATOR (MRS) ESAN]

Sometime ago, a man went to a woman and asked her to buy a car. When she bought the car, she was taken to an insurance company. As soon as she went in, she was taken to a whiteman who asked her to thumb-print a form. The agent told her that he was acting for both the insurance company and herself. The car was insured, and the man obtained a driver for the woman. About two months after, he said that the car had broken down. The agent told this woman that she would be paid the full cost of the car only if it was totally destroyed. This agent destroyed the car completely and accompanied the woman to the insurance company to make a report. To her utter dismay, a clause in the policy was invoked which did not make the company liable to pay for the car. The woman reported to the Police, but they could not lay hands on the insurance agent—he had disappeared.

This woman could not read or write, but she believed everything that was told her simply because she was taken to a whiteman! Therefore, if the Government is going to make insurance safe in Nigeria and ensure that policyholders are fairly treated, they must educate the public.

I feel that the insurance business should be nationalised because the people have confidence and feel safer in anything that is government-owned.

**The Deputy President :** Order! Sitting suspended for 15 minutes.

*Sitting suspended : 11.30 a.m.*

*Sitting resumed : 11.55 a.m.*

**Senator Mrs Wuraola Esan :** I am also advocating that the Insurance Companies be nationalised. But before this could be done, I see no reason why the Minister of Information could not publish some parts of this Bill into pamphlets in the different dialects of Nigeria and make such pamphlets available to the public. This would be a sort of education for them. Those who cannot read in Yoruba, Ibo or Hausa could get people to read it out to them and this will safeguard them.

**Senator Chief E. U. Uka :** I thank you very much for giving me this great opportunity to speak on this Bill. This is a welcomed Bill but there are few observations I would

like to make. In doing so, I would like to give you my experience with an Insurance Company. I bought a car last year and a few months after I bought it, a learner collided with it. Then I took it to the Insurance Company for repairs according to the Policy I took out with them. They, however, declined to repair it and asked me to fill a form which I did. Later, they told me that I should not have engaged a driver who is 15 years of age. They further advised me to employ one who is either 20 or 25 years of age. Therefore, I had to pay £30 for the repairs when the Insurance Company should have paid me £25 according to the Policy.

I would suggest that we make a law to guard the whole of the Federation of Nigeria as far as the insurance companies are concerned. I support the hon. only woman Senator who said that insurance companies should be nationalised. If we do not do so, we shall still have people who come from their country to make away with ours. I thought that this Bill would be prepared on that line. I see no reason why foreigners should come to this country to establish insurance companies when we cannot compete with them. I think the hon. Senators who are here will readily contribute £2 or £50 each, if they are asked, to establish a company.

**The Deputy President :** Do you want all the Senators to start an insurance company?

**Senator Uka :** Yes. I support anybody who tries to make a move that insurance companies should be nationalised.

Another point I would like to make is about the policy governing the insurance. The only woman Senator has suggested that the policy should be translated into Ibo, Efik, Yoruba and Hausa. This is very good and I support it because some of us who insure do not know the implications of the clauses in the Policy. If we have known them, we should not have entered into agreement with the insurance companies. I believe that Government should prepare a form and be prepared in such a way as to be understood by everybody who owns a car before signing with an insurance company. If anybody signs anything, he should be able to know what the liability of the company is and what his own liability is. That will be a very good move and if we follow it, we will be helping

not only ourselves but also our fellow men who probably could not understand the implications of the policy. Government should take this step immediately.

I beg to support.

**Minister of Health :** Some people have expressed the view that the insurance companies should be nationalized. I want to say that nationalization of any industry or company is not necessarily the most effective method of working such companies and some of the abuses which have been spot-lighted in the speeches this afternoon could still take place under a nationalized industry. However, this question of nationalization no doubt will be studied by the Minister of Commerce and Industry and if he thinks it is the best thing for the country he will most likely bring another Bill to us.

But the most important thing which I think, to my mind, any Government should jealously guard is that the powers which are vested in Parliament are such that if there is any abuse at all in any industry or organisation, like insurance companies, that abuse could always be rectified by legislation and this legislation here is based on a report which has been given to Government and recommendations which have been made to Government by experts and which were designed to remove some of the abuses which Members have complained about because no such legislation has been passed.

I am sure if we pass this law other abuses will come to light but I have no doubt that the Minister will watch the interests of the citizens jealously and will also come back to make necessary amendments to this law whenever any further abuses come to light.

I feel very sorry indeed for the woman described by Senator Wuraola Esan and I hope such cases in which there is obvious swindling by itinerant traders will be brought to the notice of the Police. It is what the Police are there for and I have no doubt that if Senator Mrs Wuraola Esan herself will take up the case for this woman, she would get justice done for her.

*Question put and agreed to.*

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

#### MARINE INSURANCE BILL

*Order for Second Reading read.*

**The Minister of Health** (Chief the hon. M. A. Majekodunmi) : I beg to move, That the Bill be now read a Second time.

Sir, the Bill seeks to introduce the code of Marine Insurance which is not easily adaptable for inclusion in the general insurance legislation. The terms of the Bill are similar to those of the United Kingdom Marine Insurance Act and the purpose of this Bill is to bring the operation of Marine Insurance in Nigeria into line with the acceptable practices obtaining in the United Kingdom and elsewhere.

Sir, I beg to move.

*Question put and agreed to.*

*Bill read a Second time and immediately considered in Committee.*

#### MARINE INSURANCE BILL : CONSIDERED IN COMMITTEE

*Clauses 1 to 91, ordered to stand part of the Bill.*

*First Schedule, ordered to stand part of the Bill.*

*Second Schedule, ordered to stand part of the Bill.*

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

#### STAMP DUTIES (AMENDMENT) BILL

*Order for Second Reading read.*

**The Minister of Health :** I rise to move, That a Bill for an Act to amend the Stamp Duties Ordinance be read a Second time.

The Amendment seeks to make provision for the payment of stamp duties on policies of Marine Insurance which are exempt from duty under the Stamp Duties Ordinance. This Amendment has been made necessary by the introduction of the Marine Insurance Bill which has just been passed, and it is necessary to protect the revenue by this Amendment.

I beg to move.

**Senator M. Malachias Bawa :** I beg to second.

*Question put and agreed to.*

*Bill accordingly read the Third time and passed.*

[SENATOR EJAIFE]

The next point I would like to make, is in regard to the Army. I notice there was no Supplementary Estimate for the Army but I observe in the Revised Summary of Recurrent Expenditure that the Ministry of Defence has a provision for £49,740 which is very small. Of course our able Minister of Defence said that our aim is not to commit aggression. We are only trying to ensure our internal security. But there is under the Royal Nigerian Army provision for £4,200,930. I understand from a reliable source that the training of Army personnel is going at a very, very slow rate.

I understand very few of our people have been trained. It is quite true that the number of those commissioned is encouraging now, nearly one hundred, but that number is deceptive. Indeed, from research, I found that of all those who are now commissioned only a very small fraction have, in fact been trained. So that, if they are called upon to do the duties of commissioned officers they will not in fact be able to do them. Many of them have gone to various kinds of Army schools and on their return have been promoted officers, captains, lieutenants and majors. But nearly half of those who are now called officers, commissioned officers are just a sham. On paper, we find that Nigerianisation of the Military Forces is progressing well but you will find that in actual fact our men are just doing clerical work but cannot do the technical military work.

I gathered this from the inside of the Army itself and I understand that Government was advised—I may be wrong—not to hurry because it is possible if the Army was trained too fast it is just possible, as has been the experience that from experience of many countries, the Army may stage a coup; so it is essential that the Army should not be trained in their proper work too fast. This may not be true but I heard something like that. I do hope that more officers will be trained and when they come back after their training they will be given the chance to do the work for which they have been trained.

The next point I would like to make, is in connection with some of the things which have been worrying us in Nigeria. I think the Lower House has debated such matters as Law and Order, Bank inquiries. I should have thought that at least before we adjourn we would be given an opportunity of discussing

the Foreign Policy which is now the subject of debate in the Lower House. I understand the debate is now in progress in the Lower House. I am hoping that when it has been discussed there we shall also have an opportunity of discussing it here.

I am very happy that in end the Government has been able to calm feelings with regard to the sharp exchanges that have been going on about Law and Order. I commend the moderation of the Prime Minister in the statement which he made.

When we were trying to pass the Bill in regard to Banking the other day I sounded a note of warning and, I think we were reassured by the Government that any Bills which we pass whether they be on Interlocutory Injunctions or on Bank Inquiries, that no harm is meant at all; and that there are no schemes or devices in regard to any particular Bank. I believe that because I know that all our Ministers are nationalists and all the people in control of the Federal Government are nationalists and they will be the last people to do anything against the nationals and general interest of this country.

I would like to advise Government in connection with our Banks. We have now appointed examiners. This is a very good thing just as we have made provisions for the protection of people with regard to Insurance and also made provision to protect people against fraud in Banks. That having been done perhaps Government will be well advised to go slowly now with regard to other matters concerning a particular Bank. For instance, the Inquiry and so on. I think enough has been done in that direction already. We have spent some amount of money. Reading through the *Debates* of the Lower House of the 28th of August, one finds that in connection with the Bank Inquiry, Legal Services cost this Government—£3,953, passages—£1,862, and the estimates of accommodation and so on came to £500, making a total of £6,315. There are other ways in which we have spent our money.

Hon. Senators will recall that in connection with the same Inquiry, we were summoned suddenly by telegram to come and discuss matters here. I think that was on the 28th of July. I understand that cost the Government £26,000, I may be wrong. All that having

been done, I would advise the Government that we go slowly about that especially as we have now appointed examiners and have made legislation to protect the interest of the public with regard to Banks. All that is done in the interest of the country.

I beg to support the Motion for Adjournment.

**The Minister of Health :** I like to express my gratitude to Senator Ejaife for the very kind things he has said about me in this House. At the same time, I would like to explain to hon. Senators that the Ministers who are unavoidably absent mean no disrespect whatsoever to the Senate. The Minister of Justice whose Bills I have taken this morning is away in the Congo as a consultant to the Government of the Republic of the Congo on constitutional matters. I think this is a good thing for this country that we could send experts from here to go and advise sister African countries and it is unavoidable that he has to go. He has been invited to advise them and I am sure all Nigerians would feel proud about the contribution which we are making towards stability in the Congo and in Africa generally.

Unfortunately, the Minister of Commerce and Industry also had to fly to Enugu at two o'clock this afternoon to attend the meeting of the National Economic Council. This is the reason why it is not possible for him to be here and this meeting had been arranged

long in advance, even before we knew that Parliament was going to sit. I hope hon. Senators will view these lapses very kindly and forgive these Ministers who have been unavoidably absent for very good reasons.

We hope in future, we shall arrange the meeting of the Senate in such a way that it would be possible for the Ministers who have business to transact in the Senate to be present but, hon. Senators will admit we are only just starting in this Parliament to adjust the balance between the two Houses to see that Meetings are co-ordinated, particularly when we have a joint sitting of Parliament, Senators are brought from their respective homes and after the Speech from the Throne, there is very little business for them to transact because the Lower House had not had the time to transact business. Those are circumstances in which we have to be tolerant a little bit with Government. But, on occasions like this in which it is not necessary to sit jointly, we hope to be able to arrange the Meeting so that as soon as the House of Representatives finish their business the Senate can meet and transact business brought to us from the Lower House.

*Question put and agreed to.*

*Resolved :* That this House do now adjourn *sine die*.

*Adjourned accordingly at ten minutes to one o'clock.*

# INDEX TO SENATE DEBATES

## OFFICIAL REPORT

SESSION 1961-62

*20th July, 28th August—4th September, 1961*

	<i>Column</i>		<i>Column</i>
<b>Abaagu, Senator H. O. :</b>		Children and Young Persons (Harmful Publications) Bill :	
Adjournment Motion .. .. .	622	Presented and 1st read .. .. .	801
Commissions and Tribunals of Enquiry Bill .. .. .	617	Second Reading .. .. .	812
Nigerian Broadcasting Corporation (Amendment) Bill .. .. .	699-701	Committee .. .. .	816
Nigerian Constitution First Amendment Bill .. .. .	600	Third Reading .. .. .	816
Seditious Meetings Bill .. .. .	798	Civil Liability (Miscellaneous Provisions) Bill (Amended) :	
<b>Abubakar Bale, Senator Alhaji :</b>		Presented and 1st read .. .. .	672
National Bank (Commission of Inquiry Recall) Bill .. .. .	607	Second Reading .. .. .	682
<b>Abubakar Garba, Senator Alhaji :</b>		Committee .. .. .	686
Fatal Accidents Bill .. .. .	676	Third Reading .. .. .	687
<b>Acholonu, Senator Chief P. I. :</b>		Commissions and Tribunals of Enquiry Bill :	
Adjournment Motion .. .. .	621	Presented and 1st read .. .. .	614
Fatal Accidents Bill .. .. .	676-677	Second Reading .. .. .	614
Wireless Telegraphy Bill .. .. .	644-645	Committee .. .. .	619
<b>Announcements :</b>		Third Reading .. .. .	619
Absence of the President and of the Deputy President .. .. .	593	Criminal Procedure Capital Sentence (Amendment) Bill :	
Resignation by Senator Sanni O. B. Okin .. .. .	594	Presented and 1st read .. .. .	767
Resignation by Senator O. Somolu .. .. .	594	Second Reading .. .. .	796
<b>Asemota, Senator Dahilton O. :</b>		Committee .. .. .	797
Adjournment Motion .. .. .	724-725	Third Reading .. .. .	797
Nigerian Broadcasting Corporation (Amendment) Bill .. .. .	701-704, 713	Customs and Excise Management (Amendment) Bill :	
Trunk Roads .. .. .	720	Presented and 1st read .. .. .	767
Wireless Telegraphy Bill .. .. .	642	Second Reading .. .. .	788
		Committee .. .. .	789
		Third Reading .. .. .	789
		Customs Tariff Bill :	
		Presented and 1st read .. .. .	728
		Second Reading .. .. .	776
		Committee .. .. .	777
		Third Reading .. .. .	777
		Exchange Control (Amendment) (No. 2) Bill :	
		Presented and 1st read .. .. .	728
		Second Reading .. .. .	755
		Committee .. .. .	758
		Third Reading .. .. .	758
		Export of Nigerian Produce (Amendment) Bill :	
		Presented and 1st read .. .. .	728
		Second Reading .. .. .	773
		Committee .. .. .	774
		Third Reading .. .. .	774
		Export Produce (Federal Powers) Bill :	
		Presented and 1st read .. .. .	728
		Second Reading .. .. .	774
		Committee .. .. .	776
		Third Reading .. .. .	776

## B

**Beyioku, Senator Chief O. A. Fagbenro**  
(see Fagbenro-Beyioku, Senator Chief O. A.)

### Bills :

Acts Authentication Bill :	
Presented and 1st read .. .. .	768
Second Reading .. .. .	805
Committee .. .. .	806
Third Reading .. .. .	806

### Administration of Justice (Habeas Corpus) Bill :

Presented and 1st read .. .. .	728
Second Reading .. .. .	812
Committee .. .. .	812
Third Reading .. .. .	812

### Banking Ordinance (Amendment) Bill :

Presented and 1st read .. .. .	767
Second Reading .. .. .	779
Committee .. .. .	787
Third Reading .. .. .	787

	<i>Column</i>		<i>Column</i>
Fatal Accidents Bill (Amended) :		Pensions (Amendment) Bill:	
Presented and 1st read .. .. .	671	Presented and 1st read .. .. .	727
Second Reading .. .. .	672	Second Reading .. .. .	765
Committee .. .. .	681	Committee .. .. .	770
Third Reading .. .. .	682	Third Reading .. .. .	770
Federal Supreme Court (Miscellaneous Provisions) Bill :		Public Holidays (Amendment) Bill :	
Presented and 1st read .. .. .	728	Presented and 1st read .. .. .	767
Second Reading .. .. .	810	Second Reading .. .. .	789
Committee .. .. .	811	Committee .. .. .	796
Third Reading .. .. .	811	Third Reading .. .. .	796
Flags and Coat of Arms (Amendment) Bill, 1961 :		Road Traffic (Amendment) Bill :	
Presented and 1st read .. .. .	672	Presented and 1st read .. .. .	727
Second Reading .. .. .	687	Second Reading .. .. .	759
Committee .. .. .	691	Committee .. .. .	764
Third Reading .. .. .	693	Third Reading .. .. .	765
Insurance Companies Bill :		Sea Fisheries (Lagos) Bill :	
Presented and 1st read .. .. .	801	Presented and 1st read .. .. .	626
Second Reading .. .. .	816	Second Reading .. .. .	650
Committee .. .. .	821	Committee .. .. .	665
Third Reading .. .. .	821	Third Reading .. .. .	668
Marine Insurance Bill :		Seditious Meetings Bill :	
Presented and 1st read .. .. .	801	Presented and 1st read .. .. .	768
Second Reading .. .. .	822	Second Reading .. .. .	797
Committee .. .. .	822	Committee .. .. .	801
Third Reading .. .. .	822	Third Reading .. .. .	805
Minerals (Amendment) Bill, 1961 :		Stamp Duties (Amendment) Bill :	
Presented and 1st read .. .. .	672	Presented and 1st read .. .. .	801
Second Reading .. .. .	777	Second Reading .. .. .	822
Committee .. .. .	779	Third Reading .. .. .	822
Third Reading .. .. .	779	Supplementary Appropriation (1961-62) Bill :	
National Bank of Nigeria Limited (Commission of Inquiry Recall) Bill :		Presented and 1st read .. .. .	727
Presented and 1st read .. .. .	598	Second Reading .. .. .	729
Second Reading .. .. .	601	Third Reading .. .. .	755
Committee .. .. .	614	Treasury Bills (Amendment) (No. 2) Bill :	
Third Reading .. .. .	614	Presented and 1st read .. .. .	767
Nigerian Broadcasting Corporation (Amendment) Bill :		Second Reading .. .. .	787
Presented and 1st read .. .. .	672	Third Reading .. .. .	788
Second Reading .. .. .	693	Water Rates Recovery (Government Tenants) Bill :	
Committee .. .. .	712	Presented and 1st read .. .. .	727
Third Reading .. .. .	716	Second Reading .. .. .	770
Nigeria Constitution (First Amendment) Bill :		Committee .. .. .	773
Presented and 1st read .. .. .	598	Third Reading .. .. .	773
Second Reading .. .. .	598	Wireless Telegraphy Bill :	
Committee .. .. .	601	Presented and 1st read .. .. .	625
Third Reading .. .. .	601	Second Reading .. .. .	635
Non-Pensionable Railway Servants' Provident Fund Reserve (Application) (Amendment) Bill :		Committee .. .. .	649
Presented and 1st read .. .. .	625	Third Reading .. .. .	650
Second Reading .. .. .	627		
Committee .. .. .	635		
Third Reading .. .. .	635		
Obscene Publications Bill :			
Presented and 1st read .. .. .	768		
Second Reading .. .. .	806		
Committee .. .. .	810		
Third Reading .. .. .	810		

**C**

**Chukwubuike, Senator M. B. :**

Adjournment Motion .. .. .	622, 823
Nigerian Broadcasting Corporation (Amendment) Bill .. .. .	701
Nigeria Constitution (First Amendment) Bill .. .. .	599-600
Supplementary Appropriation (1961-62) Bill .. .. .	746-748
Wireless Telegraphy Bill .. .. .	66



	<i>Column</i>
<b>Commerce and Industry, Minister of</b> (Zaria the hon. Sidiq Dipojumo):	
Insurance Companies Bill .. .. .	415-417
<b>Committees:</b>	
Report from Special Committee .. .. .	671
Report of Standing Orders Committee .. .. .	727
<b>Communications and Aviation, Minister of</b> (Hon. Olu. Akintunde):	
Wireless Telegraphy Bill .. .. .	635-638, 646-649

## D

<b>Dabdy, Senator L. C.:</b>	
Banking Ordinance (Amendment) Bill .. .. .	725-726
Supplementary Appropriation (1963-62) Bill .. .. .	724-728
<b>Doherty, Senator Chief T. A.:</b>	
National Bank (Commission of Inquiry Recall) Bill .. .. .	604-607

## E

<b>Economic Development, Minister of</b> (Hon. Waziri Ibrahim):	
Sea Fisheries (Lagos) Bill .. .. .	659-654, 662-665, 666, 668
<b>Ejiofe, Senator M. G.:</b>	
Adjournment Motion .. .. .	425-429
Banking Ordinance (Amendment) Bill .. .. .	722-724
Insurance Companies Bill .. .. .	817-818
Nigerian Broadcasting Corporation (Amendment) Bill .. .. .	706-708
Public Holidays (Amendment) Bill .. .. .	793-794
Seditious Meetings Bill .. .. .	790, 802
<b>Eze, Senator Mrs Wuraide A.:</b>	
Adjournment .. .. .	596
Fatal Accidents Bill .. .. .	677-678
Insurance Companies Bill .. .. .	813-819
Nigeria Constitution (First Amendment) Bill .. .. .	600
Non-Permissible Railway Servants' Provident Fund Reserve Bill .. .. .	631-632
Obscene Publications Bill .. .. .	807
Supplementary Appropriation (1963-62) Bill .. .. .	743-746
Wireless Telegraphy Bill .. .. .	645-646

<b>Ezanghede, Senator Chief S. O.:</b>	
Fatal Accidents Bill .. .. .	679

<b>Eze, Senator Dr the hon. E. A. (Minister of State):</b>	
Nigerian Broadcasting Corporation (Amendment) Bill .. .. .	695-697, 710-712, 713, 714
Nomination of Temporary President .. .. .	593

<b>Establishments, Minister of (Alhaji the hon. Shubu Shugbo):</b>	
Penitents (Amendment) Bill .. .. .	765-766

<b>Eyidaga, Senator S.:</b>	
Nigeria Constitution (First Amendment) Bill .. .. .	599

## *Column*

## F

<b>Fagbunso-Bayoloku, Senator Chief O. A.:</b>	
Adjournment .. .. .	596-597, 611
Civil Liability (Miscellaneous Provisions) Bill .. .. .	685-686
Commissions and Tribunals of Enquiry Bill .. .. .	813-814, 818
Committee of Selection .. .. .	626
Exchange Control (Amendment) (No. 2) Bill .. .. .	778
Fatal Accidents Bill .. .. .	674-675
Flags and Coat of Arms (Amendment) Bill .. .. .	609, 612
Minerals (Amendment) Bill .. .. .	774
National Bank (Commission of Inquiry Recall) Bill .. .. .	605-606
Nigerian Broadcasting Corporation (Amendment) Bill .. .. .	706-710, 712
Non-Permissible Railway Servants' Provident Fund Reserve Bill .. .. .	629-631, 634-635
Penitents (Amendment) Bill .. .. .	764-770
Public Holidays (Amendment) Bill .. .. .	793-794
Road Traffic (Amendment) Bill .. .. .	762-763
Sea Fisheries (Lagos) Bill .. .. .	654-660, 667-668
Seditious Meetings Bill .. .. .	799-800, 802-803, 804
Track Route .. .. .	717-718
Wireless Telegraphy Bill .. .. .	639-640

<b>Finance, Minister of (Chief the hon. F. S. Olorin-Ekobi):</b>	
Exchange Control (Amendment) (No. 2) Bill .. .. .	775-778
Supplementary Appropriation (1963-62) Bill .. .. .	748-754

## G

<b>Garba, Senator Alhaji Abubakar (or, Abubakar Garba, Senator Alhaji):</b>	
---	--

## H

<b>Health, Minister of (Dr the hon. M. A. Majekindunni):</b>	
Act Authentication Bill .. .. .	805
Adjournment .. .. .	794, 724, 829-830
Administration of Justice (Habeas Corpus) Bill .. .. .	812
Business of the Senate .. .. .	597
Business Statement .. .. .	623-625
Children and Young Persons (Obscene Publications) Bill .. .. .	812-813, 815-816
Committee of Selection .. .. .	626
Criminal Procedure Capital Sentence (Amend- ment) Bill .. .. .	796-797
Export of Nigerian Produce (Amendment) Bill .. .. .	773-774
Export Produce (Federal Powers) Bill .. .. .	774-775
Federal Supreme Court (Miscellaneous Provisions) Bill .. .. .	820-821
Insurance Companies Bill .. .. .	821
Inter-Parliamentary Union .. .. .	609
Marine Insurance Bill .. .. .	822
Nigeria Constitution First Amendment Bill .. .. .	598-599
Obscene Publications Bill .. .. .	800, 820

	<i>Column</i>
Seditious Meetings Bill 797, 798-799, 801, 804-805	805
Standing Orders .. .. .	728-729
Stamp Duties (Amendment) Bill .. .. .	822
Supplementary Appropriation (1961-62) Bill .. .. .	754-755
<b>Hangona-Wansa, Senator Chief S. T. :</b>	
Flags and Coat of Arms (Amendment) Bill	488-489
Obscene Publications Bill .. .. .	807-809
Public Holidays (Amendment) Bill .. .. .	794
Sea Fisheries (Lagos) Bill .. .. .	654-655
Trust Bonds .. .. .	718-719
Wireless Telegraphy Bill .. .. .	641-642

## I

<b>Internal Affairs, Minister of (Alhaji the hon. Umaru Barki) :</b>	
Flags and Coat of Arms (Amendment) Bill	487-488
.. .. .	490-491

## J

<b>Justice, Attorney-General and Minister of (Dr the hon. T. O. Elias) :</b>	
Civil Liability Bill .. .. .	662-664, 667
Commission and Tribunals of Enquiry Bill .. .. .	654-655, 658-657
Fatal Accidents Bill .. .. .	672-674, 679-681
National Bank (Commission of Enquiry Recall) Bill .. .. .	605-603, 608-610, 611

## L

<b>Labour, Minister of (Hon. J. M. Johnson) :</b>	
Factory (Notification of Dangerous Occurrences) Regulations .. .. .	721-722

<b>Lagos, Senator E. A. :</b>	
Adjournment .. .. .	594-595
Banking Ordinance (Amendment) Bill	741-742
Commission and Tribunals of Enquiry Bill .. .. .	617-618, 619
Customs Tariff (Amendment) Bill .. .. .	774
Factory (Notification of Dangerous Occurrences) Regulations .. .. .	722
National Bank (Commission of Enquiry Recall) Bill .. .. .	641
Nigerian Broadcasting Corporation (Amendment) Bill .. .. .	697-699
Non-Responsible Railway Servants' Provident Fund Reserve Bill .. .. .	613
Supplementary Appropriation (1961-62) Bill .. .. .	754-755
Wireless Telegraphy Bill .. .. .	641-644

## M

<b>Message from the Governor-General .. .. .</b>		593
<b>Mines and Power, Minister of (Hon. Maitama Dada) :</b>		
Mines (Amendment) Bill .. .. .	777-778, 779-779	
Public Holidays (Amendment) Bill	789-790, 795	
.. .. .	796	

	<i>Column</i>
<b>Mohammeda Saadi Dinyari, Senator :</b>	
Civil Liability (Miscellaneous Provisions) Bill .. .. .	685, 686-687
Fatal Accidents Bill .. .. .	643-642
National Bank (Commission of Enquiry Recall) Bill .. .. .	611-612
Supplementary Appropriation (1961-62) Bill .. .. .	740-743
Wireless Telegraphy Bill .. .. .	644-650

## N

<b>Ndu, Senator Chief F. C. :</b>	
National Bank (Commission of Enquiry Recall) Bill .. .. .	620-621
Obscene Publications Bill .. .. .	807
Sea Fisheries (Lagos) Bill .. .. .	643
Trust Bonds .. .. .	719-720

<b>Njoku, Senator Professor Eni :</b>	
Nigerian Broadcasting Corporation (Amendment) Bill .. .. .	715-716
Sea Fisheries (Lagos) Bill .. .. .	645-642

<b>Nomination of Temporary President .. .. .</b>	591
--	-----

<b>Nwani, Senator J. K. :</b>	
Adjournment Motion .. .. .	623-626, 721-724
Fatal Accidents Bill .. .. .	676-679
Inter-Parliamentary Union .. .. .	670
Nigerian Broadcasting Corporation (Amendment) Bill .. .. .	704-706
Nigeria Constitution First Amendment Bill .. .. .	599
Sea Fisheries (Lagos) Bill .. .. .	657-658
Wireless Telegraphy Bill .. .. .	638

## O

<b>Osika .. .. .</b>	591, 625
----------------------	----------

<b>Oshola, Senator Chief T. A. :</b>	
Children and Young Persons (Harmful Publications) Bill .. .. .	811

<b>Ogunfiji, Senator P. A. :</b>	
Adjournment Motions .. .. .	620, 623
Children and Young Persons (Harmful Publications) Bill .. .. .	813-814
Public Holidays (Amendment) Bill .. .. .	795-792
Road Traffic (Amendment) Bill .. .. .	739-740

<b>Olamijole, Senator L. T. :</b>	
Adjournment .. .. .	595
Fatal Accidents Bill .. .. .	679
Flags and Coat of Arms (Amendment) Bill	488
National Bank (Commission of Enquiry Recall) Bill .. .. .	607-608
Non-Responsible Railway Servants' Provident Fund Reserve Bill .. .. .	612
Wireless Telegraphy Bill .. .. .	644

<b>Olorogun, Hon. M. A. O. (Minister of State) :</b>	
Road Traffic (Amendment) Bill .. .. .	739, 744

<b>Olayeye, Senator Chief J. S. :</b>	
National Bank (Commission of Enquiry Recall) Bill .. .. .	612-613

	<i>Column</i>
<b>Oso-Osoigie, Chief the hon. H. (Minister of State) :</b>	
Banking Ordinance (Amendment) Bill .. .. .	779-783, 796-797
Customs and Excise Management (Amendment) Bill .. .. .	766-769
Customs Tariff (Amendment) Bill .. .. .	779-777
Non-Funeralisable Railway Servants' President Fund Reserve Bill .. .. .	625-629, 633-634
Supplementary Appropriation (1961-62) Bill .. .. .	729-733
Treasury Bills (Amendment) (No. 2) Bill .. .. .	787-798

## P

<b>Papers</b> .. .. .	671
<b>President, Deputy President and Temporary President :</b>	
Announcements .. .. .	794
Message from the Governor-General .. .. .	393
Message from the House of Representatives .. .. .	398

## R

<b>Resignations :</b>	
Senator Sani O. B. Okin .. .. .	394
Senator O. Sambo .. .. .	394
<b>Resolutions :</b>	
Adjournment .. .. .	394-397
Business of the Senate .. .. .	397-398
Committee of Selection .. .. .	626
Factory (Notification of Dangerous Occurrences) Regulations .. .. .	722
Inter-Parliamentary Union .. .. .	669-670
Standing Orders .. .. .	729
Trunk Roads .. .. .	721

## S

<b>Sabahu Faland, Senator :</b>	
Acts Authentication Bill .. .. .	805
Adjournment .. .. .	395-396, 825
Banking Ordinance (Amendment) Bill .. .. .	782
National Bank (Commission of Enquiry Report) Bill .. .. .	608
Non-Funeralisable Railway Servants' President Fund Reserve Bill .. .. .	632-633
Obnoxious Publications Bill .. .. .	809
Water Rates Recovery (Government Tenants) Bill .. .. .	771-772

## T

<b>Temporary President, Nomination of</b> .. .. .	393
---	-----

## U

<b>Udoh, Senator H. N. :</b>	
Adjournment Motion .. .. .	824-825
Children and Young Persons (Harmful Publications) Bill .. .. .	814-815
Flags and Cost of Arms (Amendment) Bill .. .. .	689-690
Road Traffic (Amendment) Bill .. .. .	763-764
Wireless Telegraphy Bill .. .. .	680-681

### **Ugwuecha, Senator Chief Enango :**

Adjournment .. .. .	798, 824
Insurance Companies Bill .. .. .	819-821
Nigerian Broadcasting Corporation (Amendment) Bill .. .. .	697

### **Ukama, Senator A. E. :**

Adjournment Motion .. .. .	722-723
Banking Ordinance (Amendment) Bill .. .. .	784-785
Committee of Selection .. .. .	626
Export Produce (Federal Powers) Bill .. .. .	773-776
Fatal Accidents Bill .. .. .	625-626
Flags and Cost of Arms (Amendment) Bill .. .. .	688, 692
Inter-Parliamentary Union .. .. .	670
Nomination of a Temporary President .. .. .	393
Non-Funeralisable Railway Servants' President Fund Reserve Bill .. .. .	633
Obnoxious Publications Bill .. .. .	808
Public Holidays (Amendment) Bill .. .. .	792-793
Road Traffic (Amendment) Bill .. .. .	760-762
Sax Publishers (Lagos) Bill .. .. .	655-657, 665-667
Sedition Meetings Bill .. .. .	800
Supplementary Appropriation (1961-62) Bill .. .. .	732-734
Trunk Roads .. .. .	720

### **Uwah, Senator Chief R. A. :**

Commissions and Tribunals of Enquiry Bill .. .. .	657
Obnoxious Publications Bill .. .. .	808-810
Public Holidays (Amendment) Bill .. .. .	794-795

## W

<b>Works and Surveys, Minister of (Alhaji the hon. M. Isuwa Wada) :</b>	
Nigerian Broadcasting Corporation (Amendment) Bill .. .. .	712-713, 714
Trunk Roads .. .. .	718-717
Water Rates Recovery (Government Tenants) Bill .. .. .	770-771, 772-773