



FEDERATION OF NIGERIA

# PARLIAMENTARY DEBATES

OFFICIAL REPORT

## SENATE

*Session 1962-63*

Comprising Period  
15th, 20th—24th August, 1962

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LAGOS

## THE SENATE

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Senator Y. Abudu.  
Senator L. T. Olamijulo.

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Senator Chief T. A. Doherty.

Senator Chief O. A. Fagbenro-Beyioku.

Senator S. A. Agoro, Chief Ojon (*elected by the White Cap Chiefs and War Chiefs*).

**Nominated Senators :**

Senator Chief the hon. M. A. Majekodunmi, Minister of Health.

Senator Shettima Kashim, C.B.E.

Senator Alhaji Ahmed A. Metteden.

Senator A. Nwoke.



21 MARCH 1962

**THE FEDERAL GOVERNMENT OF NIGERIA**

(FORMED BY ALHAJI THE RT. HON. SIR ABUBAKAR TAFAWA BALEWA, JANUARY 1960)

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*Senate Debates*

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**PARLIAMENT**

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SENATE OF THE FEDERATION OF  
NIGERIA

Wednesday, 15th August, 1962

The Senate met at 10 a.m.

ANNOUNCEMENT

**Clerk of the Parliaments :** I have to inform the Senate of the unavoidable absence of Mr President. The Deputy President will accordingly take the Chair.

PRAYERS

(The Deputy President in the Chair.)

OATHS

Oath of Allegiance was administered to the following new Member :

Mr Moses Aregbosola Green.

PAPERS

The following Papers which have been published (a) in the Supplements to *Official Gazette* Nos. 47 and 61 of 16th June and 9th August respectively and (b) as Sessional Paper No. 2 of 1961, copies of which have been distributed to Members during the adjournment, shall be entered upon the Minutes of Proceedings to to-day's sitting as having been laid upon the Table, pursuant to Standing Order 12 :—

(1) The Emergency Powers (Statutory Corporations Inquiries) Regulations, 1962 (L.N. 71 of 1962);

(2) The Emergency Powers (Prerogative of Mercy) Regulations, 1962 (L.N. 103 of 1962);

(3) The Emergency Powers (Misleading Reports) (Amendment) Regulations, 1962 (L.N. 107 of 1962);

(4) The Laws in force in Western Nigeria (Application with Modifications) Order, 1962 (W.N. L.N. 174 of 1962);

(5) The Statutory Corporations (Revesting of Functions) Order, 1962 (W.N. L.N. 178 of 1962);

(6) The Makun Shagamu Local Council (Dissolution) (Amendment) Order, 1962 (W.N. L.N. 186 of 1962);

(7) The Offin Shagamu Local Council (Dissolution) (Amendment) Order, 1962 (W.N. L.N. 187 of 1962);

(8) The Emergency Powers (Finance) Order, 1962 (W.N. L.N. 197 of 1962);

(9) The Emergency Powers (Communal Land Trusts) (Inquiries) Order, 1962 (W.N. L.N. 205 of 1962);

(10) The Emergency Powers (Legislative Bills) Order, 1962 (W.N. L.N. 230 of 1962).

ORAL ANSWERS TO QUESTIONS

HEALTH

Drug Factory

\*O.11. Senator M. B. Chukwubike asked the Minister of Health, whether he has any plans for establishing a drug factory in Nigeria, and how soon does he expect to set up the first of such factories.

**Minister of State** (Senator Dr E. A. Esin) : The Ministry has already a Manufacturing Laboratory which was established in 1960 to produce in the first phase, sterile preparations. This has been in operation for some time now. Arrangements are being made to expand the Manufacturing Laboratory during this year, and the general question of the establishment of a drug factory is being carefully examined by my Ministry.

ESTABLISHMENTS

Compulsory Retiring Age

\*O.12. Senator J. K. Nzerem asked the Minister of Establishments, if he will consider the advisability of raising the compulsory retiring age in the Federal Public Service from fifty-five to sixty years, and if he will make a statement.

**Minister of State** (Senator Alhaji Nuhu Bamali) : This question is at present under active consideration by the Federal Government, and a statement of the decision taken will be made as soon as possible.

LAGOS AFFAIRS

"Zebra Crossing"

\*O.13. Senator J. K. Nzerem asked the Minister of Lagos Affairs, if he will consider the possibility of introducing "Zebra Crossing" at suitable places in Lagos as a means of further ensuring safety on our roads.

**Minister of State** (Senator Alhaji Nuhu Bamali) : The answer for this question is not ready yet.



**Senator Nzerem :** May I ask how soon it will be ready ?

**Senator Alhaji Nuhu Bamali :** Next sitting, that will probably be on Monday.

**Senator A. E. Ukattah :** If the answer is not ready why did you put the Question on the Order Paper ?

**Senator Alhaji Nuhu Bamali :** The Question was put on the Order Paper due to a slight clerical error.

### BUSINESS STATEMENT

**Minister of State (Senator Dr E. A. Esin) :** I have to make the following Statement. To-day's business is as shown on the Order Paper of Senators.

On conclusion of the business to-day the Senate will adjourn till Monday next when the Tin Bill and the Mineral Oil Bill will be taken through all stages, and then on that day I will make another Statement for the week.

**The Deputy President :** Order, Sitting is suspended for one hour.

*Sitting suspended : 10.14 a.m.*

*Sitting resumed : 11.10 a.m.*

### ADVISORY TRIBUNAL, BILL

**The Deputy President :** Order, A message has been received from the House of Representatives. This is the message.

"The House of Representatives transmits to the Senate the Advisory Tribunal, etc., Bill passed by the House of Representatives, and in which the House of Representatives deserves the concurrence of the Senate."

The Bill is now read accordingly for the first time.

*Order for Second Reading read.*

**The Prime Minister :** I rise to move, That a Bill to make permanent provision for the Tribunal required by section twenty-nine of the Constitution of the Federation; to extend by two months the period during which certain instruments made under Emergency Powers have effect without approval by Parliament; to limit the requirement for that approval to Instruments of a legislative character; and for purposes connected with the matters aforesaid, be read a Second time.

As Senators will see, the Bill is intended to achieve two aims. First of all it is to provide for a permanent Tribunal, and secondly it is to extend by a period of two months when the approval of Parliament will be sought for the different Regulations under the Emergency Act. As I told the Lower House I do not think that this Bill really provokes a lengthy debate, and so I beg to move.

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

**Senator Chief T. A. Doherty :** It is a pity that we are not given sufficient time to enable us to go into this Bill and consider its merits and demerits. As a matter of fact, I think I saw it this morning for the first time. I have no quarrel with the Government over this Bill, but I think the Government has acquired the habit in this country of rushing everything they want to do.

I was in the Lower House and I saw the way in which this Bill was rushed through and passed and signed by the Speaker, and I think it is the same thing the Government intends to do in this Chamber. But I think it will be wrong of the Government to try to rush this Bill through the House. There are two matters rushed into this Bill, and the two matters are very important and far-reaching. I think the first is to extend the Emergency by two months. I do not know, if I remember rightly, the original presentation in the *Gazette* was that the Emergency would last till the end of the year. Maybe the Government has made a mistake, because if that is not so I do not see the necessity for bringing up this issue, that is, to extend it for another two months, and I stand corrected.

The very important matter in this Bill is this Emergency Tribunal. This Tribunal was supposed to be a temporary thing, to meet the Emergency. Now, it is going to be made a permanent Tribunal without any provision being made to regulate its existence. Courts are not established by just passing one legislation—that this court is going to commence. I think if you wish to have a Tribunal of this nature it should be brought up in a separate Bill where everybody knows what exactly that Tribunal is, what power it has, and whether people have the right of appeal from that Tribunal.



According to what it is now a Tribunal was set up just for the Emergency. People were restricted. I do not want to go into the merits and demerits of the Government on the Western Region affair. But this was set up to deal with matters just temporarily. Nothing was said about people who are to appear before it, whether there was any right of appeal before the court, and nothing was known of the procedure. Now, this Bill went further. It said in the case of Emergency or any other circumstances! As a lawyer I have been taught to view everything very scrupulously and with a legal mind. "Any other circumstances" might carry a multitude of intentions. Supposing there is restriction of movement, and then I cannot go to court, they tell me now go to before that Tribunal. What is the position of that Tribunal? I do not know what the Tribunal is, and a lot of havoc against the interest of human rights, as we have here, could be done unless either the Government is prepared to take off those words so that we know that this Tribunal will always be in existence during the Emergency. But when you put the words "any other circumstances" I am very much against them, and I think these words should be deleted. In other words if you wish the Tribunal to be a permanent institution then a separate Bill should be brought up and this Tribunal can be set up. Then we can discuss it and see whether people are fully protected under its provisions.

**Senator Salahu Fulani:** In supporting this very welcome Bill I say that I do not think any person in this House will oppose the passage of the Bill, because as stated it is an Emergency one, and any well-meaning person will do everything in his power to see that the State of Emergency in the Western Region does not exceed the period provided for it. But as the Prime Minister has very ably said it is going to be extended by only two months, and I do not think that Parliament will waste time in debating a Bill which will not be of a very permanent nature and which will empower the setting up of a Tribunal to deal with cases that are being brought up by the State of Emergency in the Western Region. So, I think the object is very clear, and the House should not waste its time debating the Bill.

I support the Bill.

**Senator Chief Fagbenro-Beyioku:** In the first instance, I would like to express the appreciation of the Senate for the most efficient and most capable way one of us was appointed as the Administrator of the Western Region, and also the way in which he has discharged the most honoured duty and has as a result enhanced the great dignity of this House. (*Hear, hear*).

We feel proud of the performances of this Administrator, and through his performances we feel convinced that when we met here sometime in May and subscribed our views on the Emergency Powers we were right. Now, we must not forget that what was at the back of our minds then was to see that a proper Government, a Government divorced of violence and grave misunderstanding, is restored in the Western Region. That was what was at the back of our minds then. And then the Emergency Powers, according to what we passed, was to be in existence for a period of six months. So, in a way, we have agreed that within six months everything that was necessary should have been done so that law and order was maintained in the Western Region and the great prestige of this country, this Federation of Nigeria, enhanced throughout the world.

When these other subsidiary Emergency Powers Bills were introduced, normally they came before us and then we were in agreement, but then I should think that nobody should blame the Government. At the time Government thought that a Tribunal or any inquiry or anything would only last for a period of one or two weeks and for that reason they asked for power for two months anticipating that within one month or six weeks everything would be over and there would be no need for further powers. But for certain reasons not visible they found that, certain things have come up and they have come to us to look into the things.

It would have been a different thing if we had been called upon to extend the Emergency period and in that case we should have been at liberty to say that we want to stabilise something within the law, to discuss and stabilise it. But the purpose of the Government now is not to ask us to extend the time beyond 31st of December. That is not the point. We gave Government power to use Emergency Powers for six months and it has only used two months, and the position is getting better, it is much



[SENATOR CHIEF FAGBENRO-BEYIOKU]  
improved and is becoming more satisfactory to a certain extent. Now, the Government requires another two months to-day to see that they take care of things and to see that matters are properly shaped. I do not think there is anyone to question that. Rather I think in my own humble opinion, we should congratulate the Federal Government because when the Federal Government undertook to appoint an Administrator for the Western Region, they did it in the hope that things will be well. They did it in faith and that faith has been sustained. So, from the way things are now going on in the West those of us who are conversant with things in the West are now feeling happy that affairs in the West appear to be properly managed and we feel convinced that within the next four months if things continue like this, things will be all right.

I do not think it will be good for us to have any feelings again, or in our attempt to say that we are defending something we make certain people divert our attention. For that matter I think that the duty before this Senate this morning is a very, very simple one. Already we have agreed that the period of the Emergency should extend to six months at least, and already we have agreed that certain Emergency Regulations or Emergency Bills should be introduced. They were introduced and we agreed to them, and if now Government wants two extra months I do not think there is anything wrong. They are not asking for six or eight months. Except for those who may like to pay compliments to the Administrator and to the Prime Minister for his foresight in appointing a capable Administrator, I do not think we have anything to debate but to thank the Prime Minister for the confidence he has in this Senate by appointing one of us to that most responsible duty, and we want to assure the Prime Minister that as far as this Senate is concerned we shall always produce the men, and we will like to thank our brother who has not let us down. We wish him well and we wish him God's blessing and guidance.

I support the Bill.

**The Attorney-General and Minister of Justice (Dr T. O. Elias):** I would like to clear up one or two mistaken impressions that may have been made on the minds of the Senators from the contribution of one or two

previous speakers. I think it will be quite clear that what we are seeking to achieve under this Bill is not to extend the period of Emergency as has been alleged, but merely to extend the period during which it will be necessary in the future for us to call upon Parliament to meet in order merely to pass an approving Resolution. It will be a fantastic waste of public funds if all we would require to do would be at the end of the first two months during which certain Resolutions and Orders made by the Administrator are valid, to call upon members of both Houses of Parliament, at great cost, merely to say that we agree to all the Regulations that you have made.

The existing law under the Emergency Powers Act, 1961, section 5 requires this to be done. What we have now sought to do under this Bill, the present Bill, is to say that as Parliament generally meets at intervals of about three and a half months between each separate meeting, it will be necessary for us in future to say that Parliament, whenever it meets next will be able to approve all of the Rules and Orders and Regulations made by the Administrator. That is all we seek. It is not that a mistake has been made anywhere or that an attempt is being made to seek more powers than we already possess. It is a technical approval that we are seeking to a situation which requires Parliament to meet every two months in order to validate certain Orders and Regulations.

What we now seek by extending it to four months is to make it possible for Parliament normally to consider all such Orders and subsidiary Rules which have been made by the Administrator in the intervening period when Parliament does not meet.

The second point that has been made is in regard to how we want to make this new Bill—the Advisory Tribunal Bill—I think the point has been overlooked by Senator Chief Doherty that this is a provision of the Constitution of the Federation, section 29 of which is in the following terms:

*"Where (a) any person is detained in pursuance of an Act of Parliament derogating from section 20 of this Constitution or (b) the movement or residence of any person within Nigeria who is a citizen of Nigeria is lawfully restricted (otherwise than by order of a court) in the interest of defence, public safety, public order, public morality or public health.*



*That person shall be entitled to require that his case should be referred within one month of the beginning of the period of detention or restriction and thereafter during that period at intervals of not more than six months to a tribunal established by law and that Tribunal may make recommendations concerning the necessity or expediency of continuing the detention or restriction to the authority that has ordered it :*

*Provided that such authority, unless it is otherwise provided by law, shall not be obliged to act in accordance with any such recommendation.*

*(2) A tribunal established for the purpose of this section shall be constituted in such manner as to ensure its independence and impartiality and its chairman shall be appointed by the Chief Justice of the Federation from among the persons qualified to practise in Nigeria as advocates or solicitors."*

What we have now sought to do in this Bill is merely to implement this particular provision of the Federal Constitution. We have not set up anything else and we think that the Regulations by which the existing tribunal was set up would continue in force for two months. They again would expire and so will the tribunal go with them. It will be necessary again for fresh legislation precisely in the same words and in the same name that has been passed to go through the motion every two months. Is that not a rather reckless way of running public affairs ! Would it not be better to enact a law on a permanent basis providing a machinery for the setting up of this tribunal as and when necessary in the future once and for all ?

This argument was also used in the law courts when the case came up about the validity of the Emergency Powers Act and the courts firmly rejected the arguments that the Emergency Powers Act should not have been passed in March 1961 as we had done that we should have waited for an emergency to be declared in Parliament before a Bill entitled 'Emergency Powers Act' could be brought into being and that this Bill should be brought into being on every occasion that an Emergency is declared instead of making a permanent provision which exists in our Statute Book to be invoked as and when necessary. This is what we have done also with this Bill in

respect of the Advisory Tribunal which made it obligatory upon us to establish by section 29 of the Federal Constitution.

One more point that has been raised relates to the words "and certain other cases" upon which we have been invited to pronounce. We were told that that would mean that the Tribunal would not deal entirely with emergency and might restrict somebody whose passport has been taken away. I think that we need not stress how mistaken that view is. For this reason, if you look at section 29 of the Constitution you will find in the margin these words "Reference to tribunal in certain cases" and what this Bill seeks to do by setting the terms of Emergency in other circumstances is merely to show that the tribunal is not intended only for Emergency. As senators will recall from the section I have read out, this tribunal is supposed to deal with emergencies or even with the places where people are restricted or detained without any emergency having been declared ; and these are matters that are not, I think, subject to debate.

Mr President, these are the points I thought we should get cleared before we proceed with the debate.

**Senator Chief T. A. Doherty :** Mr Deputy President, please allow me to ask the Minister of Justice to deal with the point about the right of appeal.

**The Minister of Justice (Dr T. A. Elias) :** My reply is this ; in the terms of the Constitution of the Federation, section 29 subsection (1) Proviso :

*"Provided that such authority, unless it is otherwise provided by law shall not be obliged to act in accordance with any such recommendation."*

That is the Constitution.

**Senator Alhaji Abubakar Bale :** In accordance with the explanation just given by the hon. Minister of Justice, I think that if there is anything I am to say on the subject now on Floor, it is that the amendment is just to regularise what might happen and to the good of the Emergency Act. The only thing left I think is to congratulate the Government for foreseeing this and for all these amendments which might in future be for the good of our country. I remember that when the Emergency



[SENATOR ABUBAKAR BALE]

Powers Regulations were discussed by this House there were certain people in this House who said they were not satisfied with the Emergency Powers, but now in accordance with the substance which we now put into practice and the rules we made so far, I think everybody will congratulate the Government for the Emergency Powers which were immediately brought in and which remedied the situation which arose in the Western Government. The amendment now required does not need argument it is for us just to say we concur with the House of Representatives.

**Senator Chief Mrs Wuraola Esan :** I am very happy to catch the eye of the Deputy President. In view of what is happening now, I mean the sitting of the Commission of Inquiry, we all know that the Emergency Act will have to go on as predicted when it was brought into this House, that is for a period of six months and we are not here to quarrel about that. The fact is that I keep wondering because I have never been able to discern the real purpose for this Tribunal Advisory Body, and Nigeria, I am sorry to say, is not full of lawyers but of common people like me. Why should we make this Emergency to be so costly by still retaining an Advisory Tribunal Body? I ask because since it was appointed I do not see what it has done to justify its existence. Therefore, if we have time to study well and see how to curtail the expenses which will likely be the burden of the people who are not affected or who did not create this state of Emergency, people like me will be happy; that is my only grumble about this Bill.

If it is only to regularise the mistake that has been made by not bringing this Bill to us before the tribunal was appointed, nobody would quarrel about that but at the same time we are not supposed to use all the powers under our Constitution to justify it at this time simply because we find ourselves in this state. We must not carry out everything and implement every measure written in our Constitution just at this time. It will make people who, at any rate, have no time to grumble about Government because they have to earn their daily bread in a very hard way, think that people at the top are getting too bitter about implementation of the powers in our Constitution. So I want—

**Senator Salihu Fulani :** On a point of order, we should not introduce politics into this House.

**Senator Chief Mrs Wuraola Esan :** I am under the protection of the Chair, please.

**The Deputy President :** Senators are not here to answer any question that may be put by anybody. Senator Mrs Esan has not put such a question. She was just explaining herself.

**Senator Chief Mrs Wuraola Esan :** Although I am a politician I was not brought here by the grace of any special political party. I think that when I am here, I am to voice the opinion of the common people, the women—

**A Senator :** And men.

**Senator Chief Mrs Wuraola Esan :** And men. I am not talking for any political party. I am just airing the opinion of the common people, what I think they would say if they had the opportunity at this time. To me the expenditure is getting very heavy. If we do not need a tribunal why do we want it. They have done nothing and they are still going to be there for two months doing nothing. Therefore, I will ask our hon. Prime Minister not to take it as a woman's talk but to look into it and so check the heavy expenditure.

**The Prime Minister :** I will do very much to look into it.

**Senator Chief Ezeogo Ugwuocha :** I would like to associate myself with the views expressed by the last speaker who said that it is a mere waste of public fund for the tribunal to be kept indefinitely as contained in this Bill. The people of the Western Region are losing lots of money as a result of it, and I am sure that if it is revoked, part of the money may be recovered.

**Senator Chief O. A. Fagbenro-Beyioku :** On a point of order, the Bill has nothing to do with money!

**The Deputy President :** The point of order is well taken. The Bill really has nothing to do with "lots of money".

**Senator Chief Ugwuocha :** I beg to support.

**Senator L. T. Olamijulo :** The first point I want to discuss is about the Administrator.



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**The Deputy President :** I do not think we have come here to discuss the Administrator.

**Senator P. A. Ogundipe :** A Senator has asked people to pour encomiums on the Administrator, and that is probably what Senator Olamijulo wants to do.

**Senator Olamijulo :** I want to congratulate the Administrator for being chosen from among the Senators, and as a westerner, I feel proud about the appointment. Although the West is bad because there is a muddle there at present, at the same time a westerner has been chosen to rectify the situation.

I want to point out that not all of us Senators were very pleased when the state of Emergency was declared. Few of us were not pleased and I was one of those who voted against it, but I have found out that "God moves in a mysterious way, His wonders to perform".

Many of us in Nigeria are going to learn much from this very emergency, and as such, we should support, with all that lies in our power, everything that is going to be done by the Government during this time.

I wholeheartedly support the move as long as we do all in our power to end the situation as quickly as possible.

**The Prime Minister :** I do not think I have got much to say in reply except to thank Senators for their comments on this Bill. The Attorney-General and Minister of Justice has covered all the points, and the impression which was created by Senator Chief Doherty has been corrected.

The aim of the Bill is not to extend the emergency period at all; it is more or less of a technical nature and I am glad also to hear from the Senators that they are all pleased with the appointment of the Administrator of the Western Region.

I think the Senate is fast making a very good name for itself. We have from the Senate the Governor-General, the Governor of the Northern Region, and the Administrator. I think that some of us do really envy the Senate. Senators are really making a very good impression upon the country and I hope they will continue to uphold themselves in the highest pedestal. We really regard this body as a very important body.

*Question put and agreed to.*

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

ADVISORY TRIBUNAL, ETC.—BILL—  
CONSIDERED IN COMMITTEE

*Clauses 1-3 ordered to stand part of the Bill.*

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

NOTICE OF MOTION

Emergency Regulations and Orders

**The Prime Minister** (Alhaji the hon. Sir Abubakar Tafawa Balewa) : I beg to move that, in accordance with section five of the Emergency Powers Act, 1961—

(1) The Emergency Powers (Statutory Corporations Inquiries) Regulations, 1962 (L.N. 71 of 1962);

(2) The Emergency Powers (Prerogative of Mercy) Regulations, 1962 (L.N. 103 of 1962);

(3) The Emergency Powers (Misleading Reports) (Amendment) Regulations, 1962 (L.N. 107 of 1962);

(4) The Laws in force in Western Nigeria (Application with Modifications) Order, 1962 (W.N.L.N. 174 of 1962);

(5) The Statutory Corporations (Revesting of Functions) Order, 1962 (W.N.L.N. 178 of 1962);

(6) The Makun Shagamu Local Council (Dissolution) (Amendment) Order, 1962 (W.N.L.N. 186 of 1962);

(7) The Offin Shagamu Local Council (Dissolution) (Amendment) Order, 1962 (W.N.L.N. 187 of 1962);

(8) The Emergency Powers (Finance) Order, 1962 (W.N.L.N. 197 of 1962);

(9) The Emergency Powers (Communal Land Trusts) (Inquiries) Order, 1962 (W.N.L.N. 205 of 1962);

(10) The Emergency Powers (Legislative Bills) Order, 1962 (W.N.L.N. 250 of 1962);  
copies of which have been laid before this House this day, are approved.

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

*Question put and agreed to.*



*Resolved*: That in accordance with section five of the Emergency Powers Act, 1961—

- (1) The Emergency Powers (Statutory Corporations Inquiries) Regulations, 1962 (L.N. 71 of 1962);
- (2) The Emergency Powers (Prerogative of Mercy) Regulations, 1962 (L.N. 103 of 1962);
- (3) The Emergency Powers (Misleading Reports) (Amendment) Regulations, 1962 (L.N. 107 of 1962);
- (4) The Laws in force in Western Nigeria (Application with Modifications) Order, 1962 (W.N.L.N. 174 of 1962);
- (5) The Statutory Corporations (Revesting of Functions) Order, 1962 (W.N.L.N. 178 of 1962);
- (6) The Makun Shagamu Local Council (Dissolution) (Amendment) Order, 1962 (W.N.L.N. 186 of 1962);
- (7) The Offin Shagamu Local Council (Dissolution) (Amendment) Order, 1962 (W.N.L.N. 187 of 1962);
- (8) The Emergency Powers (Finance) Order, 1962 (W.N.L.N. 197 of 1962);
- (9) The Emergency Powers (Communal Land Trusts) (Inquiries) Order, 1962 (W.N.L.N. 205 of 1962);
- (10) The Emergency Powers (Legislative Bills) Order, 1962 (W.N.L.N. 230 of 1962);

copies of which have been laid before this House this day, are approved.

#### ADJOURNMENT

*Motion made and Question proposed, That the Senate do now adjourn until Monday next:* (THE MINISTER OF HEALTH).

**Senator Chief O. A. Fagbenro-Beyioku**: I want to seize this opportunity to ask to give expression to our feelings in regard to the appointment of our dearly beloved Colleague, His Excellency Shettima Kashim as the Governor of the Northern Region.

When this Senate was inaugurated we had as our first President the Rt. hon. Dr Nnamdi Azikiwe and within a short period, Dr Azikiwe became the first Governor-General of the Federation of Nigeria drawn from the Senate. Again, when the crisis in the Western Region sprang up and it became necessary to appoint an Administrator, the Administrator was again,

found within our rank and file in this Senate in the person of our Colleague Dr the hon. Moses Majekodunmi.

I was in Geneva when I read of the appointment of Shettima Kashim as the Governor of the Northern Region. It shows what confidence the Government places in this Senate. Actually, the Senators are supposed to be statesmen and from all indications, it appears that we have been discharging our duties as statesmen and we have gone so far as to be able to catch, not only the eyes of Mr President, but also of those of the Government of the Federation.

We do wish all these our Colleagues well and we do look forward to more recognition of this kind coming to this Senate. We want to assure the Rt. hon. Prime Minister that we are one with him in his ambition to see that the prestige of Nigeria is ranked second to none among the great nations of the world. Whatever we can do in this Senate to help him and to make the onerous duties imposed upon him very light, we want to assure him that we shall do it. And then we want to tell him that we are very happy and we thank him for the confidence he has reposed in us. We also want him to know that we ourselves have great confidence in him and in his Government.

The other thing I would like to do is to welcome our very great father and friend—Senator Chief Green. This is one of the great traditions of the (if I may so say) Yoruba tribe. Mr Green happens to be what I may call a senator in the Yoruba way. He is one of the great Chiefs in the Egbaland. When you think of the name Green in Abeokuta as connected with the Alake of Abeokuta we feel very happy to have Mr Green here.

As an elderly man who has seen all and who has been known to all, and as somebody who has been in the government as it were, we are sure that he must have got the experience from which we ought to learn. As a Yoruba Ogboni Chief, he is supposed to have been in the Government, advising the traditional rulers and helping in the modelling of the area where he lives. He has now come among us as one of the Senators, not only to think of that little area, Abeokuta (when I say "little" I do not mean to be offensive) but now to think of a very large area—Nigeria, and what Nigeria means



and what it connotes. We wish him well among us and we do hope that he will enjoy the Senate and that we, too, will enjoy his company.

For this also we want to thank the Prime Minister for making this very note-worthy appointment. It shows that the Prime Minister is very careful about the selection of the people he recommends for appointment as Senators. Even though the Governor-General makes the appointment, no appointment can be made without the knowledge of the Prime Minister. So, for that reason, we thank the Prime Minister. We can assure him that the more he appoints, or the Government of the Federation appoints appropriate and fit persons to the Senate, the lighter will his burden be.

I think that all Senators here are glad to welcome Chief Green and at the same time thank the Prime Minister.

**Senator A. E. Ukattah :** I, of course associate myself with the views and tributes paid by the hon. Chief to our colleagues. In addition, however, I have another important point to make. I am going to make that important point because of the presence of the Prime Minister. We do not have the privilege of having him here all the time. Now that he is here I feel like saying what I am going to say so that he may perhaps investigate and give us an explanation through any of his Ministers.

I was going through the *Official Gazette* of the Federation of Nigeria of 19th July, 1962. Then under "Transfers" I saw that the most senior Clerk Assistant of this Parliament, Mr Nsefik, has been transferred. In other words, he is going away from the Parliament; and I understand that he is being transferred to one of the Ministries. Now, Mr Nsefik, for all I know, was sent to the United Kingdom in 1957 for a parliamentary course, and since then he has been under-studying the present Clerk of the Parliaments. He is the most senior of all the Clerks Assistant. I do not know why he is being sent away to another department when, in fact, he is supposed to be the man to take over whenever the present holder of this office vacates it. If he had been sent away to another department or to any of the Ministries on promotion, that would have been a different matter altogether, and nobody would ever quarrel with that. But he is going over to that Ministry as an Administrative Officer, and that is exactly equivalent to the post he is holding

here. According to the Estimates approved at the last Budget Meeting, he belongs to Group 7, which is also the scale attached to the post he is going to hold there. What is the point in taking away this man?

**The Deputy President :** Senator Ukattah, this is purely an inter-departmental matter. If you wish to know, in fact, I think the best thing is to see the person in charge of his department. I do not think it is fair for us to criticise departments for inter-departmental transfer, whether it is for disciplinary reason, or for promotion, or for any other reason. I do not think we are privileged to do so.

**Senator Chief T. A. Odutola :** It is not fair to the man himself.

**Senator Ukattah :** I accept your explanation, but my saying it here is for the Prime Minister to take note of it.

**The Deputy President :** The Prime Minister cannot deal with everything connected with staff matters. At any rate, if you go to the department concerned they will give you all the necessary answers.

**Senator M. B. Chukwubike :** I would like at this stage to say a few words of appreciation about the inclusion of Members of this House in the recent Parliamentary Delegation which is touring some parts of America. It is indeed a very reasonable action on the part of the Government.

**The Deputy President :** Do you not think it is better to wait until the Members are back?

**Senator Chukwubike :** I want to associate myself with the views expressed by the former speakers in congratulating the Administrator of the Western Region. This House, as has been said by some Members, has produced many men of high responsibility. For example the Governor-General, the Governor of the North, the Vice Chancellor of the University of Lagos, and now the Administrator of the troubled Western Region. All these appointments received world-wide acclamation, and we have reasons to be proud and to thank the Government.

The Administrator is handling the delicate affairs of the emergency area with great care and deep sense of justice. I appeal to him, therefore, not to mind the criticisms of some selfish critics but to continue finding ways of restoring permanent order in Western Nigeria.



[SENATOR CHUKWUBIKE]

No sane man is happy at the shameful situation in Western Nigeria, and the sooner it gives way to a peaceful one the better. The history of Congo or Algeria has not repeated itself here because of the foresight of the Federal Government in declaring a state of emergency in Western Nigeria and its choice of Dr Majekodunmi as the Administrator. I congratulate the Government.

**Senator Chief R. A. Umoh :** I rise to associate myself with all that have been expressed by previous Senators. While congratulating the Government on its foresight about all the emergency affairs and all that it had done, I wish to point out, too, that the eminence of the Government in the country is mainly due to its efficient civil service. When we are talking about the Administrator we know that he has people to help him by way of civil servants in the Government. It is through their many years of experience in the work of the various Ministries that they have become very skilful and efficient.

I was a bit surprised when the Deputy President pointed out that anything that affects civil servants should not be discussed here in any form. I feel that in this House we have seen all that had been going on—the work of the Clerk and all the rest of them. We appreciate them all very much.—

**Senator E. A. Lagunju :** Point of order, I think that there is no room for this now. It is more appropriate under Supplementary Appropriation Bill.

**The Deputy President :** That is a point of order well taken. Please wait until we get to the Supplementary Appropriation Bill.

**Senator E. A. Lagunju :** I rise to associate myself with the sentiments already expressed by speakers about the Government, the Prime Minister and the Administrator of the Western Region. I do not want to keep on repeating the same thing. I am really very proud of their achievements in these affairs, and I wish them well.

The more important point that I want to raise here—I am happy the Prime Minister as well as our Ministers is here.

**The Deputy President :** I hope you are not going to fight out the Prime Minister.

**Senator Lagunju :** No, we want him to come regularly. When I got the letter indicating that we should come here, I thought that we were going to pass the Supplementary Appropriation Bill simultaneously with the Lower House. That was the only thing that I thought could prompt our coming here earlier, or coming at the same time as the Members of the Lower House. But now we have stayed for almost two or three hours and there is nothing doing until Monday. It would have been better for us to be summoned here on Monday and to stay and work from Monday till any time. That is the way I look at it. We have to break off. We have nothing doing on Thursday, nothing on Friday, and we idle about in Lagos. We quite agree with people like Senator Chief Beyioku who are resident in Lagos. They can afford to come here and spend a day. But what about people who reside in the provinces? It is no use to be summoned here for only one day only to adjourn for a week. We shall appreciate it if Government would see that whenever we are summoned here we come here to set to work and to work continuously. That is why we are here.

**The Deputy President :** I think that will be taken note of by the Leader of the House. At any rate you all remain in Lagos here with us whether you are summoned here or not. (Laughter).

**Senator H. N. Udoh :** I only want to make a statement about those people who do not like Senators coming here for a day or two after which they go away. It must not be forgotten that elderly people do not do work continuously. (Laughter). They do a little bit of work and then they relax and rest and then they come back refreshed. Do they want us to collapse and finish up? Personally, however, I congratulate the Government.

**The Prime Minister :** Sir, usually in our House over there on the Motion of Adjournment when Members may like to raise matters, they usually give notice to the Minister responsible and this would prepare us to get the necessary reply to the hon. Members. I do not know what is the practice in the Senate but I think that is also your practice because I got a message from one of the Senators asking permission to raise a matter concerning security, that is, something to deal with the Police in relation to armed robbery.

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[Adjournment]

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[Adjournment]

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Now, I do not want to comment on any of the points made but only to say that I am very grateful to the Senators for what they have said about the Federal Government and to repeat that the Senate is making a name for itself and making a name for the country. When we decided that we should have a Senate in Nigeria all of us had hoped that it will have a really stabilising influence in the country and I am glad to see that the Senate is becoming a (*Interruptions*).

I said that the Senate is producing quite a number of important figures in this country but I must not create the impression that in order to be able to qualify for the Governor-General or the Administrator one has to be a Senator. (*Laughter*).

I hope that the woman Senator will be speaking for the common person and will also speak for us who belong to the other House. We also feel sometimes that we should be here to take part in some of these things and I feel that it will not be a long time for me to qualify for membership of this honourable Senate.

*Question put and agreed to.*

*Resolved*, That the Senate do adjourn until Monday, 20th August, 1962, at 10 a.m.

*Adjourned accordingly at eighteen minutes past twelve o'clock.*



SENATE OF THE FEDERATION  
OF NIGERIA

Monday, 20th August, 1962

The Senate met at 10 a.m.

PRAYERS

(The President in the Chair)

ORAL ANSWER TO QUESTION

LAGOS AFFAIRS

Zebra Crossings

**O.13. Senator J. K. Nzerem** asked the Minister of Lagos Affairs, if he will consider the possibility of introducing "Zebra Crossings" at suitable places in Lagos as a means of further ensuring safety on our roads.

**The Minister of Lagos Affairs** (M. Musa Yar'Adua): The possibility of introducing "Zebra Crossings" has been under consideration for some time both by the Lagos Traffic Advisory Committee and by the Federal Road Safety Board. No final decision has yet been reached.

BUSINESS STATEMENT

**The Minister of Health** (Senator Chief the hon. M. A. Majekodunmi): I have to make the following Business Statement. To-day, business is as shown on the Order Paper already in the hands of Senators.

Tomorrow, a Private Member's Motion on fatal accidents will be taken, and the following business will be taken through all the stages:

- (a) Live Fish (Control of Importation) Bill.
- (b) Customs Preventive Services (Fire-arms) Bill.
- (c) Survey Co-ordination Bill.

A further statement about the remaining business for the week will be made tomorrow.

ORDER OF THE DAY

MINERAL OILS BILL

Order for Second Reading read.

**The Minister of Mines and Power** (Alhaji the hon. Maitama Sule): This is a very short Bill indeed. It has been found necessary to bring this Bill to the Senate because an error

has been discovered in the Mineral Oils Bill as printed in the 1958 edition of "The Laws of Nigeria", and it is this error that this Bill seeks to correct.

In the first place, Senators will recall that quite recently I granted oil concessions to about four oil companies. In the previous Ordinance, only British oil companies can get licences to prospect for oil in Nigeria. It is not our intention, now, to restrict the granting of oil concessions in Nigeria to British oil companies. Indeed, I have stated in my policy statement that I am trying to establish as many oil companies as possible from different parts of the world in order to encourage healthy competition in this most important industry which we think will dominate the economy of the country within a very short period of time.

I consider, therefore, that the law as it stands now makes nonsense of the whole thing, and it is this nonsensical error that has been made which we seek to correct. So, in this Bill I only seek to correct that portion of the Act which says that only British oil companies should get concessions in Nigeria.

Again, we are making it retrospective because we have already granted these concessions and we do not want these concessions that we have already granted to be meaningless or to be invalid. It is a very short one as I have said and non-controversial, and I am sure it is one that will receive the support of the entire Members of the Senate.

Sir, I beg to move.

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

**Senator J. K. Nzerem**: This is indeed a most reasonable Bill, but my only surprise is that those who are responsible for drafting it did not see the necessity for extending the concessions to other companies. Our Government policy in Nigeria is one of open door. We have not on British industrialists and oil people in this country but also people from other parts of the world. So, the correction we seek to make in this Bill is a very timely one and I congratulate the hon. Minister of Mines and Power on being able to see the necessity for bringing this Bill to the House. I fully support it.



**Senator A. E. Ukattah :** As the first speaker has said this Bill is indeed very praiseworthy in that it seeks to grant concessions to oil companies and prospectors of mineral oil in the country. I have seen that previously these concessions were the exclusive prerogative of British Oil Companies. I am very happy that by the passage of this Bill this will no longer be so. Every company should be given the opportunity of prospecting for oil in the country. This will give rise to competition and, as has been said already, public competition gives rise to progress.

There is also another important factor, and that is the necessity of rectifying the anomalies contained in all the existing laws of the country. Whenever a flaw is detected in any laws of the country, an amendment should be effected immediately.

I beg to support.

**Senator H. O. Abaagu :** I want to thank the Government for bringing this Bill. It is very much in keeping with the status of our sovereignty. The people responsible for the original Act were our British masters, and now that they are gone and we are on our own I think that not only this Bill but all other Bills should be brought up-to-date. This will be in keeping with our national status and sovereignty.

I would also like the Government to explore the possibility of entering into partnership with these oil companies because I think the oil business is a very profitable enterprise.

I support the Bill.

**Senator D. O. Asemota :** I support the Bill wholeheartedly, but I feel there is another error which, if not pointed out and corrected now, might continue for a very long time. It is in connection with the siting of refineries at places where oil has been discovered. In this connection, I am referring to Ughelli. It is understood that a great deal of oil has been found at Ughelli, and instead of the company building a refinery at Ughelli, they are pipe-lining the oil from Ughelli to Port Harcourt. This should not be so, because one of the benefits the public derives, apart from revenue from oil, is the provision of employment for the people in the area in which oil is discovered. In this case, the people of Ughelli will be deprived of the privilege of employment as a result of this

pipe-lining to Port Harcourt. I want Government to take note of this so that if at any time oil is discovered in any place, the people in the area should be given the benefit of employment. It is unfair to pipe-line the oil to another place to give employment to other people.

The earlier the Government gives this point a very serious consideration, the better.

I beg to support.

**Senator T. Olamijulo :** Much has been said about the move to correct the old law in our Statute but there is one point I would like to make: it is that our Ministers, who happily are all natives of this country, should be on the alert and set about the task of correcting the past mistakes of our British overlords—mistakes which have been brought about by selfish motives. The quicker this is done the better it will be for the people of this country. These corrections will ensure more prosperity and employment for the people of this country.

I beg to support.

**Senator Chief Z. C. Obi :** I wish to associate myself with the Senators who feel that this is a non-controversial Bill, and take this opportunity to congratulate the Minister for the way he has very jealously guarded the interest of this country over this oil concession Bill.

Recently, there was an appeal that people should be seconded to the Shell B.P. Company in order to make sure that this country is not placed at a disadvantage in the oil business, and while I was on tour of the United States, I noticed that this appeal had been hearkened and that some experts had been supplied to Shell B.P. to ensure that the interest of Nigeria as far as the mining of Nigerian oil is concerned is not neglected.

I beg to support.

**The Minister of Mines and Power :** I am extremely grateful to Senators, and I am glad to see the way that this particular Bill has been received by this hon. Senate. Indeed, Senators know more than I do that this oil industry has been a very complex and complicated thing in other parts of the world. It is hoped, however, that no policy on oil will be introduced to the detriment of the economy of this country. It is for this reason that we are all keeping our eyes wide open in order that we may guard the interest of this country.



[MINISTER OF MINES AND POWER]

I feel that we are a new comer in this oil industry and the best thing we can do is first, to be honest about everything we do in dealing with these oil companies and, secondly to help encourage healthy competition in the industry so that we can get the best.

I hate to see only one company monopolising the industry. We cannot afford a monopoly by any particular company in this most important industry. (*Applause*) I am therefore very happy to see that Senators are aware of this most important point, and have given me their support. I must point out one thing. One of the reasons why we had this idea of restricting the grant of concession to British companies was colonialism, and now that we are an independent sovereign state, only the best, in fact, only those things that we think will promote our interest, we shall encourage.

There is competition and as I have said, we are exploring the possibility of extending it at the appropriate time. Hon. Senators will recall that quite recently, I entered into an agreement with an oil company from Italy and that agreement for the first time has involved no money at all. We are waiting to see that oil is discovered in commercial quantities. As soon as the company discovers oil in commercial quantities the Government will exercise its option to take a certain percentage of the capital shares of that company. We are doing this in order to enter the field of the oil industry which is very profitable, in a very realistic and reasonable way. We do not know much about this and so the companies must be allowed to compete with one another so that we may get the best from the industry. When we are satisfied that it is in our own interest to enter and participate, we shall do so. Meanwhile, we have to encourage all of them.

The question of a refinery is a very important one, but one has got to admit that these refineries should be sited in the most economical places in Nigeria. Nigeria is one, and I am sure that wherever we decide to site a refinery it will be in the interest of the whole country.

I am taking this opportunity to say, with the greatest respect to the Senator who has raised this particular matter, that Nigeria is one economic entity and must be treated as such all the time. Two places were suggested

for siting the refinery, Lagos and Port Harcourt. These two places were considered; economic factors were also considered; and the decision was reached in the end that Port Harcourt was the more economical for the siting of the industry. I am sure Senators will all give me their support. Wherever the refinery is sited we shall still get employment for Nigerians. Nigeria is one politically and economically and Senators will agree with me that we shall always be happy whenever and wherever any industry is sited provided it is not against the interest of the country.

I am very grateful to Senators and I think it is now time to move the Second Reading of the Bill.

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

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

MINERAL OILS BILL: CONSIDERED IN COMMITTEE

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

*Preamble—ordered to stand part of the Bill.*

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

#### TIN BILL

*Order for Second reading read.*

**The Minister of Mines and Power** (Alhaji the hon. Maitama Sule): This is another non-controversial Bill. Before I introduce this Bill, I would like to say that I have it in command from His Excellency the Governor-General to move, That a Bill entitled "A Bill for an Act to regulate the export of tin and tin ore and the delivery of tin ore to smelters; to provide for the furnishing of information by smelters; and for connected purposes," be read a Second time.

As Senators may know two smelters have now been erected in Jos and, for the first time, Nigerian tin is being smelted in Nigeria. This is something very welcome indeed. We hope that in the not too distant future Nigeria's tin will not only be smelted in Nigeria but the smelted tin will also be used to manufacture certain things that will be used locally, in this country.

For the moment, what we are concerned with is the provision of this Bill. Nigeria is a



member of the International Tin Council and the International Tin Council has set up a Research Institute that carries our research into the uses of tin and publicises such uses of tin in the world market. We contribute a certain amount of money to this Institute. It has been the case up till now that when tin is exported a certain levy is made on the tin and that levy is part and parcel of the custom duties paid to the Government. It is after duties have been collected that Government sets aside the contribution to the International Tin Council and Government sends that money to the International Tin Council as our contribution.

Now that we have got these smelters in this country it means that some of our tin will not be exported. Previously, all our tin had been exported. Some of the tin will not now be exported and since it is not all going to be exported, this levy which is part of the custom duties will not be paid. We are, therefore, making this provision in order to enable the Government to place this levy on the tin smelters and to collect the money from them also.

Senators can see, therefore, that this is something that is very welcome and something that all of them will agree is not controversial. It is merely to make the tin smelters who get their tin from Nigeria and who, therefore, do not have to pay any import duties to pay this levy which is necessary.

I therefore move the Second Reading of this Bill.

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

**Senator Chief Fagbenro-Beyioku** : This Bill, in my opinion, is the Bill which seeks to promote and to benefit the economy of this country and, to a large extent, it is one of those Bills which aim at fulfilling the objective of the country—promoting industries in the country. Apart from that it has to do with the monetary side of it. The monetary side of it relating to duty and levy decidedly has the full support of this Senate. I only wish to point out that we are now entering a new era in this country—the era of economic development. I do hope that we shall orientate our approach to this era on modern conceptions of thinking.

The argument has always been put forward that at this time it may not be to the best interest of the country to go outside the present state of society and economy. I have in mind the benefit which should accrue to this country as a result of the several development projects which we undertake benefit by way of increased employment and the reduction of unemployment figure and by way of raising the standard of living of our people. When we have this tin smelting here we may be able to produce our corrugated iron sheets here ; we may be able to produce several things made out of tin here, and that is actually what the country has been clamouring for. But whilst the coffers of Government will be benefiting by way of levy and duty, I do hope that the hon. Minister of Mines and Power will keep a watchful eye to see that one other main objective is fulfilled, that is, raising the standard of living of our people.

We do very much welcome this Bill and as many Bills of this nature as do come before this House will always receive the full support and concurrence of this House. But at the same time, let us be mindful of the people we engage in the smelting of our tin. The people who do them may be foreign enterprisers ; they may be private or Government-sponsored companies, but in whatever position they are, we must have at the back of our minds that one of the main reasons why we are developing industries and insisting that industries should be established in this country is to promote the standard of living of the people of this country. I want to emphasize that.

The Bill is welcomed and should receive the support of all Senators.

**Senator A. E. Ukattah** : I wish to congratulate the Minister of Mines and Power on this Bill.

I have just learned that tin smelting is now carried on in Nigeria. It means that Nigerian tin is now required both by local users and overseas users. It is appropriate then that the disposal of tin should be regulated and this Bill seeks to achieve that.

This country contributes to the International Tin Council and it is only reasonable to say that the money that goes into that Council should be paid by the users of tin in Nigeria and overseas. But at present it is only paid on tin that is exported. The local users of the Nigerian tin should bear their share of this contribution.



[SENATOR UKATTAH]

This Bill is also welcomed for the provision it makes. Smelters can now give statistical information to the Government of the Federation. This is absolutely necessary because it will give the Minister of Mines and Power an idea of the stuff of tin which the smelters smelt. As I said earlier on, this Bill is most welcome because it shows that the Minister is working and is vigilant.

**Senator Chief S. T. Hunponu-Wusu :** This is a very short Bill and one that should receive our approval. But I would like to say that it will help us very much if we examine the possibility of having our own men trained in this business for the future. Let me illustrate my point. Some years ago Europeans controlled our waterworks, but I was happy to see, when I visited a number of places with some Senators, that the Waterworks at Iju is now maintained by a Nigerian, even though he has some Europeans under him. It was a matter of pride to us to see a Nigerian in charge of Iju Waterworks. We were all highly impressed to see such a young man duly qualified, capable, and maintaining the water we are using to-day.

Whilst we are considering mineral oils why should we not think of the possibility of our Universities gradually giving our boys and girls with the necessary qualifications training in this profession? It is a profession. If Europeans can qualify in this profession why can we not? If we had left only Europeans to come to Nigeria to practise as doctors and lawyers we would not have got any of our Nigerian doctors and Attorneys to-day.

We must have foresight. This is just only a note of warning. That is the advice I want to give to the hon. Minister. As we consider the monetary side of it we must also have foresight. We are now independent. Then why can we not appoint a committee to look into such technical matters so that our sons and daughters may be qualified to take the place of the Europeans? If this is done we will be so happy. I am sure the Minister of Finance who is here to-day will not mind to vote money when it comes to that.

Mr President and Senators, this is a word of advice and I would like our Ministers to take note of it. We know it will give our men

work to do. We know it will enhance the prosperity of Nigerians. With these few remarks, I beg to support.

**Senator P. C. Ndu :** I must say that this is one of the most welcome bills ever presented on the Floor of this House. It is non-controversial. You may be interested to know that as far back as 1957, when the quota of tin dropped, the people in the Plateau Province suffered greatly but when the tin industry was sited in Jos these people who had never tasted employment for many years began—

**Senator Z. C. Obi :** On a point of order, I want to point out that I have been out of the country for some time now and it may be that the rules governing this Senate have been altered. I noticed that while debate was going on here the Minister of Finance came: first, he invited one of the Senators out there, then invited another Senator out there and had some private discussions with them. Now he is beckoning to another Senator.—

**Senator Chief O. A. Fagbenro-Beyioku :** On a point of order, the Standing Order provides that one could talk in undertone. I think the Minister of Finance was talking in under tone.

**The President :** The order is well taken.

**Senator Ndu :** There is only one aspect of the matter which I would like to mention and that is the plight of African miners. The African miners are still suffering because they have not the financial backing of the Government. If they know that the Government will back them, some of them will come together and form mining companies, because digging for tin has gone so deep that only the expatriate firms which have got the engines to dig the tin are now being benefited. If the Government will back the African Miners it will certainly enable them to compete with some of these expatriate firms which have been on the field for a very long time.

There is also the question of unemployment. The people of the Plateau are not satisfied because tin is the only industry available to them and they find it inadequate. So I would like the Federal Government to see that other industries are sited all over the country so that the people of Plateau Province will be benefited as well as people from other parts of the Federation. With these few remarks I support.



**Senator Alhaji Abubakar Garba :** This is a very welcome Bill. The Federal Minister of Mines and Power in consultation with the Minister of Trade and Industry should encourage our indigenous mine operators to obtain loans from the Federal Loans Board, with a view to enabling our people to compete favourably with the expatriate mining companies. Many of our people have the necessary technical ability to mine but they are financially handicapped. I support.

**The Minister of Mines and Power :** Like a good son I am only thinking on the same lines as my colleague. I would like to say that most of the views that have been expressed on the Floor of this hon. Senate this morning, have been my views for a long time.

As you may well remember during the last but one sitting of the House of Representatives, I made an important statement about the conditions of workers on the Plateau Mines. I explained that I was not satisfied. I explained the steps I was taking to encourage the expatriate as well as the African miners to bring about better conditions of service for workers. I believe that an industry such as this, which is one of the oldest in this country, should be in the fore-front not only in Nigerianisation in the various fields but also in giving facilities to the workers.

I am doing everything possible and I must say also that I have received the support of the miners themselves. The miners have seen with me and they have agreed that it is necessary to bring about better conditions of service for the workers. The houses occupied by the workers up to this time which I have always called ramshackles are now being replaced with better houses. More schools are being built. They are considering the possibility of setting up more dispensaries and I do hope that the time will not be far when they will consider setting up a hospital in the same area. I believe that it is necessary for both the Government and the mining companies to get together and think of better ways of improving upon the conditions of workers on the mines plateau. That I am doing.

As regards African miners who want official encouragement from the Government, this has been exercising my mind for some time. There has never been a time that I would not take up any opportunity of discussing with the African miners themselves. I have always

appealed to them that they should come together because it is only by coming together that they will be able to compete favourably with the expatriate mining companies. These expatriate mining companies are big and they have, so to speak, the monopoly of the industry. This has been so for quite a long time. We have been grumbling about the monopoly enjoyed by these expatriate mining companies. But what can we do about it if our own African miners are not prepared to come together.

I even went to the extent of promising the African miners that if they could come together and form big companies or big combines, I would be only too willing to go all out and ask the Government to give them some loans as a sort of financial encouragement. But the trouble is that we do not have confidence in one another. For how long shall we continue not to have confidence in ourselves? We must have confidence in ourselves; we must agree that by coming together we can promote our own interests we must not always be individualistic in our approach and outlook. That is the main trouble.

They want to come together but they will not form a corporation, and they want to get loans from the Government and share out. This is not enough. I want them to come together so that there may be a big company capable of competing with these expatriate companies. Not until they are capable of doing that can we think that they are able to compete favourably with these expatriate companies. I will, however, continue to advise them to do so. I am still optimistic. I am sure the African miners are reasonable and realistic and very soon they will agree with me that that is the only way to face the industry and that that is the only way they can break the so-called monopoly which is now being enjoyed by the expatriate mining companies.

I wish to say, once again, that I am extremely grateful to Senators, as I always have been, because I have seen how much interest they have taken in this most important industry. I can assure them that I will continue to watch the interest, not only of the African mining companies but also of the expatriate mining companies who are still in Nigeria, and also most important of all, the interest of the workers themselves whose lot must be improved in order that the whole country might be benefited.



*Question put and agreed to.*

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

NIGERIAN CONSTITUTION SECOND  
AMENDMENT BILL

*Order for Second Reading read.*

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

That a Bill for an Act to make certain powers of the Director of Public Prosecutions of the Federation exercisable subject to the directions of the Attorney-General of the Federation and for purposes connected therewith be read a Second time.

As Senators must be aware, this Bill was passed in the Lower House in April this year. When introducing it there I pointed out that the present provision of the Constitution, in section 97, is unique, and that it is necessary for us to start behaving like a sovereign nation. In all the democracies of the world, and even outside them, and including the Soviet Union and countries of the Eastern Bloc, the present provision in our Constitution will not be found in their constitutions.

I very well appreciate some of the arguments that have been advanced against this Bill but I must point out that almost all of them have been based upon lack of sufficient information. If Senators would forget whatever political considerations might affect their contributions to the debate on this Bill; if they would address their minds to the good of this country, they will themselves realise that it does not seem right that a provision which we inserted out of mutual rancour and bitterness and distrust should be allowed to stand in our Constitution and become consecrated for the future.

Under the Constitution as it stands, I am answerable, not only to the House of Representatives but also to this Senate for anything done, or omitted to be done, by the Director of Public Prosecutions. Again, by the constitutional arrangements we made at Independence the office of the Director of Public Prosecutions was put under my Ministry. It is not a separate department of Government.

The Director of Public Prosecutions is a civil servant. But unfortunately the existing provision makes him answerable only to God. That is a situation which no democratic nation ought to tolerate. If it be objected that I as a political appointee should not be trusted occasionally to intervene in what he does, is it right that a civil servant should be trusted better than a Minister of State answerable to this House?

The Director of Public Prosecutions may have done things that will embarrass not only the Government but even the nation in the prosecutions which he may decide to bring or which he may have brought and yet I would know nothing about this until some one pulls me up in this House and says that certain aspects of the administration of Justice have gone wrong. I am expected to get up here and defend him even if I knew that had I been told of it before I might have advised him against that particular action or omission. It is this aspect of the matter that I would call upon you as men of experience in public affairs to consider seriously in whatever contributions you are going to make this morning.

In England the Director of Public Prosecutions has been under the Attorney-General ever since the first Act was regularised in 1908, and there are detailed Regulations laying down the conditions subject to which he shall exercise his powers. All lawyers are aware of this particular arrangement. Only recently, if I may cite one or two random examples, the American Negro, Mr King, was dragged to court because he tried to sit in seats reserved for whites on some vehicles plying in the States, and Mr Robert Kennedy, my opposite number, aged thirty-six, was by the Constitution of the United States empowered to intervene when he saw that this was a flagrant abuse of power, and he saved the Negro.

Again, about four Nigerians in Calcutta recently committed some minor criminal offences in India, and they were being prosecuted and would have been sent to jail but for the timely intervention of the Attorney-General of India, representing the Indian Government, who felt that this would strain relations between Nigeria and India if the prosecution was not stopped. The offences committed by these boys were not so grave, but by the Indian law, as it stands till to-day, there is no alternative to imprisonment.



All Governments of the world have felt the necessity at one stage or another to intervene in this way and stop prosecution. It is true also that occasionally Government might decide that certain prosecutions should be undertaken, but again this is left in the hands of the Director of Public Prosecutions, and there have been occasions when the Director of Public Prosecutions has been able to say that he does not think that they amount to offences under the particular law. Senators must realise that when a situation like that arises no amount of pressure on the side of the politician would make a good lawyer go against the law and prosecute when he knew it was bound to fail. More than that there is always this provision against any possible abuse of power in that whatever prosecutions are brought will have to be brought in a court of law.

I think we have reason to be grateful for the way we are running our affairs that we have not seen it fit to abolish recourse to the courts of law in all matters of this kind. If, for example, the Director of Public Prosecutions were to be forced to make a prosecution against his better judgment, will the Judges not be in a position to examine the matter against the provisions of the law which our own law requires him to quote to the courts when prosecuting? Our Law requires him to state that X or Y is being prosecuted under this particular provision of the law? It is clearly stated in our Constitution, and Senators may look at sections 21 to 24 of our Constitution which make it obligatory upon anyone bringing anybody before a court of law to point to the particular section of the law which he is supposed to have infringed. Is that not sufficient safeguard, or have we come to the situation where we may be feeling that the Judges too would conspire with the politicians to prosecute people unnecessarily and convict people when there is no particular section of the law that has been infringed? In my submission, Senators, I feel that this Bill is non-controversial and should be looked at in the light of the short explanation I have been able to offer, because I believe that it is not necessary really to over-state the case for the Bill.

The only other point I would like to make before resuming my seat is to appeal to Senators to see to it that when a Bill of this type is brought, whatever may be our reservation, the Bill should be considered on its merit, divorced from any partisan feelings. I know this is a

political arena where Parties must jostle with one another and occasions must be taken to score Party points; but this Bill is very vital, and I think that if Senators would approach it in this spirit they will discover that what we are asking for is no more than what all Attorneys-General of all democratic and even totalitarian Governments are enjoying to-day.

In England, the power of what you call *nolle prosequi* is enjoyed by the Attorney-General. It is a common law power unaffected by any legislation that has so far been passed in the United Kingdom. This is the power to stop prosecution and occasionally to intervene in the exercise of the power by the Director of Public Prosecutions who as a civil servant and who, according to the law as it stands, is allowed to exercise his powers without being subject to any other person or authority. That is what the provision says, and that is what we are trying to suggest, that in certain circumstances, not in all cases, as far as the day-to-day running of the Department is concerned, and not as far as the carrying out of his duties to prosecute are concerned, there will be no interference whatsoever; but occasionally when matters of grave public issue are involved and my attention is drawn to them, I shall be able, if you pass this Bill, to intervene.

Besides I must warn that if you look at the Bill again you will discover that I have not asked that the Director of Public Prosecutions should be, for all purposes, subject to my direction, and if you look carefully at section 1 (ii) of the Bill you will find that provision is also made that in intervening on occasion I will not be acting as Minister of Justice but only as Attorney-General. The point is important, and lawyers will realise that the difference lies in this that no Cabinet has any right whatsoever to dictate to me what to do in any given case. I shall be expected to exercise these powers in consultation with the Director of Public Prosecutions, and experience has shown that it is better that the Director of Public Prosecutions should be able to hold consultations with his colleagues in the Ministry on the advisability or otherwise of a particular prosecution or even of the details of the law, than that he should be left completely to himself and for him to be making consultations with lawyers outside his own Ministry. In that way I think the possibility of abusing the administration of justice is very great.

I beg to move.



**The Minister of Finance :** I beg to second.

**Senator T. A. Doherty :** It is most unfortunate that at this stage of Nigeria's development there is so much political rancour, so much uncharitableness, so much unfriendliness in this country. Before going into the details of the Bill, I have some observations to make. I did mention in this Senate, I think last week, that it has become the habit of the people in the other House to throw Bills at us and expect us to pass them immediately. That is what is happening again this morning. When we got to this House this morning I saw the Mineral Oils Bill for the first time. I saw the Tin Bill and I saw this Amendment to the Constitution only this morning.

If I had said, when the Minister of Mines and Power was about to speak or was speaking, that debate on the Bill be adjourned to-day for six months, people would have said that I am an obstructionist. I do not want to give them that impression. But I think it is about time that the Government realised that we are not sent here just to say "okay" to whatever the Government wants to say. I quite agree they have a terrific majority but I think if we want peace in this country I think the Government should not rule by the rule of law but more by affection and co-operation.

This Bill before us is a very important Bill. It goes to the very root of the Constitution. If the Constitution can be amended in this way, this is the second time, if we rule by the rule of law because we have a majority in the Parliament, we amend the Constitution as we like, we might as well not have three Regions but one government and then rule by proclamation if you like, because it appears to me that what this Government is doing at the present moment is that it is taking advantage of its majority to do everything as it likes. As things go now, they could almost upset the Constitution. Otherwise, a Bill like this, a very important Bill, that the Directors of Public Prosecutions all over the country should be under the Attorney-General—

**The President :** Order. I have to point out that it is only the Director of Public Prosecutions of the Federation, not all the Directors of Public Prosecutions all over the country.

**Senator Doherty :** I beg your pardon, Mr President. But if I understand the Attorney-General quite rightly, this Bill was brought in

this morning; I had no time to look at the Constitution, what I understand is that it applies to the whole of the Federation and if it applies to the whole of the Federation it covers all the Regions.

**The President :** I must point out that there are different Constitutions for the Federation, for the Eastern Region, for the Western Region and for the Northern Region. What is being amended is the part of the Constitution that affects the Federal Territory; it does not affect the Director of Public Prosecutions in the North, the Director of Public Prosecutions in the East, and the Director of Public Prosecutions in the West. It affects the Director of Public Prosecutions of the Federation.

**Senator Doherty :** Maybe the Attorney-General will clarify that point before I continue my speech because I do not want to make any mistake.

**The Attorney-General and Minister of Justice :** Mr President, I think that Senator Chief Doherty will have realised that we are not competent in this House to pass any law affecting any of my colleagues in the Regions. This Parliament is competent only to deal with the Federal Territory and that is what we are seeking to do.

**Senator Doherty :** Thank you very much. It would appear that is what the Attorney-General says, but I do not know what difference it makes if it does not affect the Regions. This is an amendment to the Constitution all right, and if the Attorney-General says it only affects the Federal Territory, I think I have very little to raise. But there is one point I would like to speak about before I stop speaking and that is, the Attorney-General did say that the provision in the Constitution was made out of rancour and that is why it has become necessary for him to make this Amendment.

I think a lot of the provisions in our Constitution have been borne out of rancour. It is most unfortunate for this country and it is about time that something was done to adjust matters so that these feelings of rancour might die or be eliminated.

**Senator Chief Mrs Wuraola Esan :** If I got what the Attorney-General said right, the Director of Public Prosecutions is a civil servant and we should trust him less than a political nominee who is the Attorney-General



himself. Perhaps I am not quite correct and I stand to be corrected, but if that is what he said then I have few things to say about that. He also said that most of the things written into our Constitution were borne out of rancour and in order to remove or regularise the mistakes that have been written into our Constitution we must make amendments periodically. I do not agree with that view. I do know that lawyers are very clever and they have ways of using even the most useless things written down to their own advantage when they chose to do so. If certain things were written down when people thought they had enemies and should try to use their power to prosecute these enemies why are we now seeking to make more enemies by removing these things precisely at this time? We are not happy at the state of affairs in Nigeria now. We may say it is happening only in a particular Region. We all here should not be happy even if we are not directly concerned by it. We should know that if a part of the body is diseased the other parts of the body must be affected at one time or the other and in the long run all the parts of the body shall suffer. Therefore, this periodical, piecemeal, amendment would not help us much. If we consider that there are many unsuitable things in the Constitution then a Constituent Assembly should be summoned to make the necessary amendments. The Parliaments of the Federation are constituted in order to safeguard the interests of all the people in the Federation.

The Attorney-General himself stated that only lawyers do understand this Bill brought before us this morning, but I am sorry to say that I am not a lawyer and many of us here are not lawyers. I want to know why this Bill should be brought now. Is it in order to justify our stand or to bring our laws in line with those of England and other countries? For a long time to come, we shall never be in line with other advanced countries. Certainly, we had followed the lines of English rules, we had been under England, and in fact, we had under-studied English laws, but we have got to apply our own wisdom in order to justify some of the things we now do, and allow experience to teach us. If we must copy from the British, let us first try to keep our own house in order. This we must do before starting to copy the ways of other nations which are much more experienced than we are.

Presently, we have the Director of Public Prosecutions acting on his own. Certainly, if much power is given to the Director the power may be misused because the Director is a human being. How again do we know that by passing this power to the Attorney-General he himself might not misuse it? We must try and safeguard the interest of those who do not know anything about the law. The whole thing is somewhat confused. It is not clear whether we are saying that everything that the Director of Public Prosecutions does should be subject to the control of the Attorney-General or that all the powers within the competence of the Director should be given to the Attorney-General. If we want either, let us say so clearly. Let us define the powers of the Director of Public Prosecutions and those of the Attorney-General so that the common people may not be in doubt about the responsibility of either of them. The fate of the common people must also be considered when it comes to briefing a lawyer. Sometimes lawyers can be very expensive to retain.

If the Constitution must be amended I would like to suggest the convening of a Constituent Assembly as soon as possible so that every part of the Constitution that is not in line with accepted standards in other advanced countries of the world should be considered. I know that such an assembly will not be the last. We shall still have occasions to summon as many assemblies as possible until we are sure that what we have is what our people really desire.

We should be very careful about this practice of amending the Constitution. We are always very bitter against our political opponents in Nigeria to-day. I do not know why it should be so. Many of us here desire the progress of our country and all of us are working very hard towards that objective. The ordinary people who sent us here have not done so in order that we may play politics. There is a tense political atmosphere in Nigeria now, and we shall all be helping our people by clearing that atmosphere. I believe that the Attorney-General has not brought this Bill to foster his own interest. He is personally convinced that the Bill is in the interest of most people of Nigeria. But many people may not know, and that is why I advocate that the powers of the Attorney-General and those of the Director of Public Prosecutions be clearly defined. Many



[SENATOR MRS ESAN]

people may think that the Attorney-General wants to use his power to subdue the Director of Public Prosecutions. The Attorney-General is a political appointee, and the Director of Public Prosecutions is a civil servant.

I know that whatever we say here is nothing but our opinion. Once a Bill is passed in the Lower House we are only supposed to deliberate on it, and whether we do so or not, the Bill will become law unless we are all agreed on one line. That is why I ask that this Bill should be taken back and studied carefully. If after close study it is found to be a very good Bill it should be brought back to the Senate. I maintain that it should not be passed at this time. Any Bill that is brought at this time, however good it may be, will be supposed to have been borne out of rancour unless it receives the unanimous support of this House.

Another aspect I would like to touch is that we have so much that is not good in our Constitution. I am sorry if I do embarrass one of our able Ministers, but I do not know what part of our Constitution empowers the Governor of a Region to be a member of our Upper House.

**The President :** I must point out that no Governor is a member of the Senate.

**Senator Mrs Esan :** I beg to disagree with Mr President on that point, because we all know that the Administrator of the Western Region is the Governor of that Region. If we allow such things to happen then we should not quarrel with the ordinary people in the streets when they say that we are only making confusion worse confounded by effecting piecemeal amendments to our Constitution in order to suit our purpose.

With these few remarks I beg to oppose the Bill.

**Senator H. O. Abaagu :** I just want to congratulate the Government for bringing up this Bill. I think that a Bill of this nature has long been overdue. The explanation of the Attorney-General is quite satisfactory. As he has rightly said, I do not think that there is any democratic country in which the Director of Public Prosecutions is independent of the Ministry of Justice. After all, he is a civil servant and he is not answerable to the nation.

The Minister is answerable to the nation and whatever goes wrong or goes right in that branch of the Ministry, I think, is the responsibility of the hon. Minister of Justice.

Very recently in Ghana a very disgraceful prosecution was to have been conducted before the court but fortunately for Ghana, because the House was meeting then, the Parliament had to assemble and pass a resolution stopping the prosecution of that case in the court thereby saving the whole country from disgrace. I think a thing of this sort is worthwhile in Nigeria.

What prompted some Senators to oppose this Bill is that they think that since there are political parties in the country and some of them have not been privileged to go into the Government, the Government, given this power, would victimise those political parties not in the Government. I do not think that this is true of our present Government. I have not seen a single instance in which this present Government used its powers to victimise any political opponent in this country. If there has been any single instance, I would like somebody to point it out. I have never heard of or seen any instance of the Government victimising any political opponent. I think we trust our Government and since we have no instance of the Government using its powers to victimise any political opponent, I think that we must continue to trust the Government and hope that when this power is given they will not use it to victimise other political opponents as other Senators are fearing.

This is a very very progressive Bill and I thank the Government for producing it. They have made a review of it, found out a mistake and have sought to correct it. I am very very grateful for this and I hope other Senators who will speak after me will give the Government every support and see that the Bill is passed.

**Senator Chief Fagbenro-Beyioku :** One of the principal duties of any good Government is to act in good faith as the custodian of the constitution of the country and, acting as the custodian of the constitution, to watch with rapt interest the reaction to and the effect of the constitution as it affects the nation as a whole and the administrative machinery.



It is admitted that it is expedient that in the amendment of the constitution of a country, where one thinks of an overall amendment, one summons a constituent assembly. That is where one thinks of an overall amendment.

One of the main reasons why we appoint a Government is to watch, as I have said, the effect of the constitution and should any section of the constitution be deserving of amendment the Government is empowered to put such amendment into force not necessarily at one and the same time to complete an overall amendment.

In the execution of these prime duties the exigencies and the experiences of the period dictate to every Government whether it is necessary or not to effect any amendment in any constitution.

There is a particular point which should strike us. Whatever may be our feelings towards this Bill before us, I think that we need not kill ourselves and we need not deceive the nation. Wherever we find an error that error must be corrected.

I want to point out in the Parliament of the nation, in this Senate—and I want to point out right now that this is not a political arena but a Senate of elders and matured statesmen of the land—that our Constitution provides that almost all our administrative machineries should be under the ministerial system. Our Constitution provides for the cabinet system, for the ministerial system, and every department has been allocated into one or other of these Ministries. When we come to Parliament, therefore, we do expect one of these Ministers to become answerable to us for the functions of the departments under his portfolio.

At the moment the Director of Public Prosecutions is not directly and effectively under any Minister. The Director of Public Prosecutions stands by himself. He cannot come to Parliament. He cannot go to the House of Representatives and answer on the performances of the Directorate of Public Prosecutions. He cannot come to the Senate and answer on questions affecting the Directorate of Public Prosecutions. Rather the man we expect to answer is the Attorney-General, not as the Minister of Justice but as the Attorney-General. This very Attorney-General has no constitutional power even to

peep into the functions of the Directorate of Public Prosecutions and yet if anything happens we want him to become answerable. But how can he answer? I do not think, in my opinion, this is borne of rancour; I do not think this is borne of intended victimisation.

This Government of the Federation has not been known to be a Government which practises victimisation. (*Applause*). It has not been known to do that. So, in this particular case that is before us is quite simple—we want to invest the Attorney-General with power so that he can become answerable to Parliament for all matters affecting prosecutions because, actually, they are within his portfolio.

I would ask Senators to study the Constitution of Russia. I am not a lawyer but I try to do some little reading.

**A Senator :** To become a lawyer?

**Senator Chief Fagbenro-Beyioku :** If I had learnt Law I should have become one. After all I have got the brains.

I think that even in the iron-curtain country the Director of Public Prosecutions is under the Attorney-General; much less a democratic country. People say that we have been with Britain for a long time and we must abandon our ties with her. I am one of those who say it but not so when it comes to the question of the Rule of Law. As regards the Rule of Law most nations still have to study and learn what we practise in Nigeria.

In this matter I do not think that we need to waste our time. Rather we should thank the Government of the Federation and ask them to do more because the Government which opens its eyes, watches the effect of its laws on the people and tries to adjust them so that they might be suitable to the majority of the people is the Government everybody really wants.

What we have to do now is to thank them for bringing these things to us and to ask the Attorney-General, in the execution of the power which is vested upon him, to continue as he has always done to keep the interest of this nation high, and wherever he goes to keep the flag and the banner of this nation flying.

I do not think this is a controversial Bill. In our usual way we are not introducing



[SENATOR FAGBENRO BEYIOKU]  
politics into this House. Rather I trust this Bill will have easy passage and voting will be unanimous.

**The President :** Order. I think this is a convenient period for a break. Sitting resumes at 12 noon.

*Sitting suspended : 11.42 a.m.*

*Sitting resumed : 12 noon.*

**Senator J. K. Nzerem :** There is a tendency for certain people not only here but elsewhere, to exaggerate the things that separate us rather than try to harp on those things that unite us. I refer to certain statements made during this debate. Senator Doherty said the Government is in the habit of rushing Bills in this House. I think I have in the past also complained that sometimes Government rushes Bills but this Bill is not one of those Bills that Government has tried to rush. It has been before us since April and every one must have had the opportunity of chewing it and digesting it. I must be frank.

**Senator T. A. Doherty :** On a point of order, The Senator is referring—

**The President :** That is not a point of order.

**Senator Nzerem :** I must be frank, if the Bill had come to be voted upon in April I would have voted against it. I was prepared to vote against it because I thought the Government was trying to wangle something through, but on second thoughts I changed my mind. I carried out some research with books borrowed from the library and found out that constitutional practice in democratic countries as well as in some countries behind the Iron Curtain is in keeping with the Bill. I found that there is no country where the Director of Public Prosecutions is not under the Attorney-General. Let me give a simple example. I am a school-master or supervisor of schools. I have teachers under me and when a teacher does anything I am responsible to the Proprietor. The teacher is responsible to me. If I have no authority over the teacher I would be in a very precarious position if called upon to answer for his actions. That is the position in which I see the Attorney-General of the Federation at the moment. He is supposed to be answerable to Parliament for what the Director of Public Prosecutions does and yet

the Director of Public Prosecutions takes no orders from him.

I think this a most untenable situation and I should congratulate the Government for trying to remedy it. It is a matter of principle and I think every reasonable person will agree that the Director of Public Prosecutions should come under the authority of the Attorney-General of the Federation. I do not think it can be otherwise, and I support the Bill.

**Senator Dahlton Asemota :** I have very few words to say on this Bill. I do not think that there is anybody in Nigeria to-day particularly in the Senate, who does not know the attainment of our Attorney-General; his legal abilities, his legal standing, and his legal knowledge—qualities that have equipped him to discharge these very great responsibilities which he is now shouldering. I would, however, advise caution.

I am not against the Bill. But I would like to express a source of fear shared by many people. First of all, some people feel that it is a dangerous thing to-day to place the Director of Public Prosecutions under the Attorney-General because if, for instance, A and B conspire to commit a very serious offence and B happens to be the brain behind the crime which was committed and B is an important member of the Party in power and a man who has helped the Party in power to come to power, whereas A, his partner in crime, happens to be a member of the opposition Party, and these two people come before the Director of Public Prosecutions he will naturally say, "I will prosecute both of them". Is there anything to stop the Attorney-General from using B in evidence against A? That is one of the fears. But, there, as I said, with the legal attainment of our Attorney-General, I think he will give us the assurance that a situation of that nature will not arise.

The Attorney-General said that the Directors of Public Prosecutions in other parts of the world are under the Attorneys-General. That is not a criterion at all. He said himself that our Director of Public Prosecutions here is accountable only to God, but I think that if there is anybody anywhere in the world who is not answerable to God in the discharge of his duties he is not doing his duties properly. So, I would strongly advise that in reviewing the cases that will be brought before him the



Attorney-General should use his broad mind his broad outlook and look at them from the "Senatorial" point of view. I said "Senatorial" because we Senators view things in a different way from politicians. We want things that will benefit the country as a whole, not things that will be used as a weapon against an opponent or opponents. That is the caution that I want to advise. I do hope that the Attorney-General will give us the assurance that the powers which we are now placing in his hands by putting the Director of Public Prosecutions under him will not be abused.

**The Minister of Finance :** I just want to appeal to Senators. I think that they will agree that the points that ought to be made on this Bill have been made by Senators and that there is hardly any point that remains to be made.

I am grateful to Senator Nzerem for drawing the attention of the Senate to the fact that this Bill was in fact published in March this year and that it was to have been taken in this House during the last sitting but was deferred. To suggest, therefore, that the Government is in the habit of rushing Bills over the heads of the Senators I think is to be unkind to the Government. I do hope that when Senators make statements in this House they will make them with every sense of responsibility.

The second point I want to make clear is that this Government has no reason to victimise anybody. I think that Senator Asemota was speaking the untrammelled mind of Senators when he said that if we must speak for the present, as human beings, we can only speak for what we see and what we know. It is only the Deity that can speak for the future with some certainty. If we must take our line from the present we must all agree with Senator Asemota that the present Attorney-General—and we pray to God to spare his life to continue to serve this country—is not the type that will try to mis-use or abuse his office or try to victimise anyone. We all know his background and we know that he is a man of very high integrity.

Above all, I think that Senators will all agree that we are lucky to have a noble son of Nigeria as the Prime Minister who is at the head of this Government. He is not the type that will like to victimise anybody, or will ask his Government to do anything that will show to anyone that the Government is out to destroy anybody.

I am sure Senators will agree that the Prime Minister is not the type that will agree to such a thing. That being so, and as I said, as mortal men we can only speak of the present, you will appreciate that there is nothing behind the mind of the Government in asking for this Amendment other than what the hon. Attorney-General told the Senate: that this anomaly must be removed.

Senator Fagbenro-Beyioku asked whether, if Government is aware of any anomaly that will work against the sovereignty of this country, any anomaly that will make our machine ineffective or make one individual to be even above Parliament, including the Senate, it is not right and proper that such a mistake or such anomaly in our Constitution should be righted. That is all we are asking you to do. The assurance that Senators were asking for has been given by my hon. Colleague, the Attorney-General and Minister of Justice. And I want to give that assurance again on behalf of the Government, that the Attorney-General or the Government will not under any guise mis-use these powers under this Bill or under any other guise whatsoever.

*Question put and agreed to.*

**The President :** In view of the requirement of our Constitution that this Bill be passed by a two-thirds majority, I would order that the Clerk do now take the roll.

*The Senate divided.*

Ayes—32. Noes—Nil. Abstentions—2.

#### AYES

<i>Seat No.</i>	<i>Name of Member</i>
1	Senator M. A. Green
2	Senator Nwoke
3	Senator Asemota
4	Senator Chief Fagbenro-Beyioku
5	Senator Bawa
6	Senator Chukwubike
8	Senator Alhaji Metteden
9	Senator Abaagu
10	Senator Chief Ugwuocha
11	Senator Chief Ojon
12	Senator Adele II, Oba of Lagos
14	Senator Chief Ndu
18	Senator Nzerem
19	Senator Chief Hunponu-Wusu
20	Senator Chief Acholonu
21	Senator Alhaji Abubakar Garba
22	Senator Chief Obi
25	Senator Salahu Fulani
27	Senator Chief Esangbedo
29	Senator Hassan Rafin Dadi
30	Senator Chief Nakoku



Seat No.	Name of Member
31	Senator Chief Oduola
33	Senator Udoh
34	Senator Eytayo
35	Senator Yesufu
36	Senator Ukattah
38	Senator Zanna Sheriff
39	Senator Chief Umoh
41	Senator Alhaji Ungogo Minister of State, Dr E. A. Esin Minister of State, M. Nuhu Bamali

## ABSTENTIONS

23	Senator Olamijulo
28	Senator Chief Doherty

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

NIGERIAN CONSTITUTION SECOND  
AMENDMENT BILL :

## CONSIDERED IN COMMITTEE

*Clause 1—CONTROL OF DIRECTOR OF PUBLIC PROSECUTIONS BY ATTORNEY-GENERAL.*

**The Minister of Justice and Attorney-General :** I beg to move, That in clause 1, page C59, line 53, at end, *insert :*

“; and the other provisions of the Constitution are hereby altered, in so far as they relate to the Director of Public Prosecutions of the Federation, to the extent (if any) necessary to enable this Act to have effect.”

The short reason for the Amendment is that in the Lower House one or two speakers rose to ask whether this Amendment to the Constitution might not possibly be misinterpreted as an attempt to alter the terms and conditions of service of the Director of Public Prosecutions under the provisions of the Constitution relating to financial procedure, and we feel that this Amendment would remove any doubts that might possibly arise.

*Amendment put and agreed to.*

*Clause 1, as amended—ordered to stand part of the Bill.*

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

*Bill reported with Amendment.*

**The President :** In view of the requirements of our Constitution that this Bill be passed by a two-thirds majority I would order that the Clerk do now take the roll.

*The Senate divided.*

Ayes :—32, Noes—Nil, Abstentions—2.

Seat No.	Name of Member
1	Senator M. A. Green
2	Senator Nwoke
3	Senator Asemota
4	Senator Chief Fagbenro-Beyioku
5	Senator Bawa
6	Senator Chukwubike
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36	Senator Ukattah
38	Senator Zanna Sheriff
39	Senator Chief Umoh
41	Senator Alhaji Ungogo Minister of State, Dr E. A. Esin Minister of State, M. Nuhu Bamali

## ABSTENTIONS

Seat No.	Name of Member
23	Senator Olamijulo
28	Senator Chief Doherty

*Bill read the Third time and passed.*

## ADJOURNMENT

*Motion made and Question proposed, That the Senate do now adjourn—(THE MINISTER OF HEALTH)*

## TRIBUTE TO PARLIAMENTARY DELEGATION

**Senator J. K. Nzerem :** Before this Senate adjourns to-day I think it is befitting that we should in a solemn manner welcome the President of the Senate and the other Senators who went on a Delegation to the United States of America, Canada and Great Britain.

It was matter of very great joy to us Members of the Senate to find that in choosing the Members of the Delegation this time Senators have been included. We have been paying our dues to the Parliamentary Association, and some of us have begun to feel that after all we are just wasting our money because when it came to choosing Members for Parliamentary Delegation the Senate would be



forgotten. But our fears have proved groundless, and I am particularly happy that the Leader of the last Parliamentary Delegation was none other than our able President.

We watched their activities overseas with very great interest, and we are very proud of the President, other fellow Senators, and Members of the House of Representatives who have been excellent ambassadors of Nigeria in the countries they visited. We welcome them back and wish them many more years of usefulness to this country. We hope that at no distant future some other Senators will be chosen. We are very glad indeed, and we welcome them back most enthusiastically.

**Senator Chief O. A. Fagbenro-Beyioku :** I want to associate myself with the sentiments expressed by Senators and to welcome you back to the country. I know what it is to travel to the United States, Canada and the United Kingdom, and I am very happy that our own President was at the head of the delegation and he must have taken a look into set-up of the American Senate, the Canadian Senate and the United Kingdom House of Lords, and we do expect that with his return now we will be able to make necessary changes or improvements in our own set-up in this Senate.

There are certain things which perhaps we have not been able to observe ; I know that our President will be able to put us through and there are things which we need to have and we do not have ; the President will be prepared to put us through particularly as regards our constitutional and functional relationship with the Lower House—the House of Representatives. I am sure our President will be able to put us through these things.

We thank God that He has taken you there and He has brought you back. It is no small thing. Anybody who travels by land, sea or air does so at his personal risk. The risk is always there, it is always present particularly when you travel to a strange land, you open your newspaper and start to read of crashes. If you have not got good nerves you may be upset and may not know what to do next.

We have to thank you for the way in which you have publicised Nigeria. I saw most of the pictures and what impressed me most was your picture in our national costume. (*Applause*).

We must show the world that we are people with culture. I hate to see Nigerians going about in coats and trousers. I do not like it. It is not Nigerian. We must show to the world that we have our own culture ; we have our own tradition and we are not just learning or copying from Europeans. Mr President, Sir, you deserve special thanks for that.

I do hope, Mr President, that arrangements will be made with the Prime Minister and the governments of the Federation of Nigeria. This Senate speaks for the whole of Nigeria. It will be a very good idea if a delegation from this Senate can visit the Eastern House of Chiefs, the Eastern House of Assembly, the Western House of Chiefs, the Western House of Assembly, the Northern House of Chiefs, the Northern House of Assembly, and the Mid-West House of Chiefs and the Mid-West House of Assembly (*Interruptions*). It is a very material point and I should like you to take that up with the Prime Minister and the various governments of the Federation. After all, when we speak here in the Senate we want to make sure that we are sure of what we are saying.

The other point I want to touch is that when the Senate was inaugurated we had our own Sergeant-at-Arms. He was attending the President in shorts and we took serious objection to that. If, for one reason or other the Sergeant-at-Arms is otherwise engaged and somebody from the Nigeria Police Force is seconded, I think the Inspector-General of Police will do well to honour this Senate—this is the most honourable House in the Federation—by making sure that the Sergeant-at-Arms dresses in trousers and not in shorts. I repeat that this is the most honourable House in the country and everything that enhances its dignity must be found in this Senate.

Mr President, Sir, I welcome you and your delegation back to the country.

**Senator Salahu Fulani :** I rise to associate myself with all the praise and encomiums already showered on the President and the members of the delegation. I heard on the radio when the President came back that he made a speech that Nigeria was more well-to-do than many other countries he visited. Many people have visited this country and are very happy about what they saw. The suggestion



[SENATOR FULANI]

I want to make it that more regular parliamentary tours should be arranged not only to Canada and the United States but to Latin America, China, etc.

Moreover, I would like to suggest that more publicity should be given to what is happening in Nigeria and our Pressmen should be sent not only to the United States and Canada but also to Australia, New Zealand and other places where very little is known of Nigeria.

In conclusion, I wish to congratulate all the members of the delegation for enhancing the prestige of the Federation of Nigeria in all the places visited and for the brilliant speeches made by the Senators. They have been very good ambassadors of the Federation of Nigeria. Before I resume my seat I wish to say once more that the President deserves all the encomiums which could be showered on him and I only wish he would lead another delegation before the Mid-West is created.

**Senator H. O. Abaagu :** I want to raise a matter which I think will be viewed seriously by Senators. It is a matter of an armed group of robbers. This group of robbers—

**The President :** Order. Let us dispose of one subject first.

**Senator A. Nwoke :** I rise to associate myself with the views of the Senators. As a matter of fact I took special interest to watch the activities of the delegation in America, and in Canada, too. By the special act of God there was no mishap to you Mr President, or any member of the delegation. You travelled by sea, land and air and you returned to us in good health. We are very grateful to God Almighty for bringing you back to us.

During your absence we have tried to maintain our integrity both in this House and outside. It was most unfortunate, however, that no delegation came to meet you at Apapa when you returned. That was due to the fact that we did not learn about your arrival and I want to assure you that it was not intentional. If we had sufficient notification we should have come to welcome you and the delegation at Apapa Wharf. Next time This will not happen again.

With these few words, I welcome you back to the country.

**Senator M. B. Chukwubike :** It is very unfortunate that I did not catch your eyes before this time. I thought I would be the first to speak on this point. I wanted to raise the point during your absence but I was rightly ruled out of order by the Deputy President.

I have now to join other Senators in congratulating you and all other delegates for your very wide and extensive tour which I believe will be of great advantage to this Senate and the country. Although you were thousands of miles away, we followed your movements very closely and we are happy that the delegates visited many places of economic, social, and educational interest, and also exchanged views with intelligent leaders of other countries. We have much, therefore, to learn from the experience of the delegates.

I wish to congratulate you again, Mr President, for the very able way you have projected Nigeria abroad. You have shown by your public utterances outside Nigeria, that Nigeria has able men to man her ship of state.

I congratulate all the delegates, and I welcome you.

**Senator H. N. Udoh :** It is unfortunate that I was not near when I heard that the delegates have returned home safely. In fact it was with mixed feelings that I received the announcement. I was ashamed that there was no arrangement made in the Senate to welcome you, but on the other hand I was happy that you were all back safely. Whatever happens, you have come home safely, but this I think will be the first and the last time that such an omission will be made.

Many Senators, particularly Senator Chief Fagbenro-Beyioku, have touched the points I would have liked to make about going overseas on a delegation. I think that going overseas means going to learn something from those who are ahead of us, but what about travelling the length and breadth of our own country, to meet people in other parts of Nigeria. It would really be of great educational value to visit the other Regions and see those who matter. This is a very important thing for us all in this country.

Mr President, I welcome you and the other members of the team back home.



**Senator Chief Mrs Wuraola Esan :** I am very happy to welcome you back and I think all Senators are happy that you have not contacted any illness whilst you were abroad. It is a tedious exercise for people of a certain age to be going up and down. Anyway, we are happy that you are back to us safely.

But I would like to ask our bountiful friends abroad that when next we are being invited to their countries, we would appreciate if they would be kind enough to see that the delegates are not stationed together in a group. This, no doubt, will be more convenient than the present arrangement whereby delegates go together, spend a night at one place and then move on to the next where they may spend only one or two nights and so on and so forth. If delegates are not stationed together in a group, when they return home, they will be able to compare notes and really learn much from one another. If our overseas friends want to be generous to us they should be generous throughout.

Another point concerns the attitude of delegates. All the delegates who have so far returned have told us nothing other than that all is well. Only a woman has been bold to say that even though the trip may do her good, it may on the other hand do Nigeria no good because in the places visited, no publicity was given to our country as such. I think more efforts should be made if we are to be known abroad. Many of us who have been abroad have been sorry to know that some people overseas do not even know what Nigeria looks like. They still continue asking us awkward questions in spite of all that people are doing. I therefore suggest that when next we want to go outside Nigeria, we should be told in advance the kind of questions to be expected overseas, and I think that the Minister of Information should give a sort of impromptu talk to prepare our people who are going to represent us abroad, and to tell them briefly what they will see there. They may be able to see much more than that, but then their minds will have been prepared for the questions they will be asked.

One point more, and if I do not say it now, women may be forgotten altogether. I happen to be the only woman in our Senate and I have been left out of these delegations on three occasions. So, the next time a delegation is leaving the country, the only representative of women should not be left out.

Whilst on this point I would like to mention that the members from the North may not have thought very much about the publication in the *Papers* about women being restricted from enjoying themselves. I know that this is in accordance with the laws of the North—and the laws of any Region must be respected—but the law that keeps our women all the time at home will certainly make them grumble. Let our women go out and enjoy themselves. I urge that women be allowed to go out and learn. If this is not done, how shall we women learn ?

**A Senator :** They will learn by trial and error.

**Senator Chief Mrs Esan :** A statement was made by both the N.P.C. in the North and the Northern Region Government to the effect that women would be given the franchise in God's good time. When is the time to come ? These women are not given the opportunity to get more experience. So I daresay God's time may never come as far as franchise for women in the North is concerned. I must say that by pushing women to the background men are not even safeguarding their own interests.

Mr President, Sir, I welcome you back home.

**Senator T. Olamijulo :** I feel it is my duty to shower on Mr President as much encomiums as possible because of the way he has conducted the affairs of the Senate. Again, when he was abroad, he performed his duties excellently and portrayed Nigeria in very good light.

The same goes for the other Senators that were with him. They were all good elements of this Senate. They did, as the President himself, a lot for us in the Senate. Those who said that he should have been welcome have very good reasons for saying so. In future we will learn to pre-arrange when anything of this kind happens. It is a lesson for us to make arrangements beforehand. We should have been prepared to meet him and those of us who may be sent abroad next time should be prepared to be welcomed at the Apapa wharf.

I associate myself with all that has been said about you, Mr President, and I heartily welcome you all back to this Senate.

**Senator Abaagu rose—**

**The President :** Senator Abaagu, do you want to speak on this subject ?



**Senator H. O. Abaagu :** No, Sir.

**The President :** Then let us close up this subject.

**Senator Chief Z. C. Obi :** As a member of that delegation, I am not supposed to say anything at all on this subject but I feel that there may not be a better opportunity than this to give the Senators of this House some impressions of how our delegation was received by the American Congress. All I want to do in this connection is to read to Senators a portion of the Congressional Record about our visit and how we were received on the Floor of the House.

**The President :** On a point of correction, it should be on the 'Floor of the Senate'. In America when they say "the House" they mean "the House of Representatives".

**Senator Chief Obi :** Thank you. We were received on the Floor of the Senate on the 12th of July and I now read from their Record of Proceedings.

#### Visits to The Senate by Parliamentarians from Nigeria

*"Mr Gore, Mr President, in Nigeria, the most populous country of Africa, freedom is flowering under a people whose institutions stem from the same heritage of which our people are so proud. It is a diversified country, a large country, devoting great effort to education—a country whose laws, whose system, and whose tenets of faith promote, protect and defend the dignity of the individual.*

*"In Nigeria we see great promise of growth and development, not only in economics but also in political and social fields.*

*"To-day we are favored with a visit by a delegation from the Parliament of Nigeria. There are four Senators and four Members of the House of Representatives, including the President of the Senate and the Speaker of the House of Representatives.*

*"The Members of the Senate of Nigeria are :*

*"The honorable Dennis Chukude Osadebzy ;*

*"The Honorable Dahlton O. Asemota ;*

*"The Honorable Zanna Medalla Sheriff : and*

*"The Honorable Chief Z. C. Obi.*

*"The Members of the House of Representatives of Nigeria are :*

*"The Honorable Ibrahim Jalo Waxiri ;*

*"The Honorable E. C. Akwivou ;*

*"The Honorable Chief O. B. Akin-Olugbade : and*

*"The Honorable Muhammadu Sagir Umar.*

*"Also the Honorable J. M. Udochi, Ambassador of Nigeria, and Mr J. O. Adeigbo, staff assistant to the Nigerian delegation.*

*"I ask Senators to join me in welcoming the distinguished delegation from Nigeria, a country which has demonstrated its friendship for the United States and for Western ideals, including freedom, to which we are devoted.*

*THE PRESIDING OFFICER (Mr METCALFE in the chair). On behalf of the Senate, the Chair welcomes our distinguished guests."*

I am sorry if I have taken you, Mr President, unawares but as you cannot speak in this House as such, I feel I should do so for you.

**The President :** On behalf of the Parliamentary Delegation and myself I say 'Thank You' for the kind words you Senators have spoken about us this morning.

We went abroad conscious of our duty as Ambassadors of Nigeria to put Nigeria on the map where it is not there already and where it is there already to recolour the outlines so that it could be brilliant. (*Applause*). We did our best and we are happy to hear that you heard reports of the little we were able to do abroad. Senator Abaagu.

**Senator Abaagu :** The time is now against me.

**The President :** Time may be against you but I have no notice of what you are going to say. No Minister had notice of it either.

**Senator Abaagu :** I gave notice of it a week ago.

*Question put and agreed to.*

*Resolved, That the Senate do adjourn.*

*Adjourned accordingly at three minutes to one o'clock.*



SENATE OF THE FEDERATION OF  
NIGERIA

Tuesday, 21st August, 1962

The Senate met at 10 a.m.

## PRAYERS

(The President in the Chair)

## BUSINESS STATEMENT

**The Minister of Health** (Senator Chief the hon. M. A. Majekodunmi) : I rise to make the following Business Statement. Business for to-day will be found in the Order Paper. On Wednesday, the following Business will be taken through all stages :

Official Secrets Bill

Merchant Shipping Bill.

On Thursday, the Electoral Bill will be taken through all the stages. On Friday, the following Bills will be taken through all the stages :

Niger Dams Bill.

Supplementary Appropriation Bill.

Marriages in Western Nigeria (Validation) Bill.

Liquor Licensing (Fire Precautions) Bill ; and the Senate adjourns *sine die* on that date.

## NOTICE OF MOTION

## FATAL MOTOR ACCIDENTS

**Senator J. K. Nzerem** : I rise to move the Motion standing in my name on the Order Paper, "That this House deplores the very high incidence of serious and fatal motor accidents on our roads and calls on Government to take necessary steps to introduce legislation with a view to putting an end to the practice of carrying passengers and heavy loads in one and the same lorry at the same time."

In moving this Motion I intend to be very brief for I consider the Motion neither unreasonable nor controversial. Senators, all of whom have considerable experience, know as well as I do what most passengers using public transport on our highways have to suffer. More often than not they are packed together like sardines in a tin. They are subjected to physical discomfort bordering

on torture. In addition to this predicament their very lives are often exposed to danger. A mammy-wagon heavily laden with timber or barrels of oil as well as passengers and moving at great velocity is not an uncommon sight on our roads. What happens in case of collision or some other kind of accident is better imagined than described.

One need not be a constant user of our roads to be acquainted with some of the horrifying scenes of tragedy on our roads. The very number of wreckages seen on the roadside as one travels from East to West or from North to South is a constant reminder of the dangers of overloading and over-speeding in this country.

It may be argued that at this stage of our development the country cannot afford the luxury of having separate transport for passengers and for heavy loads. But I dare say that the lives of people are more important to us and to the Government than the get-rich-quick mania of some transport owners. Indeed, there are few of us who have never witnessed accidental deaths resulting from heavy loads falling upon unfortunate passengers in lorries involved in a collision. I witnessed one such accident between Owo and Benin in which an ill-fated passenger was buried beneath a debris of heavy loads.

More often than not fatal accidents on our roads are caused by reckless driving. It is true that recklessness on the part of drivers accounts for many fatal motor accidents but in a number of cases the actual cause of death is the falling of heavy loads on passengers and crushing them to death.

I feel, therefore, that it is the duty of the Government to do all in its power to protect the lives of those who use this form of public transport by prohibiting, by means of legislation the carrying of passengers along with such heavy loads like timber, barrels of oils, bags of *gari*, kernels and the like. I have not the slightest doubt that the Federal Government which has always shown itself to be alive to its responsibilities in regard to the welfare of its people will readily welcome this Motion.

It is needless for me to continue to take up the time of the Senate in an effort to prove that this Motion is desirable and should consequently be acceptable to Government. I



[SENATOR NZEREM]

believe I can confidently count on the unanimous support of Senators of whose good sense and humane considerations I have ample proof in the past. I appeal to all to give this Motion an easy passage.

I beg to move.

**Senator A. E. Ukattah :** I rise to second this very simple Motion.

Once in an examination, one of the topics for composition was, 'That scientific discoveries are a boon and a curse to mankind' This includes scientific discoveries of cars and lorries and their uses.

When lorries and cars are used for purposes for which they are made they are good, but when we use them for recklessness and in such a way as to result in the loss of lives, then, these scientific discoveries become a loss to us. From the frequent road reports and periodical statistics of the number of fatal and minor accidents happening on our roads, one may draw the conclusion that it is now imperative that legislation should be introduced to prevent road accidents. Cases of accidents due to mechanical faults are very few and far between. Nearly all the cases of serious accidents on our roads are caused by the drivers themselves. Some of these accidents are preventable and the Government should endeavour to eliminate the causes. This is the only sure way of keeping death off our roads.

One of the chief causes, as the Mover of the Motion himself has rightly pointed out, is the overloading of lorries with passengers and loads to the extent that a preventable accident becomes unpreventable owing to the inability of the driver to control the lorry.

This is indeed a Motion which deserves the support and sympathy of every Member of the Senate, and I hope that this hon. Senate will appeal to the Federal Government to introduce some preventive legislative measure to eliminate these road accidents.

I beg to second.

**Senator Salahu Fulani :** This is a very welcome Motion. I think, however, that it should have been introduced a very long time ago. As the Mover has said, there is a lot of danger on our roads and this very often leads to death. I think the first step in checking this

danger lies with the Police. All legislations that will be made, must be made in collaboration with the Police.

I noticed on my way here from Ilorin that many of the lorries I passed on the road were heavily overloaded with goods and passengers and some of the passengers looked more like animals than human beings. I pitied their condition. I think that in order to obviate such a state of affairs in future, the passing of this Motion which will lead to a legislation is vital. It will definitely go a long way to safeguard the welfare of our people.

We have also to take into consideration the fact that most of the drivers are hemp addicts, and the smoking of hemp is another source of danger to our drivers who drive at night at reckless speeds. Under the influence of hemp, these drivers lose consciousness and at times, fall asleep. As a result, they clash with oncoming lorries. I think that the Government should also do something to check this bad practice.

In commending this Motion to the Senate, I only wish to add that all the lorries that ply our roads must be strictly controlled by the Police because some of the lorries are really not road-worthy.

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

**Senator D. O. Asemota :** First of all, I would like to congratulate Senator Nzerem for introducing this Motion. This is one of the important things that have been lurking in our minds for some time, and I am very happy indeed that Senator Nzerem has been able to point this out this morning.

Any person who has been using our highways, as we do, will sympathise with the Mover of this Motion, and agree that the time has come for Government to legislate against the carrying of passengers with goods or in goods-carrying vehicles in this country.

If one travels from Benin to Lagos, one will find many timber lorries with passengers in them. The law, I think, does not allow such practice, but it is common to find lorries carrying bags of *gari* with passengers occupying the rear seats, and one does not need to go into these lorries to see the sorry state of these passengers—men, women and children. They are packed in such a way that if anything happens not one of them can escape.



I interviewed a Police Officer a short time ago, and he assured me that there is Government Regulation which defines the number of persons that are allowed in goods-carrying vehicles. I think that is even wrong: no passenger should be allowed in these vehicles at all. There are plenty of buses in the country to-day, and no hardship will be created by prohibiting passengers from travelling in goods-carrying lorries. I strongly urge the Government to legislate against this practice whether or not it is done anywhere else. If such a law is not in existence anywhere in the world, we should try and start it and let others emulate us. It is very necessary indeed and I am glad that the Minister of Transport (*Laughter*)—although he does not use the roads very much—is here to listen to this Motion. I can assure him that the Motion is acceptable to us and I am asking him to see to it that a lorry filled with beans, *gari* and so on, should not be allowed to carry passengers.

I once saw a lorry carrying these commodities involved in an accident and none of the passengers was saved. They could have been saved if the goods in the lorry had not fallen directly upon them. I am not ruling out the possibility of mechanical defects in the lorry. When these things happen all we have is a police report attributing the cause to careless driving or some other cause. We have always had this kind of explanation in the past and I think the time has come when lorries carrying passengers should not be allowed to carry goods and *vice versa*.

I hope the Minister will look into this very important point.

I beg to support.

**Senator M. B. Chukwubike** : This Motion seeks to protect our safety and national interest and therefore should receive the unanimous support of this Senate. The death-roll in this country is growing very rapidly and it is an awful spectacle to see human beings crushed to death, left half-dead or maimed. It is time Government did something about it and we all agree that something should be done as quickly as possible.

My personal experience shows that some of the causes of road accidents are as follows:—

1. Carelessness and recklessness on the part of the drivers ;

2. Most of our drivers are drunkards—and we all know the influence of alcohol ;

3. Many cars and lorries ply our major roads in very bad condition ;

4. Many drivers do not know or do not heed road signs ;

5. Children do not receive regular instructions on road signs ;

6. Cars and lorries are very much overloaded ;

7. Our roads are narrow and the trees on both sides of the roads form death traps ;

8. Many drivers do not merit their licences ;

9. The last but not the least is that the Police do not check traffic on our roads but are more interested in collecting two shillings from passenger-lorries at the risk of the lives of the citizens.

I believe that to end road accidents the Government should make regulations on this point. The Inspector-General of Police should be advised to tell his policemen to stop trafficking in the lives of the citizens. I congratulate the Mover of this Motion.

**Senator H. O. Abaagu** : If I were responsible for the appointment of Senators from the East, I would have no hesitation in re-appointing Senator Nzerem for his foresight in bringing this timely Motion. The aspect of the Motion which is more interesting to me is the carrying of passengers and goods in the same lorries. I want here to give three instances of this bad practice. In 1955, on the Gboko-Obudu road, two lorries were coming in opposite directions. One was heavily loaded with Soya beans and passengers while the other was loaded with drums of petrol and kerosene. A collision occurred and sixty-four souls perished there. No driver escaped. Both drivers, all the apprentices, all the passengers, everyone died. If these lorries had not carried loads and passengers, I think there would have been survivors. But I think what caused the death of these people was the clash of petrol and Soya beans which is also combustible.

In 1960, on the Gboko-Makurdi road, one lorry was heavily loaded with bags of benniseed in addition to passengers. A man who was returning to Makurdi to be interviewed by a Board for a senior service post died on the way



[SENATOR ABAAGU]

to Makurdi. He fell under the bags of benniseed. The passengers who survived had to pull out the bags of benniseed but before they could finish that, the man had breathed his last—a man who was going to be interviewed for a senior service post had to end his life like that. This year, another lorry was carrying students, senior students and bags of groundnuts between Numan and Gombe—

**Senator Alhaji Salami Yusufu :** On a point of orders, may we know whether the speaker is trying to give us the statistics of motor accidents ?

**The President :** This is not a point of order. Will the hon. Senator proceed.

**Senator Abaagu :** Between Numan and Gombe this lorry carrying students and bags of groundnuts came over a bridge and as a result of the heavy load the bridge gave way and the lorry fell into the river. All the fourteen students in the lorry were killed. All the bags of groundnuts fell into the river and had to be taken out but they must be quite useless.

These are only very few examples of the many fatal accidents that occur on our roads. The main cause is that these drivers load their lorries with goods and passengers.

Another point which I think is very serious is the case of drivers smoking Indian hemp. Some drivers are used to this Indian hemp. There are also some drivers who do not qualify to hold licences at all. They pass the test probably because the testing officers are their relatives or are susceptible to drinking beer. They give them licences when they cannot drive.

The drivers drink and sometimes smoke Indian hemp, they are sleepy, they are drunk. It is high time the Government looked into this matter to save souls which would have survived if not for the accidents. The figures of fatal lorry accidents in Nigeria are going up. It is high time Government legislates on these things. I beg to support.

**Senator S. Eytayo :** I beg to support the Motion. There is no doubt that the Motion will receive the approval of all the members of the Senate. Only yesterday we welcomed some of our Members who have just returned from overseas including the President of the

Senate. I believe that if they are to tell us what they saw in other countries they will not tell us that they saw passengers carried in lorries anywhere. Passengers are carried in buses. I know that this is not possible in Nigeria at present because we are not financially strong enough to provide all passengers with buses.

Comparison is odious, but we cannot always avoid making comparison. I remember I went to Ghana about ten years ago. These things we are demanding now have been in Ghana for a long time. It is not the practice in Ghana to use the same lorry for carrying passengers and goods. What they do in that country is that they attach to lorries trailers or carts for carrying loads so that the lorries themselves are used for carrying passengers only. I think we should, at least, be able to do the same thing in this country. Let our motor magnates be made to adopt this system.

As I have said, this is a non-controversial Motion, and I beg to support.

**Senator Chief P. I. Acholonu :** I rise to support this Motion which is non-controversial. To start with, I have to congratulate the Mover on the able way in which he introduced this Motion.

Many Senators have expressed their feelings on motor accidents and have attributed the alarming rate of accidents to the carrying of passengers and loads together in one lorry.

This reminds me that in 1959, between Onitsha and Port Harcourt, one big trailer was carrying about 50 passengers together with pipes which were about two inches thick. This trailer somersaulted and all the passengers were trapped in. The people were there calling for help, mentioning various names of Chiefs and notable people whom they knew. And worse still, the lorry caught fire. Some of them were able to escape while the rest were burnt to ashes.

Last year also in Onitsha, one big lorry carrying bags of gari from Onitsha to Umuahia fell from a bridge into the river and many of the passengers that the lorry was carrying died. One girl, a cousin of mine, broke one of her legs when a bag of gari fell on her. She was crying there biterly ; there was nobody around to help her until we came. We called labourers who helped us to rescue her and some other persons.



Over the same river, again this year, another lorry travelling from Umuahia with big bags of gari, cassava and many other things including palm kernels, broke a side of the bridge and fell into the water. Many students travelling in that lorry on holidays were killed.

It can therefore be seen that if we go on giving instances of cases we have seen or heard of, of lorries carrying heavy loads together with passengers, I am sure that many of us will speak for hours. We are only suggesting to the Government to do something about this problem. I do not agree that we cannot afford to have loads and passengers carried in separate lorries. We should not let lives perish every month all the year round on the pretext that we lack money for buying lorries. The trouble is that the lorry owners are money mongers. The lorries are loaded with things like timber, iron rods and so on, and still space will be found for putting in passengers. However, some of the lorry magnates are not to blame. I know one at Port Harcourt who warned his drivers never to carry passengers. Unfortunately, none of his drivers could obey this valuable instruction, and they went on carrying passengers.

Another cause of accidents is that most of the drivers are often drunk. They are always reckless on the roads especially when they have cigarettes in one hand.

The passengers themselves have a blame too. They enjoy themselves and sing off while the lorries fly at a break-neck speed. They never realise that they are exposing themselves to danger by doing so.

We hope that the Government will look into these things and do what they can to stop drivers and lorry owners from carrying passengers and goods together.

I beg to support.

**Senator Chief T. A. Odutola :** I am one of the road users and I am going to speak as such. Apart from the danger of carrying passengers and loads together, there are so many other causes of accidents which should be looked into. Most of our drivers are not qualified to be drivers. They are not drivers in the real sense of it. Moreover, we have all over this country people driving cars and lorries without driving licences. At Ibadan, for example, there are

hundreds of taxi drivers who have no licences. The same thing happens in Lagos and, in fact, all over this country.

A portion of the blame should be levelled on the police whom we have all over the place to check this sort of thing. If the police do not have hands in this havoc, it will never occur. There are thousands of vehicles plying in Lagos, Ibadan, Port Harcourt and so many other important places without stage carriage licences. They are only allowed to carry loads. But they carry passengers in addition without the knowledge of the owners of the lorries. They do this thing quite often and get away with it because the police have hands in it. I think it will be necessary to speak to the Inspector-General of Police so that his people could be more active than they are at the moment. In fact, it is not the question of being active only, but also of being honest to themselves and to the country. Even if we legislate here that nobody should carry passengers with load, unless we have the co-operation of the police, we will not achieve anything because Senators and Members of Parliament will not go to check drivers on the roads. If you go to the road between Ikorodu, you will find about four police posts, and yet you will find drivers without stage carriage licences carrying passengers all the same.

How can we get out of that? I think that something must be done. One Senator mentioned the case of what happened in other civilised countries, and I think that something must be done on most of our roads.

I agree that we have just started, but if we are going to build only ten roads let them be good roads instead of building twenty which are bad. I think it will be in our own interest.

There is no doubt that the carrying of passengers with loads has been responsible for most of the fatal accidents which we are having in this country. But, at the moment, if the drivers behave in the way that they should behave, I think there will be less accidents. If a driver carries passengers with loads and drives the way he should drive, the lorry will still get safely to its destination. I am not saying that this is right. It is wrong, and it is quite inhuman to do so. But if one travels on our roads, one will find people sitting at the back of lorries with loads in the front. This looks most deplorable. But even then, when



[SENATOR ODUTOLA]

we legislate on this, unless we get our Police to co-operate with us, there is hardly anything that we can achieve.

I beg to support.

**Senator T. Olamijulo :** In supporting this Motion, I have some points to make. We have been talking all along only on one side of the matter. What of the other side? That side is that although the carrying of very heavy loads with passengers is really very dangerous, will it be possible at all times for lorries to get fully loaded without one or the other? What of passengers going to market places? Will it be possible at all times for lorries to be fully loaded without the goods belonging to the passengers who are mostly petty traders? I doubt this very much. How can lorries take away goods without those who are going to sell them? We must also talk about this.

It will always be dangerous for very heavy loads to be carried along with passengers, but if we are not very careful in recommending this Motion, I think that we shall do harm to a lot of traders—I mean the farmers. Farmers at times carry small quantities of goods and they cannot make up a full lorry load. If we pass this Motion into law without careful consideration, I think that we shall do some people a lot of harm.

With these few remarks, I partially support the Motion because I want it to be modified.

**Senator Zanna Medalla Sheriff :** I am particularly happy about the point moved by Senator Nzerem. I say so because, last March, I commented at length on the same topic. If I may be allowed to quote, because most of the points about road accidents have already been raised by Senators, I shall be very happy to quote a paragraph of my speech on the debate on the Governor-General's Speech from the Throne—

*"The second point mentioned in the Speech is about modernising our transport. I think the modernising of transport means the making of more roads. That is how I take it ; and I do not think that it would be out of place if I say this in view of the several motor accidents on the highways in particular. Of course, there are many road safety committees in many parts of the Federation and these are doing very well. Still, I would suggest that lorry owners should*

*be advised to form companies to run special passenger lorries rather than having passengers carried by lorries already overloaded with cargo. I think other Senators will agree with me that this happens more often than not. Of course, accidents occur due to mechanical faults and due to negligent driving but more often accidents occur by loads falling over the passengers after an accident. So I think big businessmen should be given loans to run special passenger services rather than having passengers travelling in heavily-loaded lorries."*

Therefore, this thing had been in everybody's mind, and I think it is high time the Government should try to introduce a proper control.

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

**Senator H. N. Udoh :** If we keep on talking on the dangers of our roads, this House will not adjourn to-day because anybody who travels on our roads in the Regions is fully acquainted with these dangers.

We seem to lay more emphasis on lorries. But what about the cars? One sees some cars overtaking one's car at the rate of sixty to seventy miles per hour, and one sees wreckages on the sides of the roads of not only lorries but also of cars.

The House will agree that when a Motion like this comes before the Senate, the Inspector-General of Police or some other important Police Officers should be present when this Motion is being discussed, because they are the people who deal with these terrifying sights on the roads. The Police do not check these drivers properly; all they do is just the formal routine work.

There was a Bill that was passed here in which a lot was said about the Traffic Policemen, but I have not seen it implemented yet. There is no one who will see what is happening on our roads and not be in sympathy not only with the other users of the roads but also with the passengers who are being carried in the lorries. One would have thought that the policemen should be the people to check excessive speeding and recklessness on our roads, but these policemen will not do their duties. It will be helping the country a lot, particularly at this time of our development to go into these matters and take necessary steps to check them.



As we are here speaking now, nobody knows what is happening. These policemen are not bold enough to demand driving licences from offending drivers. There are some drivers who have not renewed their licences since 1960 and yet they are moving about in the country. All these things must stop and the people to stop them are the police. The police have a duty to the country.

With these few comments, I beg to support.

**Senator Alhaji Salami Yusuf:** In supporting this Motion, I have very little to add to what Senators have said. I would like to draw attention to what I call divided loyalty among the drivers—loyalty to the lorry owners and loyalty to themselves. I would also like to point out that most of these drivers drive day and night and consequently do not sleep well. In their anxiety to get money they cannot refuse driving in the night even if owners of these lorries ask them not to drive at night.

There are other owners who would not allow their drivers to sleep. In some cases these drivers will never say they are feeling sleepy when they feel sleepy. They go on driving and unconsciously they fall asleep and cause accidents.

The Traffic Policemen have a share of the blame. As has been said by one Senator the policemen record all road accidents but instead of dealing with cases on their merits they accept lame excuses offered by the offenders and after taking bribe they say to the drivers, "All right, do not allow this type of thing to happen next time". Policemen should act impartially.

Lastly, there is the question of night journeys. These journeys should be stopped. But if some people choose to travel during the day they should not be allowed to drive at night; those who drive at night should not be allowed to drive during the day. With these few remarks, I beg to support the Motion.

**Senator Chief R. A. Umoh:** I want to thank those who have spoken on this issue very much. There are quite a lot of things to be done about our roads and the first thing is to pay attention to road signs. All drivers must be able to read and understand the signs for "there is no smoke without fire". Many accidents occur because the drivers want to

avoid other accidents. Sometimes a driver is forced to hit another thing because he tried to avoid an accident, probably a human being. It is not enough for drivers alone to be able to read road signs; every Nigerian must be able to read road signs.

No licence should be issued to illiterate drivers, and road workers should be advised to show traffic signs wherever there is none. Also, all the children, mothers and fathers and all elderly people in rural areas should be able to recognise traffic signs. Everybody whether in the countryside or in the towns should be asked to look right and left before crossing the road. So, I suggest that the reading of road signs should be made an important item in school curriculum. Children will thus be taught road signs right from the beginning of their lives. Road signs should be taught at health centres and rural centres so that everybody knows the common road signs. This will help to check accidents.

I believe that one major cause of accidents on the roads apart from the carrying of passengers and loads at the same time is the narrowness of our roads. The roads are far too narrow and we have very big cars travelling on these narrow roads. We have Chevrolet cars stopping along the roads. There is nothing wrong in owning these big American cars but if we want them we must widen our roads to take them. Many of us have seen what roads look like in America and Great Britain—very wide, not narrow. I therefore suggest that we should widen our roads.

It is true that many drivers drive when they are intoxicated and so drive recklessly. These people who drive under the influence of alcohol should be severely dealt with.

Finally, I wish to stress that no licence should be issued to a driver who has no knowledge of the English language. All drivers must be able to read and write. I congratulate the mover of this Motion and with these few words I beg to support the Motion.

**Senator Chief P. C. Ndu:** I thank you for allowing me to speak on this Motion. I also want to thank Senator Nzerem for bringing this Motion.

Senators who have spoken earlier have nearly exhausted all what I have in mind, but I would like to pin point some aspects of crimes



[SENATOR CHIEF NDU]

which lead to these road accidents. Most of our drivers drive continuously both day and night.

I remember in 1960, a driver left Jos for Rumasha in the Benue Province. This driver who was travelling very late at night, was also carrying passengers in his lorry, and he intended to return to Jos the following morning in order to carry more passengers. At about one o'clock in the morning, the driver was approaching Gadabuke Bridge in front of which there is a culvert, and by that time, he was in a drowsy state. As a result of his imperfect state, the two front tyres of his lorry got into the culvert. At that time he was fast asleep and did not know what was happening. The lorry remained in the ditch until some of the passengers woke the driver up and told him that they were in danger. God was so kind that the driver was still some way off the bridge.

This brings me to another point raised by some Senators—the question of traffic signs. If this particular driver, when he was approaching the culvert, was able to read the road signs, he would have slowed down.

**Several Senators :** But the driver was asleep !

**Senator Chief Ndu :** I am coming to that. As I said, if he was not also sleeping, and was able to read the signs, he would have slowed down and would not have fallen into the culvert.

I think a law should be passed prohibiting drivers who drive by day from driving also by night, or, alternatively, that no driver should be allowed to drive between the hours of 11 p.m. and 2 a.m. If this is done, the cause of the frequent accidents will be eliminated.

Another point is in connection with the Police. It is a pity that Police Officers are not always interested in the state of the lorries or the weight of the loads being carried. Their main interest is centred around the number of passengers in the lorry. The question often put to drivers is, "How many passengers have you?" If the driver says ten, then he has to pay the policeman some money. If he says twenty-eight, then he has to pay more money. The driver envelopes the money, and before taking delivery of the envelope the policeman

will ask, "Is it black *belle* or red *belle*?" (Black *belle* and red *belle*, I have to explain, mean ten shilling note and a pound note respectively.)

**The President :** The Minister wants to know how you obtained this knowledge ?

**Senator Chief Ndu :** When my car is not roadworthy, I always join my lorries to go from place to place and it is on such occasions that I observe these things.

**Senator Chief Hunponu-Wusu :** I thank the Mover of the Motion for his timely action.

I would like to say, however, that there is nothing bad in separating passenger vehicles from goods vehicles, but what Nigeria wants to-day is nothing but the best. How are we going to achieve this best and, at the same time, protect the lives and property of our people. This is a very essential point.

The way that our traffic section is being conducted in Nigeria, and particularly in Lagos, is very deplorable. Again, some of our drivers cannot read the ordinary road signs. How on earth can we expect drivers who cannot read and write to obey these road signs ?

In 1957, a passenger lorry was coming from Badagry to Lagos early in the morning and ran into a ditch. It happened that there had been very heavy rain overnight and, as a result, part of the road had been washed off. To prevent accidents, a road diversion signal was put on the spot to direct other lorries. Days before that incident, I had abandoned my car and was travelling by lorry (if one wants to know what is happening on our roads, one has got to travel in these lorries that ply the roads more often.) Unfortunately, the driver who first approached the spot after the road had been washed away did not heed the signs, and as a result, he drove his lorry into the ditch. Twenty-one lives were lost, all goods were perished, but Senators will be surprised to learn that the driver escaped unhurt.

Again, sometime in 1958, as a result of complaints from passengers that they were being packed like sardines in lorries, I travelled from Lagos to Badagry and interrogated some of the drivers as to why passengers should be carried in vehicles meant only for palm kernels and other commodities. The drivers said that they had to carry the passengers in order to get



something for the police who were always hunting them for money. The Police, according to the drivers, were always in the habit of hiding themselves in the bush in twos and threes and appearing unexpectedly, particularly on market days, to demand five shillings from each of the drivers.

**Senator Salahu Fulani :** On a point of order ; I think it is unfair to continue to attack the Police when they are not here to defend themselves.

**The President :** I think Senator Wusu is in order. Will the Senator please proceed ?

**Senator Wusu :** I think we should invite the attention of high police officials or even the Commissioner of Police to some of these things, and particularly the way that licensing officers carry out their duty. Some of the drivers who have been licensed to drive are not competent at all, but once these licensing officers have collected thirty or forty pounds from each of these applicants, the question of efficiency is ruled out. And no lorry owner can be sure of giving instruction to his driver on what and what not to do on the roads, because these drivers must first and foremost satisfy the police. I thank the mover of this Motion very much. This thing ought to be looked into. We need the co-operation of the Police. The accidents we are having to-day are due to nothing but unqualified drivers that we have got. Very many are not qualified. They think that if one cannot get one's licence in Lagos, one can go to Ijebu-Ode, or Abeokuta or Ibadan to get it. The time has now come when all our drivers should be able to read and write. There are many road signs which they cannot read. If they are asked about road signs they say they do not know about them.

**Senator Chief A. O. Fagbenro-Beyioku :** There are always two sides to coin. All along it appears the Senators have been seeing the sovereign side of the coin and nothing more. In my opinion, it will be wrong for us persistently to say that the accidents which we have been having on our roads are caused by the Police not doing their duty or by the Police asking for *black belle* or *red belle*. I feel the main solution is this ; in the first instance we will appeal to the drivers to develop a sense of civic responsibilities.

On the other side, we have to appeal to the transport owners. There are certain transport owners who impose upon their drivers to bring so much apart from whatever the Police may ask. Most of the transport owners, in some cases, get the drivers to commit crime. The owners know very well that the trip could only fetch £10 but they anticipate that the driver was going to make £10 extra. So, they tell the drivers, "You can take the lorry away but when you come back, you must deliver £25 to me or else when you come back, I will fire you". They taught the drivers to commit crime.

A driver who has committed a crime bribes the Police because he has committed a crime. If a lorry is licensed to carry thirty passengers and a driver carries thirty passengers, there is no cause to give the Police anything if he is arrested because he has taken only thirty passengers.

Again it is wrong for us to say in this House that the main cause of accidents can be pinned to professional drivers alone. Many private drivers are more reckless than professional drivers. I have travelled from Lagos to the East, from Lagos to the North and from Lagos to the West. On every occasion I drive my car myself. I belong to the *I-go-drive-myself* group. I have seen how people, big men, responsible men for that matter, overtake one on the road. I am not talking of the drivers whom Senators say cannot read and write. I am talking of people in various professions, big men in high positions—they can read and write and can do everything, but the way they drive is so very reckless.

**A Senator :** Because they are in a hurry !

**Senator Chief Fagbenro-Beyioku :** Yes That is why I say that there are always two sides to a coin. We should also appeal to transport owners on the question of loading. If one goes to Iddo Motor Park, one will see some of the people who own the vehicles. They stand there and after the lorry has taken its full load, they keep telling the drivers that there is still room for five more passengers. They are the owners of the lorries. That is the other side of the coin. In this case, the people can read and write.

**A Senator :** The Government has to legislate against this.



**Senator Chief Fagbenro-Beyioku :** It is not a question of legislation. I agree that legislation should be made that a passenger lorry should be a passenger lorry only. A cargo lorry must be a cargo lorry only. If the Bill comes before the House it will be passed. But at the same time, it requires any amount of appeal and education between ourselves. In this connection I would refer to what my friend Senator Zanna Sheriff mentioned, Road Safety Committees, but I do not know whether there is one in Lagos. If they exist at all, they are not doing any work. I feel that for this Road Safety Committee to be effective Government must take interest in it and appoint men of integrity to it and let us have some liaison between the Road Safety Committee and the Traffic Department of the Police. Let the members of this Committee automatically become special constables in their own right, but without wearing uniform. I think that they should have Police pass when they travel so that they can stop and question any driver they consider to be going out of the way, and refer him to the Police. Necessary action will then be taken at the Police Station. Unless we start to have things like that, I feel that in spite of the Act being passed we shall be coming to this House discussing this matter, and I think it is unfair to put the blame on the Police.

I disagree with the statement that for anybody to become a driver in this country he must be able to read and write. After all this is not an English country, the mere fact that we speak English and for the moment adopt English as our *lingua franca* does not make us English. Rather, road signs must be written in vernacular. Ninety *per cent* of the people from the North can read Arabic; many people from Yoruba land, can read Yoruba; and many from Ibo can read Ibo. Therefore, let the road signs be written in vernacular and let us not lay down the condition that for a man to become a driver he must pass standard VI, standard VII and become a Matriculant. I disagree with that completely.

This Motion is a very timely Motion and is welcome. I have to congratulate my colleague, Senator Nzerem, on placing the Motion before us. I am quite sure the Government themselves will find this Motion acceptable because this is one of the ways in which we in this

Senate seek to help the Government, by inviting their attention to certain things which we consider necessary.

I support the Motion.

**The Minister of Health** (Senator Chief the hon. M. A. Majekodunmi): The trend of debate on this Motion shows clearly how deeply concerned we all are about the frequency and the seriousness of accidents on our roads. This Motion is a welcome one and I would like to remind the Senators that there is already in our Statute Book the Road Traffic Act under which no lorry is allowed to carry any luggage and at the same time carry passengers. Once that is understood by Senators I think I can say that with that proviso Government may accept wholeheartedly this Motion.

The problem of road accidents cannot be solved, as my hon. Friend, Senator Chief Fagbenro-Beyioku said, by legislation.

There are so many causes of road accidents and Senator Chukwubike has very rightly listed them. They are very many. But I think that what is most important, as Senators will appreciate, is that many of us are leaders of thought in our areas and we can go to the community in which we live and use our influence to educate our people about the dangers of reckless driving, driving under the influence of alcohol, drugs, tiredness, and so on, are the causes of road accidents.

We can go further than that. We have heard here this morning many Senators describing at very great length the experiences which they have heard of and some accidents which they have witnessed. Indeed, those who die of road accidents are lucky, but those who are lame for life are not lucky. And I will invite you to visit our Orthopaedic Hospital here. Some of the patients are completely incurable. They have to spend the rest of their lives on their beds. They can never get up; they can never feed themselves. They pose very very great problems indeed. I think that if we from time to time go to this hospital and see the results of some of these accidents, it will certainly teach some of our reckless drivers that the consequence of recklessness is great.

There has been very exhaustive examination of this Motion, and I do not intend to take the time of the Senate in elaborating on the measures which the Government is taking.



I am very grateful to the Senator who pointed out that we cannot level causes of accidents on the slackness of our Police. I agree that there are some members of that Force who are corrupt. That is not to be denied. But Senators must remember that they are all Nigerians, and that those who give bribe and those who receive bribe are both guilty. There could be no corruption if members of the community are themselves straightforward. All these are a clear indication of low morality amongst our population generally. I think Senators will do well to preach this not only to the Police, but to the public in general.

The Government accepts this Motion with a proviso that we want to place on record that we already have a Road Traffic Act which seeks to regulate carriage of heavy loads by lorries. Thank you.

**The President :** I take it that Senator Nzerem does not wish to wind up.

**Senator Nzerem :** I will only say a few words of thanks to Senators and the Minister of Health for supporting my Motion. I have thought of this thing for many years. I have seen and heard of many accidents and I thought that I would be doing a great deal of injustice to my conscience and to the country if I did not make it generally known that the time has come when a change should be attempted. I thank you very much. I do not think that I need take further time in winding up.

*Question put and agreed to.*

*Resolved :* That this House deplores the very high incidence of serious and fatal motor accidents on our roads and calls on Government to take necessary steps to introduce legislation with a view to putting an end to the practice of carrying passengers and heavy loads in one and the same lorry at the same time.

*Sitting suspended : 11.35 a.m.*

*Sitting resumed : 12.10 p.m.*

LIVE FISH (CONTROL OF IMPORTATION) BILL

*Order for Second Reading read.*

**The Minister of Economic Development (Hon. M. Waziri Ibrahim) :** I rise to move, That a Bill for an Act to regulate the importation of fish and for purposes connected therewith be read a Second time.

In the past Government had no power to control the importation of live fish except for the control which was exercised through the Import Licensing system from 1950-1958. As the fishing industry is now gradually assuming greater economic importance in this country, it is considered that the power to control the importation of all species of live fish is urgently required because of the possible danger that species might be introduced that would have a harmful effect on the stocks indigenous to Nigerian inland waters, and also that parasitic and other diseases of fish might be introduced through the importation of infected individuals.

A Bill has now been prepared to give a sufficient measure of control by requesting that a permit be obtained for the importation of live fresh water fish. This permit would be issued only if the responsible officers are satisfied that the proposed import is of species that will not be potentially dangerous, and that it comes from satisfactory sources.

I beg to move.

**Minister of State (Hon. Chief H. Omosagie) :** I beg to second.

**Senator Chief O. A. Fagbenro-Beyioku :** I feel that apart from anything else this Bill should be considered necessary in the interest of the general development of our people. Nigeria is fast becoming so attractive that if we are not very careful everything will be coming into the country under the guise of doing the country good and towards the end they may prove fatal to the country.

Fish, as we all know, is so important in this country, particularly the rearing of fish in our Research Department. Certain Reports have been issued, but unfortunately these Reports have not been made public enough to make the general public aware of the watchful eye Government is having on the rearing of fish in this country and the potential diseases which are connected with fish. There are many of us who may not be aware of the fact that just like the cow fishes have their identical diseases, and that man may become contaminated if sufficient care is not taken. Only the right type of fish should be reared and imported into this country.

This Bill, as it is, seeks to control the importation of live fish, but I would say that apart



[SENATOR FAGBENRO-BEYIOKU]

from live fish we still have imported into this country other types of frozen fish. They come through the various cold storages, and much as Government is anxious to protect the importation of fish I feel there should be an attempt also to control the importation of frozen fish.

Frozen fish themselves may have their own identical diseases which belong to different families of fish and if proper control is not effected these diseases can easily be introduced into Nigeria. I feel indeed that we in Nigeria have now very seriously taken up the question of fishing. The fishing industry of this country must be sufficiently protected in the interest of the economy of this country.

This Bill, in my opinion, is not a controversial one. It is a minor one, but nevertheless it is very important. I feel it is really welcomed and with the few observations I have made I support.

**Senator A. Nwoke :** This Bill is not controversial, as the Minister has put it. That is quite correct. I like to support it, and in doing so I have observed that the Bill seeks to safeguard first of all the life of our own fish in our fresh water everywhere in the country. Secondly, it seeks to prevent the importation of live fish which may be diseased and so cause harm to our fish as well as to the human beings consuming the fish. There is nothing controversial about it really.

In a country of this nature it is possible that if one does not take sufficient care to import a type of fish one might be importing a type of fish which might not fit our own waters. This could destroy our own fish, because it is known that there are certain species of fish which some foreigners might bring purposely to destroy our own fish or which they may carelessly import without any intention to kill our own fish whatsoever.

Cases have been noticed where human beings after eating some types of fish have died. In some cases all the members of the family died after eating these types of fish, and nobody has been able to identify these types of fish. I wish that the Bill, which has included a little bit of research into our own types of fish, should provide for the development of our own fishing industry to meet the needs of our population. I do believe that the Bill,

if properly interpreted as enacted, will do a lot of service to the fishing industry of this country. I support the Bill.

**Senator Dahlton O. Asemota :** It is a very good thing indeed that Government should legislate against the importation of live fish, particularly those that are not healthy ones, but I would like to say that Government should go very carefully about this matter.

The hon. Minister of Economic Development said (but he did not tell us what arrangements Government is making to provide us with fish in this country), that the importation of live fish will be controlled. Although there is a Ministry of Fisheries there is very little known about the activities of this Ministry.

**A Senator :** There is no Ministry of Fisheries.

**Senator Asemota :** Well, whatever the case Fisheries come within the portfolio of the Minister of Economic Development.

We want to know something about the arrangements or provisions the Government is making to provide us with fish in this country, because after all if the Minister is going to stop the importation of fish from outside Nigeria surely he must get suitable substitutes particularly when a Member suggested that frozen fish should also be banned. This is too wide in scope to be accepted as it is. If the Minister is going to do that, if he is going to control the importation of frozen fish which one sees in every cold store, in Kingsway Stores and many other stores where many people go to buy, what substitute has he got? The Government cannot stop the importation of certain things when they have not been able to provide reasonable substitutes. What step is the Government taking? After all we all know we have in this country fishermen in Victoria Island and we know that Government is also making investigations into the fishing industry in this country. For some years we have not heard anything, but we must know the steps the Government is taking to provide this country with fish. We all want to be in a position to be able to get sufficient fish to send to the Provinces. In the Provinces also it is important that fishermen in areas which are known as fishing areas should be encouraged to be able to develop the fishing industry.



We have in my home town a project to have a fish pond, and we have got somebody from Israel to develop the fish pond. Some say it is not good enough, and some say the water is not enough to develop the fish, and as a result nothing has come out of it. It is all investigation and research. So, I would like to advise the Government that unless we are in a position to provide sufficient food, sufficient fish, for the people in this country, we should go very carefully about controlling the importation of any of these things. There is no harm in controlling the importation of anything but Government must get a substitute so that people who already have grown used to eating fish, or most of these things, will have something to depend upon. Suddenly to control the importation of live fish is serious. What have you got as a substitute? With this advice to the Government, I support.

**The President :** I wish to remind Senators that this is a Bill for regulating the importation of live fish; so let us not dwell on frozen fish because frozen fish would not come under this Bill.

**Senator J. K. Nzerem :** I associate myself with the views of the previous speakers. But I must say that I know absolutely nothing about fishing for I am a "land-man"—we have no rivers. I have just realised that fishes carry diseases that can contaminate our very persons. This has been said by people who are making research into things like that.

While talking about importation of fish, why not import live fish and rear them in our waters so that we do not have to spend large sums of money in buying stockfish from Norway? I remember having read that we spend as much as seven million pounds on Norwegian stockfish. Can we not get live stockfish and rear them in Nigerian waters? Some people argue against the importation of stockfish. They say that it is not nutritious, they say that it is unnecessary. But if we say so, what have we got as an alternative? If we ban the importation of stockfish what have we as substitute? Please bring us live stockfish and rear them in our waters.

I thank the Government for being vigilant. It has been said that some types of fish are poisonous. I think some such fishes are found in Onitsha—when one eats them one

gets poisoned. I know that, but I do not know that some fishes could poison the waters. I thank the experts for telling us this. I would ask the Government to be more vigilant but not to put unnecessary restriction on those who are importing stockfish.

**The President :** I want to remind the Senator that stockfish is just the name of the dried fish; it can be cod, it can be haddock, different species of fish. You can make stockfish out of your fish in your own water.

**Senator Nzerem :** Thank you very much for the information. I thought that only one type of fish is called stockfish.

**The President :** No.

**Senator Nzerem :** I thank the Minister of Economic Development for bringing up this Bill, and I fully support it.

**Senator Chief S. T. Hunponu-Wusu :** I have to thank our Minister for bringing up this Bill this morning. He has told us the work that the Government has in hand and what the Government's plan is to see that the fishing industry is developed in Nigeria. To-day, this Bill for the control of importation of live fish is another one that we have to look into. Senator Asemota wisely said that it is good to control the importation of live fish, but asked what the Government has been able to do in the direction of real fishing industry whereby we can practise fishing ourselves in our own waters here. Nothing—but I am open to correction. It has also been said that a colossal sum of £7 million is being expended on the importation of stockfish into Nigeria. I do not know what the Government has done, but I am sure they must have been doing something. We all know Government's method of doing things. Perhaps it is still under observation, but time must not be wasted very much on all these things. It is good that we are bringing fish into our own waters here. They can be imported and reared in our waters.

I remember some six and a half years ago, I went to the Fisheries Department at the Victoria Beach to see a European there, (because I have always been interested in fishing from my youth and up till to-day I am still interested) to see to the welfare of our people. We have nothing very much other than the fishing industry. We have our



[SENATOR CHIEF HONPONU-WUSU]

homes on land as well as on the sea, and up till to-day it has always been my desire to see that the fishing industry is being well developed in Nigeria

I appeal to the Minister of Economic Development that something must be done as early as possible to bring about what is called real fishing industry. I appeal to our Vice-President the Oba of Lagos. I remember asking him whether the committee had been set up for this particular industry. We cannot go on dying in the midst of plenty. Let us set up the committee as it is in Ghana and Keta. I have been there and I have seen these things myself. It seemed that the people from Keta wanted to monopolise the business, so we had to get our people into the business with them. We advanced them money to the tune of three to four hundred pounds to set up this business and to go *pari pasu* with these people from Ghana or from Keta who had been doing the business in the sea. They set up the business, and, surprisingly, within three months, they realised almost all the money that was advanced to them.

The season for the lagoon fishing ended early in July, and now they have reverted to the sea. You will hear people saying: "*Sawa Igboşere, sawa Igboşere*;"—it is from the sea. It is a thing that I have been doing and I am doing and will continue to do. They are on it now. Two of them came to me last week. I do not know what Government is doing, I will see the Minister if we can get something to help these people. They are ready to work and they want to co-operate. We need your helping hand; it is our profession. I am appealing to the hon. Minister.

With these few remarks, I beg to support.

**Senator Chief Mrs W. Esan** : As others have said, this Bill is a welcome one to me. If we allow importation of live fish indiscriminately into the country we may bring more diseases to the country. We know there are many foreign diseases in the country, foreign to our name, foreign to our land and sometimes too foreign to be cured because we do not know how to cure them.

What method is our Government taking to make these fishes caught here hygienic? Fishing is done in many parts of the country and we dry our own fish. But I am sorry to

say that these men are not able to do the drying hygienically enough to prevent consumers being poisoned.

Quite recently, some nurses at Ilesha were very much affected by the consumption of fish which had been unhygienically dried or roasted by some of their colleagues here in Lagos. As a result, the nurses who took this fish were all poisoned; thanks to the immediate assistance rendered by doctors, all these nurses would have died. This sort of thing should not be allowed to continue.

Nigerian women are very enterprising; they go about from place to place buying and selling fish. At Ibadan to-day, one can purchase dried and fresh fish in a quantity unparalleled before. One can go to *Dugbe* market at Ibadan and buy as much fish as one likes. We are all very happy about this but there must be some measure of control. A measure must be taken by Government to prevent unhygienic sale of fish. I suggest that the Government should appoint a Committee or a Board that will plan ways and means of teaching the processing and drying of fish in a suitable and hygienic way so that if even fishes are no more imported into this country, we shall still be satisfied with the amount which we can produce locally.

There are different kinds of fish in this country, and if this Bill which seeks to regulate the importation of live fish is passed, we shall not be the worse for it. The Minister of Economic Planning should get in touch with the Minister of Health and find ways of teaching the women the proper way to handle the fish so that it might be free from contamination of any kind.

Any one who goes to our fish market, will not be satisfied with the way fishes are prepared and sold at the moment. It is not hygienic at all and this makes it unfit for human consumption. If we can carry out this improvement, I think the less fish that is imported into this country thereafter, the better it will be for our local fish markets.

As Senators Hunponu-Wusu has said, we can process our own stock fish here and dry them, no one is rally objecting to that. We have a lot of *Osan* here too.

**A Senator** : Yes, there is a lot of fish at Isheri.



**Senator Mrs Esan :** Yes, I know we have plenty of fish there, and if only the plans I have outlined are carried out, I think we shall be the better for it.

**Senator Oba Adeniji Adele II :** As an erstwhile fisherman, I think I should say a few words on this Bill (*Applause*). I was very much interested in fishing. I am still interested and must therefore express my appreciation for the good work that is being done by the Minister. The Minister has really done a lot to assist us in this country.

There is scarcity of fish in Lagos. We know how to catch these fishes but what we do not know is whether or not there is any fish that is poisonous in Lagos lagoon. But we have now learnt that there is the possibility of importing poisoned and unhygienic fish into Nigeria and I want to say that we shall appreciate it greatly if everything possible is done to see that this is prevented.

On the other hand, if any poisoned fish is sold outside Lagos or exported from Lagos into the provinces, I can say categorically that such fish was not obtained from Lagos lagoon. A lot of fish is at present being imported into Lagos, they consist of dried fish protein fish, etc., and as Senator Beyioku has said, there are still many others. If therefore any control is to be effected, it should not be limited to those fishes which are found in Lagos. It should be extended to all fishes that are imported into Lagos also, because it will be dangerous to eat of this kind of fish.

There is one kind of fish which I call shell fish but which is known in Lagos as *Ije*. It is a long type of fish and is used mainly as a bait to catch other big fish. It is a long fish just like the snake. This fish, so far as I know, is not edible but for some reason or another, or perhaps owing to the scarcity of fish, people are now beginning to eat this fish. I pointed this out sometime ago to all fish sellers, but they maintained that it was not poisonous. I prohibited the sale of the fish and the resulting tangle made us to refer the matter to the Medical Officer of Health who sent a sample of the fish to the Pathology Department for examination. The Pathology Department were however of the opinion that the fish is not poisonous and is therefore

edible. But I still feel that the fish is poisonous because from time immemorial it was not edible and our forefathers had never taken it in Lagos. Yet to-day, it is the main fish that is being sold in the markets and possibly, it was the fish that was sent to Ilesha.

I shall be very happy if the Minister will look into this matter and if possible, get a specimen of the fish eaten by the nurses at Ilesha and examine it. We will not like to see our people die on account of this fish which I personally consider to be poisonous.

We should, on the other hand, try to encourage fishing in Nigeria, particularly in Lagos. The capital cost of this industry is very high and it is not easy for the ordinary man to embark upon it.

Quite recently I had some discussion with the Personal Assistant of the Minister on this subject. We weighed the *pros* and *cons* of the matter, considered whether it will be possible for us to engage in sea fishing and so on. A small fishing boat or, I think, it was the engine alone, was recently purchased at the prohibitive price of £6,000. But how can the money be realised? If the Government advances the money, it will want its money back. If we can find any means of getting some of these fishes out of the water the better it will be for us. At the moment, expatriates are in the field. Every day we urge that we take all these things from the hands of the expatriates but if we should do that, the capital must be found. I suppose this House will be happy if the Government will give us the capital, as Senator Hunponu-Wusu has said, to start the business. I am sure that when started, Benin, Ibadan, and all provinces will benefit. (*Interruptions*). At the present moment we are very much handicapped for lack of funds.

I support.

**Senator Chief S. O. Esangbedo :** I rise to make very little contribution to this debate. As one of our Senators said, there are some areas where there is no water. I come from a certain division where there is no water and no fish. I appreciate the effort of the Minister of Economic Development in introducing this Bill and I am very happy to see that he has put in all efforts to produce this non-controversial Bill.

With these few remarks I support.



**Senator T. Olamijulo :** I think this Bill is worth considering. It is even very good for us as Senators, and as old people we are leaning more to fish than to meat and as such I think it is a very good thing for us Senators. But at the same time, I want us to realise, as many have been saying, that we need fish not for old people alone but for the young as well. In places where there is no water, for example in my area we have been trying to introduce fishing pond, but we failed because we have no water continuously throughout the year. At the same time we have been attempting and we are doing all in our power to see that we continue to make efforts. Now if importation is controlled, it will help those who are trying to make the venture. When it is controlled only the right type of fish will be imported. If the right type of fish should be brought into the country we should support it. But if it is going to be controlled entirely from being imported then we should kick against it. I do not think it is wise not to allow importation at all : we should import the right type of fish. So we should support the Bill wholeheartedly.

With these few remarks I beg to support.

**The Minister of Economic Development :** I am much obliged for the various contributions Senators have made. We all appreciate the importance of fish as a source of improving the diet of our people. Last month I went on one of the research boats to the Atlantic with the Research Officers. From what I saw, I am very much convinced that we can do a lot more to improve the fishing industry in Nigeria.

This Bill actually concerns the collection of very limited quantity of live fish people sometimes import into the country for the purpose of improving our fish in our fresh waters. The quantity involved is very very small, but nevertheless, we feel that there is reason to control, to impose a certain amount of control so as to present anybody from bringing a type of fish which may be dangerous to the indigenous stock and which may also be a source of disease.

Senators have spoken about growing a local type in order to meet the demand for fish. Well, we do have many projects all over the country whereby we experiment on the best method of growing indigenous stock. I agree that we have not made much use of whatever

research is involved. This of course applies to many other aspects of our Economic Development of various projects. We are beginning afresh in these projects because in the past researches have not been practicable. I have said this in the case of Agriculture. So in the case of fish also, it is our intention to make wide use of the experiments which have been successful. It has been proved that certain types of indigenous stock can be grown successfully in many parts of the country. So in the next few years we should be able to contribute to the fish market and from the ponds which are now being developed into fishing ponds. If the control of importation of live fish is made, well, as the President has pointed out, it will not affect frozen fish or even fish which is caught along our shores and taken for consumption. That is not the object of this Bill. The object of this Bill is to control the importation of live fish and for purposes connected therewith, and that is all.

As regards what we are doing to develop the fishing industry, I said in this Senate some time ago that the Commission for Technical Co-operation in Africa South of the Sahara, (C.C.T.A.), has undertaken a survey of fish along the West African coast. The survey has started and their aim has been to study the types of fishes that we have along our shores, the movement of the fishes, that is the season in one part of the shores that they are found and how we can therefore advise fishermen to go to certain sites at certain times of the year and they will expect to find certain fishes, and that they should not go to a certain site at a particular time because the fishes will not be found there and so on. The survey will cover so many other important things which are all directed to the development of a large fishing industry.

We have got a site which must be developed into a fishing terminal—where storage and drying facilities will be provided and where fish will be marketed. The amount of money that we have voted for this project is nearly a million pounds. I cannot tell Senators when, in fact, we shall start on this project. All that I can say is that at the moment it is under study. A good and suitable place where fishing boats can come and discharge their catches has been obtained. Then, I think, we will go to the question of having cold store facilities, and so on.



As regards fresh water fish, I shall be visiting the Lake Chad area next Saturday in company of the Food and Agriculture Organisation expert, Mr Ishaque, who has come to carry out an agricultural survey of this country. We shall be going over the Lake Chad in a plane so that both of us can see what further research and practical work on fishing can be undertaken there. Already we have got a research centre there. Lake Chad, as Senators know, supplies the country with several thousand tons of fish every year. We think that we can do a lot in improving the fishing there, and that will very much add to the fresh water fish which we have in the country.

The question of how we can avoid the importation of stockfish to the value of about £7 million is going to take some time before we can solve it by providing our people with fresh water fish and fish caught along our own shores to the tune of £7 million. It will take some time. But we do realise that there is no reason why we should not improve the growing of fish in fresh waters along our shores so as to avoid importing £7 million or more worth of stockfish.

The question of hygienic drying of fish—I agree it is a very important point, but it is one which is clearly difficult. We can, of course, educate fishing co-operative societies. We can give them lessons. But I think the numerous market women who deal in fish all over the country are such that it may be a bit difficult to educate them. However, the sanitary inspectors who inspect fish can advise women who deal in fish. The point is important and I have taken note of it. We shall definitely pay attention to it and see what we can do to help.

The Oba of Lagos has raised very important points. I do not intend to comment on all of them. They are in the record and we shall make use of them. But one very important point among the many that he has raised is that a type of fish has been observed or found to be poisonous. In this, I will ask an officer from the Federal Fishery Research to go to the Oba and have a discussion with him on the subject so that that particular type of fish may be studied and steps taken either to prevent that type of fish from being marketed or, if it is a fresh water fish, to see that measures are taken to discourage the growing of that particular type of fish.

Well, Mr President, time is running short and I do not think I need comment any more. As I have said, all the points made by Senators are invaluable, and if any Senator wishes to raise further points he can do that at the Committee stage.

*Question put and agreed to.*

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

*Committee—This afternoon.*

*Sitting suspended : 1 p.m.*

*Sitting resumed : 3 p.m.*

LIVE FISH (CONTROL OF IMPORTATION) BILL:  
CONSIDERED IN COMMITTEE

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

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

CUSTOMS PREVENTIVE SERVICE (FIREARMS)  
BILL

*Order for Second reading read.*

**Minister of State** (Chief the hon. H. Omo-Osagie): I beg to move, That a Bill entitled "An Act to provide for the arming of certain officers of the Customs Preventive Service; and for connected purposes," be read a Second time.

Experience has shown that increasing resistance is being put up by smugglers and by other persons dealing in contraband and that some of them do not hesitate to threaten our Preventive Officers with whatever weapon is at their disposal. It is considered that to give preventive personnel a measure of protection when on patrol duties and to instil in them a measure of confidence, senior officers of the Preventive Service should be armed. The Bill so provides.

This Bill is not controversial. The Bill is short, and I think that it will meet with the unanimous support of the House.

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

**Senator M. B. Chukwubike**: I give this Bill my whole-hearted support. On the Floor of this House many of us have suggested several measures to combat smuggling and, I believe,



[SENATOR CHUKWUBIKE]

this is one of them. It is gratifying that the Government is doing all it can to stamp out this evil.

The officers are trained and experienced men and they would not shoot unnecessarily. Just alongside this, I want to suggest it to the Government that the time has come when our police officers on night duties should be properly armed. Many a time, night marauders or what is called in the Ibo Language *abani-diegwu* do not take our police officers seriously for obvious reasons. These evil planners continue to grow from strength to strength throughout the Federation, carrying all sorts of dangerous weapons, whereas, on the other hand, our policemen who are posted one or two at very long intervals, have nothing at all for defence. The result is that when these marauders approach, the policemen run away for their dear lives. If we are policemen I think that is exactly what we would do, but thank God, we have passed that stage. As I have made this comment I ask the Government to consider it seriously. The Bill is, as the Mover has said, non-controversial, and I support it.

**Senator Chief S. T. Hunponu-Wusu :** This is a very short Bill, and I think it must receive sanction with all the emphasis at our command in this hon. House. We have to support it immediately because what is now going on in Nigeria makes it essential to pass the Bill as early as possible. The lives of our Preventive Officers are not at all safe. I must congratulate the Government for bringing such an important and urgent Bill. As the last but one speaker said the lives of our Preventive Officers are not at all safe. They are not provided with sufficient weapons. What do we give them? Perhaps they are given batons and whistles. That is all. Time has come now that they should be armed with revolvers. It should be on their sides.

Some of the Senators who have travelled must have seen that in some civilised countries police officers carry revolvers on their right side. You can find it in French and German territories when Preventive Officers are on duty. They carry their revolvers with six or eight rounds of ammunition. The result is that anybody who approaches them and sees that they are well dressed and well equipped is automatically discouraged from doing evil.

A good quantity of Government property, very many good things have been stolen and carried away by these robbers. We read daily in our papers how these people operate in groups. Recently we read of a certain man who was travelling from a Sapele bank to another bank; how this man and his men were held up even with a policeman armed with a rifle in their car. If this policeman had been well equipped, if he had got sufficient ammunition so that he would not run out of ammunition after a few shots it would have been better. I have seen Preventive Officers in some countries carrying one revolver on the left and one on the right so that if one revolver runs out they quickly draw the other one. In this way there will be no danger to their lives.

I think the time has come for the Government to look seriously into this matter. If one goes to the French Territory one finds that the policeman on duty to control people are always with their revolvers. So, I am supporting the Government wholeheartedly that our Preventive Officers should be well equipped with not only double-barrelled guns but also with revolvers.

I support the Bill.

**Senator Chief Ezeogo Ugwuocha :** I would like to associate myself with this Bill. I happen to live in an area where these smugglers practise their evil acts.

Last month some smugglers carried some contraband goods from the British Cameroons to Nigeria. The policeman on duty on the Cameroun-Nigeria boundary caught these people, but the smugglers having armed themselves pointed their guns at the policeman. Thank God, the policeman was sensible enough. He had his own gun but was not ordered to fire so he tactfully made these people to scatter, and the goods were seized. The Minister of Finance could bear me out that these goods are now in custody at Port Harcourt.

This Bill is welcomed and I support it.

**Senator Chief Z. C. Obi :** This is a very desirable Bill. I take it that the arming of only policemen in the Preventive Service is just a beginning, and that this will be extended to the rank and file in due course. When we were touring the United States and Canada we found that all policemen on duty by day or by night are armed. I congratulate the Minister for bringing up the Bill, and I support it.



**Senator Salahu Fulani :** In supporting the Bill I wish to make one or two points which have been mentioned by previous speakers. Firstly, we must think of the place these smugglers are harboured. Without a safe place for these people smuggling would have not been carried on. You must get to the root of the matter where these people keep their things. Secondly, we must find where they have a ready market for the contraband goods. These are the two points which I think the Government must look into in order to arm our people to save their lives.

To save their lives is a good thing, but that will not stop it, that will not solve the problem. The fact is that if these people continue to have a ready market for the contraband goods they will be able to carry on the evil trade.

Next I would ask the Government to try and negotiate with neighbouring countries like Fernando Po Island and the Cameroun Republic to see how they can prevent the smugglers from coming to our country to carry on this illegal trade. If we do not go into the root of these two problems no matter how we arm our people smuggling will still be carried on. Before I resume my seat I would reiterate and emphasise these two points. Firstly, the place these people are harboured—where they get safety, and secondly where they get their ready market. Those are two sources which must be discovered and destroyed.

I beg to support.

**Senator H. N. Udoh :** This Bill is a long expected Bill, but one disappointing point is that some time ago this honourable House discussed and wholeheartedly supported the implementation of a similar Bill. Now, this one is introduced. As elder statesmen who move about with eyes and ears open, when matters of this nature come up we have to apply our knowledge and experience.

Some people have to think very hard to realise that this smuggling is detrimental to our country because those who are profiting by it think it is the only means of enriching themselves.

The trade which helps the country is the trade from which the Government benefits from. These people are robbing the Government and consequently are robbing the country. If smugglers are not checked the Government loses financially.

Among the most dangerous people in this smuggling business are the rich people and those who are in a position to finance it. They finance this business and they have such a secured position that nobody dare reveal the secret. They have such information they know the time of the night when they can move about without disturbance. The security officers, I am sorry to say, when they get in contact with these smugglers and are well-fed, will say, "All right, you go but do not do that again." I think the Government should be aware of this and see to it that anybody caught in this crime should not be spared.

The Bill says that only senior officers of the Customs Department will be armed. This is all right provided only the Senior officials are the people to go out to check smuggling. Some speakers have also mentioned policemen. That is very important, although policemen are not involved in this particular issue, except those policemen posted to preventive stations.

It should be remembered that on one occasion a police officer was killed as he was on inspection duty at night, and no trace of the people who killed him has been found. Because of this if anything serious happens at night people can shout as they like but there will be no body to help. Anybody who goes out will lose his life. I am in support of those who stressed that policemen should be well armed with revolver or whatever they can use for self-defence while on night duty.

It will be a good thing for Government to investigate, according to Senator Fulani, the sources of this smuggling, the place of origin, that is Spanish Islands of Fernando Po. These people have appealed to us in the past for help. I see no reason why we should help them and they should not help us. They are ruining us financially. I would like to stress again that a proper study of the sources of this smuggling is as essential as stopping smuggling.

With these few remarks, Mr President, I beg to support.

**Senator A. Nwoke :** I rise to support the Bill. In doing so I wish to recall one serious incident which took place in the Eastern Region a few years ago. Certain drugs were smuggled into the country. These drugs were pure poison ; the description bore foreign inscription



[SENATOR NWOKE]

and the population administered these drugs to themselves. Many lives were lost. Not only that, smuggling has taken a toll of the lives of the population. In their effort to escape arrest many smugglers have jumped into the water and got themselves drowned. Our population has suffered in that way.

The financial loss is only too obvious describe. A lot of revenue has been lost because these smugglers evade custom duties. I do not think arming the senior officers will solve the problem. We should find ways and means of combating the evil itself. The solution does not lie in supplying few people with ammunition for self-defence. I feel that the entire body of preventive officers should be armed. It is not enough to arm just the top-ranking officers—criminals do not consider personalities, they enter into any place.

The Minister who put forward this Bill probably fears indiscriminate or injudicious use of firearms by the lower officers. I would not say positively that that is not possible but I feel that they too must be armed. I remember during the time of Emergency the police were armed. Even then they just did not open fire on the people. They listened to their higher officers for the order to fire. In the same way, if the preventive officers are armed I am sure they too will look upon their higher officers for directives.

The smugglers themselves read these Bills and they will, as a consequence of this, know which of the officers will be armed. They will find a way of luring the senior officer and destroying him so that they can get at the junior officers who will not be armed. In fairness to the Minister I feel that he should take a more liberal view of the situation and get the other preventive officers armed.

The other point I want to make is how best we could combat the smugglers in addition to supplying ammunitions to the officers. I was thinking that the conditions of service of the people in this particular branch of the Civil Service should be improved. We all know that they are running a very big risk and nobody will be envious of their positions if their service conditions are improved. That will stop them from being easily bribed by the smugglers.

The last thing is that we should not patronise the smugglers. We should all boycott the goods they bring into the country and that will discourage them. I do not think I have any other point to make. I feel, however, that the Bill is a welcome one ; but for the limitation in respect of the supply of ammunition to a section of the Preventive Service, I would have felt that the entire Bill would have gone through very well.

I support the Bill.

**Senator J. K. Nzerem :** Smugglers are traitors to the national cause. I repeat, smugglers are traitors and should be treated as such. The Bill that is now before the Senate is one that should have been brought a long time ago, and anybody who has the interest of this country at heart will support it wholeheartedly. A Senator said that smugglers had lost many lives by jumping into the sea. I wish all smugglers had plunged into the sea and died, so that we could be rid of this menace to our financial stability.

I agree whole-heartedly with Senator Nwoke who said that all members of the Preventive Service should be armed, and not merely the officers not below the rank of Assistant Superintendent, as provided for in clause 1 of this Bill. I would like the Minister to clarify whether the Assistant Superintendent will always be on duty. It must be remembered that when he is not on duty, these smugglers will know. The smugglers know his hours of duty, some of them might even be his friends, even though the Assistant Superintendent may not know that they are smugglers. Unless we are assured that the Assistant Superintendent will always be on duty, there will be no point in making this law at all.

It is very desirable that all those who are engaged in the Preventive Service should be armed. After all, our Police Officers are responsible enough to know when and when not to use their guns. This, I think, is the only flaw in this Bill.

I do not think there is anything that one can quarrel with, except that the Bill does not go far enough. I hope that the Minister will consider bringing in an Amendment later on so as to make it possible for all those



engaged in the Preventive Service to carry arms. The mere fact that these people are carrying arms will scare away the traitors.

I also want to appeal to members of the public to co-operate with the members of the Preventive Service in trying to stamp out this evil practice. It is known that those who live in the area where smuggling is carried on know these men who engage in this nefarious activity. There is no doubt about that. Responsible men in our community know these people and they should assist the Police to track the smugglers down.

A Senator said that this Bill might discourage the men who want to buy drinks. Well, there is no getting out of that. If a person want to sit for a London degree, and someone else volunteers to show him the examination question paper for purchase, of course, if he has the money, he will buy it. As long as these people are allowed to get away with these smuggled goods, people will for so long continue to buy the smuggled goods from them. Therefore, the best thing is to make it impossible for them to get away with the smuggled goods.

I maintain, Mr President, that this Bill does not go far enough, and that if we give our blessing to it, the Minister should, at a subsequent meeting, bring in an Amendment to make it possible for all those who are in our Preventive Service to carry arms.

**Senator Chief R. A. Umoh :** I support the Bill. It is true that the Government is taking very appropriate measures to safeguard the lives of our Preventive Service men. As a result of this Bill, these men will now be more strengthened and be able to face any challenge that is likely to arise in the course of their duty. I thank the Government for being so judicious. But it is important that only those in whom we have confidence should be armed. Before a person is allowed to carry arms, he should have been found fit.

There is another aspect of the matter. Those in the Preventive Service are closely interwoven with smugglers, in that some of them are bound to be punished by the smugglers. It is true that no one likes to see this smuggling business continue, but let us take, for example, a person who has plenty of money to play with. He buys some chickens and

throws them about, no doubt, when he sees a hawk hovering over them, his first duty as the owner of the chickens is to protect them from being destroyed by the hawk. The chickens may not however, know that their owner is protecting them. Therefore, when we are thinking of how to protect our men, we must also expect some loss of lives because in the event of an attack, the smugglers must obviously fire.

In the areas where this smuggling is rampant, we find that the most important commodity being smuggled is Spanish drink. Why then should we not go into the preventive side strictly? After all, these people are used to this drink and whenever it is brought to them, even if a policeman is near, they choose to drink at the risk of being arrested by the police. I think the best way, therefore, to approach this matter is to find an alternative Nigerian drink that will compare favourably with this Spanish drink, and then to establish a factory for distilling and brewing it for our people. I am sure that when they have a good local stuff available, they will naturally begin to look with disfavour at this Spanish drink.

As the Minister of Finance told us some time ago, a trader who goes into the Spanish territory of Fernando Po to trade in contrabands can make a profit of about £40 on a capital of £20. This is the reason why these smugglers put their lives and all into the business. I feel certain that we shall conquer these people if we adopt my plan. It is true that the smugglers are doing a lot of disservice to Nigeria, but I think that they do not actually know the gravity of the offence that they are committing. This of course, does not exonerate them from punishment when they are caught, but I think that we should examine the position and see if these people really understand what they are doing. Some of the present participants in this nefarious business had the original intention of preventing it.

In all the police detachments, we find C.I.D. men. I cannot see the reason why in this particular case these men should not be made use of in preference to the uniformed police who are well-known by the smugglers. These men could be sent into the nooks and corners of this smuggling business and they could trickishly get to the root of the secrets which a uniformed policeman may not be



[SENATOR CHIEF UMOH]

able to unearth for a very long time. This, I think, is one of the ways through which we can combat this evil.

I congratulate the Government for having brought up this in time and I am sure the points that have been made on the issue will be seriously taken into account. Mr President, I support.

**Senator T. Olamijulo :** This is a very very important Bill for us all in Nigeria. Many of us as Nigerians know the history of our forefathers, how in the past and during our time, smugglers were utterly disposed of. They were put to death. In the past we know our forefathers left things outside and they were never stolen. Now the menace of getting rich quick and of trying to show more than we are has led us into trouble. Very many of us nowadays are supporters of these rogues.

I feel it a necessity that we should arm very well these men serving in the Preventive Service. This is because their lives are always in danger. To be frank at first I felt only the senior officers should be armed, but later on during the course of this discussion I found people saying that if only the senior officers go armed the smugglers will trap and kill them and go after the junior officers and the goods to be smuggled. I wholeheartedly support those who say they should all be armed.

There is also the necessity of finding out the key posts of these peoples as well as the loop-holes. When one is going to kill an animal in a hole one takes care of the key posts as well as the loop-holes. The same thing is true of smugglers. If we only depend upon the key posts and not the loopholes then we are bound to fail. It is our duty therefore first of all to find the key posts and later on the loop-holes.

The next point is the type of officers we should allow to carry arms. Normally people will not rob you unless they know your movements and your whereabouts, when you sleep and when you wake. It is very important indeed that we should know the type of people that are engaged in this work. Simply entrusting people of no consequence with responsible posts will merely result in our making this law to-day and abrogating it tomorrow. Then we shall continue to change it because the people employed in these services are not properly examined.

There is, of course, the duration of time. You cannot ask a watchman to watch during the day as well as throughout the night. The people who are engaged in such places should be well cared for and well chosen. That is, we should know what type of people we engage and the duration of time we can rely on them to carry on such onerous duty. Again we cannot just keep them like that; we must record the occurrences at the time these people keep their watch, record the happenings during the time they are on duty. It is necessary that these details go into their files. If these people realise that their files will be affected when evil occurs in their time, they will be very very careful. They will not work carelessly. They will not work for their own advantage but for the advantage of the whole people.

Can we really have dependable people? Yes we can because when people realise that they are being cared for and they are watched very carefully they make themselves very dependable. The fact that very many people who work to enrich themselves and those who work for the public receive the same rewards will make very many people not care who is watching them. It will be very good if Customs Officers are very well cared for. Why we failed in the past is that we only looked at the financial side of the whole issue and not the type of people that are working there. It is very essential that we should look not only at the financial side, but we should also watch the interest of the people who are working there. If we failed in the past simply because we were looking at the financial side only, it is high time we kept our eyes open to the moral side as regards the workers who are there.

With these few remarks, I support the Bill.

**Senator H. O. Aaga :** I want to join those Senators who said that all members of the Customs Preventive Service should be armed. I think there is a very good reason for that. A Senator suggested that the mere carrying of fire arms will scare the smugglers. It is true. I think the members of the Nigeria Police Force are very responsible. There should be no fear that if they are armed they will shoot indiscriminately.

**Senator Chief Fagbenro-Beyioku :** On a point of order, we are not discussing the Nigeria Police Force, but the Customs Preventive Service.



**The President :** The order is well taken. The Bill is on Customs Preventive Service.

**Senator Abaagu :** Thank you, Mr President. I think if the junior ranks of the people are armed, that will be more helpful. In addition to that, there are some members of the Local Authority or the N.A. Police who are connected with the preventive service. I can say that in the North certain Local Authority Police do question people who are suspected of having illicit property. Certain members of the N.A. Police are well trained in the North; they are trained side by side with the Nigeria Police. The only difference is that they are not trained in shooting. But they have the idea. Therefore, I would suggest that any Native Authority Police whose duties are connected with the preventive service should also bear arms. I think it is very important that all members of the Preventive Service should be armed. They are responsible enough and I am sure there will be no indiscriminate shooting.

**Senator Dahlton O. Asemota :** I come from a remote part of the country which is far away from the smuggling area. I am only speaking on the face value of the Bill.—

**The President :** Is the Senator suggesting that there is no smuggling in Sapele which is only 36 miles from Benin?

**Senator Asemota :** If there is any, I think it is not up to the scale to make a legislation of this nature desirable.

In any case, the only thing that I want to refer to in this Bill is Clause 1 (1). With your permission, Mr President, I will read:

*"Notwithstanding anything in any other enactment, it shall be lawful for any member of the Customs Preventive Service not below the rank of Assistant Superintendent to have firearms and ammunition in his possession or under his control on such occasions as may be specified by regulations."*

That is fair enough. But supposing, in the course of fighting between the smugglers and preventive officers the senior officer is wounded, what will happen to the other people? That is the point that I want to make. I hope that the Government will understand the reasonableness, the necessity, for allowing all the other preventive officers to be armed. If the senior man, that is the

man not below the rank of Assistant Superintendent, is wounded and is lying down and the smugglers are still there with their arms, what will happen to the other people? What will they do? Have they got to send for another Assistant Superintendent, another officer, in order to be able to fire back? I think they will be open to too much risk if they have to await the arrival of another officer before they start firing. I will, therefore, ask that the Government should give this a serious consideration.

I support the Bill.

**Minister of State (Chief the hon. H. Omo-Osagie) :** I am very grateful to all the Senators for the unanimous support that has been given to this short Bill. Really, as I have said here before, the way they handle matters here shows that they are actually leaders in the country.

Let me start from Senator Asemota. He gave an illustration and asked what will happen to the other members of the force at the spot if the senior man is shot down. It is good to think so. If we are firing and our headman is shot down and the people are still attacking us, I think that some of us must assume the responsibility of the leader.

**Senator Asemota :** On a point of information, in such a case if an officer lower in rank than an Assistant Superintendent assumes such a responsibility, will he not be committing an offence for which he will be punished by law since officers of his rank are not allowed to be armed?

**The President :** Does the hon. Minister like to answer that?

**Chief Omo-Osagie :** In law there are certain exceptions and there are emergencies, and when emergencies arise anything can happen.

**Senator Asemota :** Therefore, for cases of emergencies, will the Government find it necessary to include in this Bill that in the event of an emergency—

**The President :** Order, order! Much as we are matured and we allow a lot of latitude, this kind of dialogue should be confined to the Committee Stage.



**Chief Omo-Osagie :** A Senator spoke about helicopters for use for preventive services. I will tell the Senate that the Federal Government is doing all it can to see that proper care is taken of this subject.

Many Senators have spoken about the financing of smuggling. In fact, during the debate on this Bill in the Lower House many Members spoke of the rich men who finance this smuggling business. It was mentioned that they were found mostly in Port Harcourt and some other places in the Eastern Region. Now, I will tell Senators that the Government is looking into this matter.

Also, some Senators have spoken about the dishonesty of some officers. This, too, had been mentioned in the Lower House and the Government is looking into it too. I will assure Senators that as much as is humanly possible, the Federal Government is making every effort to appoint people who are considered honest enough to carry on the job of preventive service.

Almost all the Senators spoke about the desirability of all the members of the Preventive Service to carry arms. The question was also raised in the Lower House and I can assure Senators that the Federal Government is making everything possible to give consideration to the points raised.

One Senator spoke about the improvement of the conditions of service of those employed in the Preventive Service. This, too, has not escaped our notice.

We will bear in mind the healthy criticisms which Senators have offered in connection with this Bill, and I thank them very much. As I said in the beginning, I appreciate the way in which Senators have approached this Bill. I assure them that the Government will do all it can to put their advice into consideration.

Some Senators mentioned the distributing areas—the areas in which these things are rampant. To this I will say that smuggling is rampant all over the country—right round the borders of the Northern Region, the Eastern Region and part of the Western Region.

**A Senator :** And in Lagos.

**Chief Omo-Osagie :** Yes, and in the Lagos township. It is the heart of smuggling because almost all articles that are smuggled come to Lagos.

**Senator Oba Adeniji Adele II of Lagos :** Port Harcourt is the heart of smuggling, not Lagos.

**The President :** His Highness has just said that the heart of smuggling is Port Harcourt !

**Senator Dahlton O. Asemota :** And Port Harcourt is not in the Mid-West !

**Chief Omo-Osagie :** These areas are very difficult to locate. We can only think of a few places—the chief places being Lagos and Port Harcourt.

I thank the Senator who said that we have to curb these things more at the distributing centres. The Government will look into it, and I assure Senators that the Government will do everything possible to curb these smuggling propensities.

*Question put and agreed to.*

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

CUSTOMS PREVENTIVE SERVICE (FIREARMS)  
BILL : CONSIDERED IN COMMITTEE

*Clause 1.—POSSESSION OF ARMS BY OFFICERS OF CUSTOMS PREVENTIVE SERVICE.*

**Senator Asemota :** I beg to move, That in clause 1, line 2, page C359, delete—

*“not below the rank of Assistant Superintendent”*

so that the Clause shall read :

*“Notwithstanding anything in any other enactment, it shall be lawful for any member of the Customs Preventive Service to have firearms and ammunition in his possession or under his control on such occasions as may be specified by regulations.”*

**The Chairman :** What does the hon. Minister say ?

**Chief Omo-Osagie :** The Government will have to oppose this Amendment. As I have indicated previously, Government is looking into all the points raised.

**A Senator :** On point of information—

**The Chairman :** Let me point out that Senators are entirely at liberty to debate this Amendment, so there is no need restricting their points to “points of information”. If Senators want to debate it one way or the other, they could get up and do so.



**Senator Chief Z. C. Obi :** Mine is not a point of information but a point of clarification. The hon. Minister has just said that the Government will not accept the Amendment. I am wondering whether this Senate is not part of the Nigerian Government.

**The Chairman :** I want to say one thing. There is a point of explanation. If a Senator made a speech and somebody misquoted him or a Minister or any other Senator said he had said something which he did not say, the Senator is entitled, on point of explanation, to say something. But there is nothing at all like a point of information. The best thing that Senator Chief Obi can do to make his point is to stand up and oppose what the hon. Minister has said on point of explanation and say that he is surprised that the Government is not taking Senators as part of the Government. That is the best procedure. There is really no point of information. I have given enough latitude on that, but there is really no point of information.

The other thing which it is my duty to point out is this, that if a Minister gets up here and says that he does not accept an Amendment, he is not necessarily derogating from the Senate—He is not just making the Senate not part of the Government. For one thing, the Minister, as Senators know, cannot stand here and accept a fundamental Amendment like that. He has got to go back to the Council of Ministers, so what Senators should do if they really want this Amendment is to press things. But the hon. Minister is really not looking down on the Senate. I think it is my duty to point that out.

**Senator J. K. Nzerem :** I do not think that we should, on this occasion, embarrass the Government. I think we should just ask the hon. Minister in the Ministry of Finance to carry this Amendment to his colleagues and let them know that that is our feeling. After all, all that we are trying to do is to strengthen the arms of the Government. I do not think that we should embarrass the Government. We should leave it at that and trust that the hon. Minister will do his best.

**Senator Oba Adeniji Adele II of Lagos :** At this stage I think that we should not press the Amendment further. It is a fact that if we throw out this Clause, it would go back to the

Council of Ministers and the honest and urgent purpose for which the Bill itself is intended would be defeated.

The hon. Minister has assured us that all the facts have been taken into consideration because all these facts have been brought to the notice of the Cabinet at the Lower House and they are considering what to do. If at the next sitting nothing has been done, then we could bring up the matter again. But I do not think that we should throw the Clause out entirely.

On this point, I am asking specially that Senator Asemota be good enough to withdraw his Amendment and that the original Clause should stand.

**The Chairman :** I think, since we are in Committee, I am in duty bound to remind Senators of the procedure. There are two things a Senator can do on an Amendment. He may file the Amendment just to make his points and, having made his points, he may withdraw the Amendment gracefully. That is usually done in the House of Lords, our counterpart in England. On the other hand, a Senator can press it. So it is entirely Senator Asemota's choice.

**Senator D. O. Asemota :** I will press this point to the tail end. We are elderly statesmen. We are not Government stooges at all. It is our duty to protect the interest of this country and everybody in it, whether the Government likes it or not. If we do not point out what we do not consider to be right, I do not think that we are doing our duty at all.

I am asking all Senators to vote in favour of this Amendment. It is our duty to protect the interest of everybody in the Federation. The Government ought to realise that these things will come before the Senate, and that Senators are people with matured experience. I am therefore pressing and asking Senators to vote solidly in favour of this Amendment.

The Government should know now that they are going before people who know what they are talking about and who over and above all watch the interest of the whole people of the Federation. It is not only the Assistant Superintendent whose life is in danger; everybody in the Preventive Service is in danger. Why then should the Government allow only the Assistant Superintendent of



[SENATOR ASEMOTA]

Police to carry arms? Supposing the Assistant Superintendent is dead, what will happen to the other people who are standing by! They are not allowed to handle arms, and therefore they have to stand by and watch.

I repeat that this Amendment should stand, and I am asking Senators to vote solidly in favour of it.

**The Minister of Works and Surveys** (Alhaji the hon. Muhammadu Inuwa Wada): I am really surprised at the Senator's speech. There is no intention at all to slight Senators or to treat their views very lightly in any way. All that my hon. Colleague said was that the point made by Senators had been noted. The same point was made in the lower House. As it is now here we cannot accept this fundamental Amendment without going back to our Colleagues in the Cabinet. One assurance that we can give Senators is that this point will certainly be brought to the notice of the Council of Ministers, and I am sure my Colleagues in the Council of Ministers will treat it with due weight and give it all the necessary consideration that senators demand.

One other point is that there is no doubt that this House is composed of people with matured knowledge and experience in all aspects of life, and that is why anything passed in the lower House is brought here. When things are brought here we expect that what we are not able to spot out in the Lower House, Senators here, with their experience, may be able to spot them out, and we are always ready to reconsider anything referred back to us by the Upper House.

As His Highness the Oba of Lagos has stated, this Bill is made to help the Customs Preventive Officers to be able to do the work they are meant to do. If it is delayed, it means that they cannot carry out that particular aspect of their duty which we want them to do. If Senators allow the Bill to pass now, and as His Highness, has suggested, if nothing is done by the time another House is convened, Senators are perfectly at liberty to bring an Amendment and take the Government to task.

I am appealing to Senators to allow the Bill now to pass and to trust that the Council of Ministers will do something to remedy any flaw that there may be in the present legislation.

**The Chairman:** Senator Asemota, you are entitled at the Committee Stage to speak as many times as you like, but I would like to hear others. I will come back to you.

**Senator Oba Adeniji Adele II of Lagos:** I would like Mr Asemota to explain one thing to us—What is the urgency of the Amendment that he has suggested? All these years the Preventive Service has been carrying on their service without arms and now that the Government has thought it necessary that some of the officers should be armed he raises objection that not only these officers but a lot more of them should be armed. But all these years they have not been armed, and I have never heard that any of these officers who had previously not been armed had been shot dead. What will happen if we wait for one or two weeks, or a couple of months, to carry out the Amendment, if there is need for it?

I just want him to show the urgency of the case before we can go further. With your permission, Mr Chairman, let him tell us what is the urgency of the Amendment, otherwise we are here, as a Senator has said, as elderly people, matured people, and we must have sufficient reasons before we can support any Amendment that is brought into this House. As the Minister of Works has just said, we must have tangible reasons before we can delay a Bill that has been brought before us here.

I shall be very happy if he can tell us the urgency of the Amendment.

**Senator S. Eytayo:** I strongly support the views expressed by Senator Asemota. If one sends out a soldier to fight an enemy, one must give him weapons to fight. Well, we all know that smugglers are enemies of Nigeria, in that a lot of money that would have accrued to the Government is being stolen by them. Every now and then these smugglers are so base that there is never anything that they cannot do to attain their objective. They are ready to fight. They are ready to kill. All these have been done by them in this nefarious practice, and here the Government has introduced a new legislation, to prevent the lives of just a handful of them. But what of the other lives which are exposed to danger? What is the use in making a law that will not protect the lives of all the people



that are affected in this business? That is the reason why, if the Government is going to make any legislation, the Government should cover all who would be serving as Preventive Officers. Although the question is not directed to me, I think that is the reason why this Amendment should go in now. If we are going to make any law at all, we should see that we make a law that will protect the life of everybody concerned.

**Senator Chief S. T. Hunponu-Wusu :** I would like to support Oba Adele. The Minister of Works has explained to us the Government's intention, and I am sure that we have all taken that with great confidence. But where is the urgency for the Amendment? Supposing this Bill has not been produced or submitted to us to-day, are we going to make one within two weeks or one month? We cannot complete everything in one day. We cannot see from the same angle at the same time and place. Some defects have been detected by us here. Why are we trying to delay the Bill? Let us carry on. The Amendment will be followed up, according to Oba Adele. Where is the urgency for it to-day? It is only from this Senate that we can refer matters to the lower House, as Senator Obi said this morning, that we suggested this to the Lower House and the Amendment was implemented.

Having therefore assured us that they are going to look into it in the Council of Ministers, it means that they realise the importance of the Amendment, and I am sure that Government will do its best to implement the Amendment as soon as possible. But they have seen the urgency. They know how our people are suffering and they want to deal with the smugglers. But we have not heard that some invaders or some smugglers are coming from the Spanish Island. They may come and they may not come. If they serve us with a notice saying, "Look, Nigerians, your country will be invaded by us from the Spanish Island of Fernando Po with our smugglers, you better get ready," then we can think of arming everybody. Sometime ago, when an emergency arose, all the soldiers were armed.

I see no reason why there should be any Amendment to the Bill and I suggest that it should be allowed to go through.

**Senator M. B. Chukwubike :** In view of the explanation given to this Senate by the hon. Minister of Works and Surveys, and in view of the fact that the Government often respects the wishes of the Senate, I appeal to the Mover of the Amendment to withdraw it.

**Senator T. Olamijulo :** What is worth doing at all is worth doing well. It is very essential that we should be able to do something in this Senate, especially when it comes to what affects lives. What if the Bill, as it is presented, is passed and then the life of an unarmed officer is lost? There is no need for us to pass anything here partially. I say once again that what is worth doing at all is worth doing well.

**The Chairman :** What point have you made? Have you supported the Amendment or have you opposed it?

**Senator Olamijulo :** What I have said is that we should support the Amendment.

**Senator Chief R. A. Umoh :** I rise to fall in line with Oba Adele in his suggestion. After listening to the explanation by the hon. Minister of Works and Surveys, I see that it is improper to delay the Bill.

In the first place, the Customs Officers are not being armed to go into warfare. They are not soldiers either; it is only a preventive measure. Since they have been working there has been no casualty and there has not been any loss of life. All that the officers are to do is to threaten the smugglers. Therefore, I feel that there is room for Amendment in the law, even if it is passed to-day. If the Government finds it necessary, they will amend it in due course. Whenever we want to make an Amendment, I feel there should be very strong reason for it. If things had been going very well all these days when none of them was armed, then there is no reason why this Amendment should be brought in now. I feel, therefore, that we should allow the bill to go through.

**Senator Chief O. A. Fagbenro-Beyioku :** I see no reason why we should belabour ourselves on this issue. I think we have another Bill coming before us. We are not rushing Bills, but in this matter if we read through the very section of the Bill dealing with possession, that is—

*"Notwithstanding anything in any other enactment, it shall be lawful for any member of the Customs Preventive Service not below*



[SENATOR FAGBENRO-BEYIOKU]

*the rank of Assistant Superintendent to have firearms and ammunition in his possession or under his control on such occasions as may be specified by regulations”.*

“Under his control” means a lot. He can have sufficient firearms to equip all the staff under him and when the occasion arises he can give firearms to everybody there with instructions to stand by. Even after that, the order persists until a superior officer calls it off. We have got to be conversant with all these situations. If we read through the Firearms Act or the Military Act we discover that only the superior officers are vested with the power to carry firearms and only they have got to be equipped.

This matter is non-controversial. At the same time, during this debate, we have raised many points. Regulations would be made and the Government will be asked to take notice to expatiate on them. Once we have got the assurance that it will be so, there is no need to begin to read unnecessary interpretations into the Bill. After all, we are Senators and we do not come here to destroy. In other respects, we can show our dissatisfaction. But in this particular matter where the Government is co-operative and have even gone to the extent of saying that they will look into it when the occasion arises, I will ask the Chairman to let us pass this Bill without Amendment and proceed to the others.

**Senator Z. C. Obi :** I find it very difficult to accept the interpretation given to this Clause by Senator Fagbenro-Beyioku. With your permission, I want to read this portion—

*“Notwithstanding anything in any other enactment, it shall be lawful for any member of the Customs Preventive Service not below the rank of Assistant Superintendent to have firearms and ammunitions in his possession or under his control”.*

This does not suggest automatically that people under him will possess arms.

In any case, I think that we have reached a sort of compromise over this debate. When we remember that the Minister of Works and Surveys has given an undertaking on behalf of the Minister of Finance that the cabinet will take into consideration the obser-

vations that have been made here, I think we can take the promise as made by the Minister of Works.

If I remember correctly, at the last session of this House, a matter came up on the Education Bill. We dragged on this matter for two days and eventually we were promised that when the time came for a Regulation to be made our views would be taken into consideration. That promise was kept. In the light of that, therefore, I do not think it will still be necessary for us to proceed with the suggested Amendment.

**Senator Chief S. O. Esangbedo :** Am I right in thinking that Senator here has the right to propose any Amendment ?

**The Chairman :** Yes, you are right.

**Senator Esangbedo :** Then, I support the Amendment proposed by Senator Asemota that not only senior officers but all the officers in our Preventive Service should carry arms.

**Senator A. Nwoke :** I see no reason why this Amendment should be urgently passed. Some Senators have asked us to clarify what happened in previous years, but I think that that question does not arise. We have virtually declared war on smugglers by arming a set of officers. As a matter of fact, ammunition have not been provided to these officers but there is no gainsaying the fact that this Ordinance will be read by the smugglers and the public and they will all be aware of the steps that the Government is proposing to take, and what is more, the smugglers will arm themselves accordingly.

Again, it is very difficult for any person to handle firearms of precision like revolvers and begin to fire without first having any previous training on how to handle it.

If this Amendment is passed, it will give the Government an opportunity to train the younger elements in the use of these firearms. Supposing the smugglers concentrate their energy on the officers whom they know are armed without previous training? I must mention that it is not so easy to handle ammunition, cartridges, and to load rifles, as some Senators want us to believe. Therefore, when this Amendment is passed, it will definitely provide an opportunity to get these young Preventive Service men together and give them,



the opportunity of going to a place like the Police Training College for training so that every arm of the Preventive Service will be knowledgeable in the use of arms and ammunition. And when the firearms are not in use, they will be collected by the senior officer and stored away for safety.

I remember that in the Police Force, whenever an emergency arises, whosoever is the senior officer at that time distributes the rifles among his men. Every policeman has a rifle for emergency purposes, and when there is no emergency, these rifles are kept in the armoury.

Again, the order to fire is generally given by a senior officer and it is not the rule that every one fires at random. This Bill does not provide for that, but the Amendment does. It provides that every person in the Preventive Service will be entitled to bear arms. That he should first of all be trained for the job is understood to be contained in the supplementary Regulations.

Meanwhile, if we want to protect the lives and limbs of our sons and relations, this Amendment is very necessary.

I support the Amendment.

**Senator H. N. Udoh :** I am in line with the Mover of the Amendment. If Amendments were not necessary, all these Bills would not have been sent to us from the Lower House. The House of Representatives would have finished with them and our only source of information would have been through the newspapers.—

**The Chairman :** The Constitution says that the Bills must be sent to us.

**Senator Umoh :** If that is so, then we must read and inwardly digest them and apply whatever measures we think will be in the best interest of the country.

Some Senators say that no urgency should be attached to this Amendment, in as much as the Government has found it necessary to include or limit the use of firearms to senior officers. From personal experience, we know that firearms must be properly used. A Senator who spoke sometime ago said, before an emergency arises, the Preventive Service men will have been trained for it, and as such the Amendment is reasonable. I agree with that view.

Again, it is not that we do not welcome the suggestion made by the Minister, but I desire that our own Amendment should also go to support anything that will eventually be discussed in the Council of Ministers.

With these few remarks, I support the Amendment.

**Senator Chief P. C. Ndu :** Much as I would like to agree with the Mover of the Amendment, I cannot agree with the degree of urgency that the Senator has tried to attach to it. If this Bill were delayed, the Mover of the Amendment might like to think of what would happen between now and the time that the Council of Ministers would meet, if the Preventive Service men went into the borders and got killed. Everyone knows that if a single shot from a double-barrelled gun were fired into a gathering of a hundred men, the hundred men, if unarmed, would scatter.

I entirely agree with the explanations given by the hon. Minister of Works, Senator Adeniji Adele II, the Oba of Lagos, and other Senators. I suggest, therefore, that the Amendment should be taken note of but that the Bill should not in any way be delayed.

I oppose the Amendment.

**Senator Chief Ezeogo Ugwuocha :** During the last sitting of the Senate, Senators attempted to reject the Legal Education Bill, but the Minister persuaded us on the Floor of this Senate that he would look into it. The other day, I read in the newspapers that this Legal Education Bill will not affect those who will return on the 30th of August, which means that the Minister has not taken our advice into consideration.

On the 11th of January, 1960, the President of the Senate told us that we have the power to delay Bills. We are the healers of all wounds, but anytime we try to do our duty, a Minister will try to prevent us by persuasion and vain promise that he will look into the matter.

I therefore agree with those Senators who say that we should not support the Bill now.

I support the Amendment.

**Senator H. O. Abaagu :** I only want to correct a mis-statement. The Minister took into consideration our views on the Legal Education Bill. According to the recent



[SENATOR ABAAGU]

announcement, the Bill is not going to affect the people coming out this year or even next year.

Judging by the trend of the speeches made in this Senate, I think that the Senators who agree with the passage of this Bill now are in the majority. It is not that we are doubting the motive behind the Amendment, but we do not want to delay this Bill any more than is actually necessary, because such a step may really expose our people to danger.

**Senator Salihu Fulani** : I wish to appeal to Senator Dahlton O. Asemota that in view of the explanation already given by the hon. Minister of Works and Surveys, and His Highness Oba Adeniji Adele II of Lagos, that there is no urgency in the matter at all, and in view of the promise that has been given by the Minister that he will look into the matter, that he should withdraw his Amendment.

I beg to oppose the Amendment.

**Senator D. O. Asemota** : I have seriously taken into consideration what His Highness the Oba of Lagos said and I have also listened to what Members said. What some Senators seem to say is : let these people be killed this time, never mind, before they kill the whole lot of them the Government will consider the whole matter and come to rescue the remaining people.

Government has seen the necessity for the amendment, the flaw in this Bill, and the Senators themselves have seen that this Bill as it stands is not good enough without the Amendment and it means now that people can go on like that. If it is so I want to press for a division.

**The Chairman** : The Senator is entitled to put his case and is entitled to press for a division.

**Senator Asemota** : I am not the only one holding this view and I would certainly press for a division.

**Minister of State (Chief H. Omo-Osagie)** : I am grateful to Senators for the intelligence and maturity they showed in this Debate. I am particularly grateful to His Highness, the Oba of Lagos for his statemanship. I think Senator Chief Beyioku has done justice to this Amendment. If you read the Police

Act and you will find that it provides that guns should be given to every policeman but the control of the arms is left to the Inspector-General. So the control of arms in the Army is left to the General Officer Commanding.

So this Bill is perfectly in order.

Some Senators have however made some points about the Amendment. I have stood up and told them, and my hon. colleague has stood up and told them, that Government will look into it. A Senator a short while ago mentioned the Education Bill in a manner that is not fair to the Council of Ministers. I do not know why people should think that this Amendment is opposed by the Government because Senators are not part of the Government. If they are not why should they be here? They are part and parcel of the Government. So I am saying here that the Government oppose this Amendment because the Amendment is not properly couched and time was not given to the Minister in charge to scrutinise it and see what could be done to it.

I oppose the Amendment.

*Question, That the words proposed to be left out be left, put.*

*The Senate divided.*

*Ayes—9 ; Noes—15 ; Absention—1*

AYES

Seat No.	Name of Senator
1	Senator M. A. Green
2	Senator Nwoke
3	Senator Asemota
10	Senator Chief Ugwuocha
15	Senator Chief Olayeye
23	Senator Olamijulo
27	Senator Chief Esangbedo
33	Senator Udoh
34	Senator Eytayo

NOES

Seat No.	Name of Senator
4	Senator Chief Fagbenro-Beyioku
5	Senator Bawa
6	Senator Chukwubike
8	Senator Alhaji Metteden
9	Senator Abaagu
12	Senator Adele II, Oba of Lagos
14	Senator Chief Ndu
18	Senator Nzerem
20	Senator Chief Acholonu
21	Senator Alhaji Abubakar Garba
25	Senator Salahu Fulani
29	Senator Hassan Rafin Dadi
30	Senator Chief Nakoku
39	Senator Chief Umoh
	Minister of State, Senator Dr E. A. Esin



## ABSTENTION

Seat  
No. Name of Senator

22 Senator Chief Obi

*Amendment negatived.*

*Clause 1—ordered to stand part of the Bill.*

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

*Bill reported, without Amendment.*

*Motion made and Question proposed, That the Bill be now read the Third time.—(CHIEF THE HON. H. OMO-OSAGIE (MINISTER OF STATE)).*

**Senator H. O. Abaagu :** I just want to suggest to the Government that since the smugglers themselves are armed, the weapons which our officers should carry should be superior to those of the smugglers. I, therefore suggest automatic weapons.

**Minister of State** (Chief the hon. H. Omo-Osagie) : Noted.

*Question put and agreed to.*

*Bill accordingly read the Third time and passed.*

## SURVEY CO-ORDINATION BILL

*Order for Second Reading read.*

**The Minister of Works and Surveys** (Alhaji the hon. Muhammadu Inuwa Wada) : I rise to move the Second Reading of the Survey Co-ordination Bill.

As Senators are aware, Nigeria has an extensive Federal and Regional land survey programme, and a considerable amount of non-Government survey work is also carried out by commercial and other organisations, including local authorities, for reasons connected with their operations. For some time, there has been growing evidence that Nigeria is missing something because this non-Government survey work does not contribute and cannot, under the present law, be made to contribute to the national survey programme. The normal practice is that business organisations and public authorities carry out such work without informing either the Federal or the Regional Governments. And even if my Ministry happens to hear about work of this

sort and, as may well be the case, the company is co-operative enough to agree to pass over information, this information will usually prove to be valueless, because the survey would have been done in isolation from the adjacent permanent marks of Federal or Regional survey. However detailed and excellent in itself, the survey would not tie in, as it were, with the national survey.

It is the purpose of this Bill to remedy this, and to make sure that in future all non-Government survey work which is of more than purely personal interest contributes to the national survey programme. I would like to emphasize the words "of more than purely personal interest". There is no desire or intention to interfere with survey work which is done for the purpose of fixing property boundaries, and Senators will have noticed that this kind of survey is specifically excluded from the operation of the Bill. I draw Senators' attention to lines 18 and 19 on page 3, clause 1 (h) (iii). The licensed surveyor has nothing to fear from this Bill.

Not to weary Senators with the details, this Bill will do four things. It will ensure :

firstly, that no non-Government survey work, except, as I have said, surveys for determining property boundaries, will be started without notice being given to the Federal Government ;

secondly, that if the Director of Federal Surveys so directs, the survey will be connected to the adjacent permanent marks of a Federal or a Regional survey ;

thirdly, again if the Director of Federal Surveys so directs, the survey will be marked by its own permanent marks ; and,

finally, it will ensure that a copy of the results of the survey, in the form of maps, aerial photographs, computations and other records must be deposited with the Federal Government. This, too, will only be done if the Director of Federal Surveys requires it.

Senators will notice that clause 3 of the Bill will oblige the Federal Government to pay reasonable compensation for expenses incurred and property handed over in compliance with the Bill. This is because section 30 of our



[MINISTER OF WORKS AND SURVEYS]

Constitution requires that no property in Nigeria may be compulsorily acquired without payment of adequate compensation. It is hoped, however, that the sum to be paid will be quite modest.

Senators will notice that clause 1 subsection (4) of the Bill obliges the Director of Federal Surveys to pass on one copy of all maps and plans to the Surveyor-General of the Region where the survey was done.

It is not only the Federal Government, in fact, which will benefit from this Bill. Indeed, Senators should know that this Bill has the strong support of all the Regional Governments.

I beg to move.

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

**Senator Chief O. A. Fagbenro-Beyioku** : This is a welcome Bill at this time of our existence. Apart from anything else, Nigeria has come into great prominence and we should not for any moment dismiss the possibility of any form of sabotage. If surveying is not controlled or co-ordinated and everybody is free to undertake any form of marginal or regional or boundary survey either in the guise of a company or working for some sort of organisation or working in the interest of certain firms or certain forms of bodies, and which firms or which bodies eventually may be people who are trying to know about Nigeria in order to prepare for an attack and who would try to be quite conversant with every strategic point in the country it would not make for the safety of this country. That is one important thing and we must never lose sight of this at all—that even very close to us and around us we may have people who are so much interested in our affairs but whose interests are not genuine interests. Therefore, it is a very good thing that before anybody undertakes any form of surveying in this country, the Director of Survey must have to know about it and give his permission.

There are several border-line interests in this country as to where a piece of land rests—whether a piece of land rests in this Region or that Region. This Region or that Region may have an interest in the land or the Federal territory may have an interest in the land.

I used to know a certain building around the Federal territory which borders around the Western Region. Some of the walls of the building rest in the Western Region and the other walls rest in the Federal territory. In matters of such a nature, the Western Region will be claiming that its laws should have to be imposed on that particular building and the Federal territory will also make similar claims. But if there is what is called co-ordinated surveying, the two Governments will know that in this particular building there is this interest and that interest and it will be very easy to decide to which one the various interests go.

When I went through this Bill, what worried my mind in the first instance has been cleared, and that was whether it was going to affect personal interests. For instance, if Senator Mrs Esan should buy a land in Lagos now, whether she must have to take permission before she could survey that land. I was thinking of that. But now the hon. Minister has cleared this and has told us that the Bill does not affect personal interest and that everybody who buys his own personal land could survey it without in the first instance applying for any form of permission. Since that has been cleared, there is nothing for us to quarrel about on this Bill but to support it and to wish that the Government will bring more Bills of this nature.

**Senator Chief Z. C. Obi** : Unfortunately, I have not a copy of the Bill. But from the explanations that have been put before this House, I am convinced that the Bill is a very good one indeed. I, therefore, support it.

*Question put and agreed to.*

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

## ADJOURNMENT

*Motion made and Question proposed, That the Senate do now adjourn—(MINISTER OF STATE (SENATOR DR THE HON. E. A. ESIN)).*

*Question put and agreed to.*

*Resolved, That the Senate do now adjourn.*

*Adjourned accordingly at seventeen minutes past five o'clock.*



SENATE OF THE FEDERATION OF  
NIGERIA

Wednesday, 22nd August, 1962

The Senate met at 10 a.m.

PRAYERS

(The President in the Chair)

**The President :** Sitting is suspended for a few minutes.

*Sitting suspended : 10.10 a.m.*

*Sitting resumed : 10.23 a.m.*

ORDER OF THE DAY

OFFICIAL SECRETS BILL

*Order for Second Reading read.*

**The Prime Minister :** (Alhaji the Rt. Hon. Sir Abubakar Tafawa Balewa) I rise to move, That a Bill for an Act to make further provision for securing public safety and for purposes connected therewith be read a Second time.

This is a Bill which is very important for the security of the Federation, and I think all Senators will agree that the provisions contained in the Bill are very necessary. We are living in a very difficult world, and there are countries and nations which go out of their way to induce nationals of other countries to pass some information to them. Senators will see that we make certain provisions by which people who try to sell this country to outside countries will be dealt with.

I do not think it is necessary for me to make any long speech on this Bill in view of the manner in which the Lower House had passed it, and I must say that I am very encouraged by the unanimous view of that House. On the question of certain provisions of this Bill, I think it is very necessary when we come to the consideration of the Bill at Committee Stage if Members can ask questions on the different provisions.

In the Lower House a question was asked whether it will not be proper to pass very severe penalties on the people caught, and some of the Members even suggested that we should have death sentence for those who pass out this type of information. We have been trying all the time to stick as closely as possible to our Penal Code, and I hope this Bill will receive the approval of the Senate. I would like to assure the House that it is not

our intention to allow the Police to misuse the powers which are delegated to them under this Bill.

I beg to move.

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

**Senator M. B. Chukwubike :** I rise to support this Bill and to thank the Government for introducing it. The revision of our laws to agree with Nigerian culture should be pursued at all costs. I must say that the Federal Government is making a name by all these security measures which it is introducing. This, indeed, is a move in the right direction, and I must say that the Federal Government is surely shouldering its responsibilities as a Government of an independent country.

I have two points to make on this Bill. I know that no one likes to remain in prison for even one hour, but I share the view that the penalty for leakage of official secrets by any person should be life imprisonment. This crime is identical to murder, the penalty for which is death. So I feel that the penalty for the leakage of official secrets should be life imprisonment. Revelation of official secrets some times leads to national calamity, and any legislation against it will be very much welcomed.

There is another point I want to make. We all agree that blood is thicker than water, and also that nobody would like to remain calm when matters affecting his country are being discussed. This being so, this Bill will make the Nigerianisation of our Civil Service imperative otherwise our Official Secrets Act will be an open secrets Act. I disagree with the suggestion that our imperialist friends are hundred *per cent* trustworthy. As far as this Act is concerned we should guard our secrets seriously. We all know that the smooth running of the Governments of this country is being envied by many countries outside, and this should be strictly guarded. My point is that in order to achieve the aim of this Bill total Nigerianisation of all our key posts in the Civil Service should be speeded up. This is the Bill we love to see, and I support it.

**Senator J. K. Nzerem :** I think this is a straightforward Bill and one which will receive easy passage in the Senate. Yesterday while we were debating the Customs Preventive



[SENATOR NZEREM]

Bill I said that smugglers are traitors and should be treated as such. Those who reveal the secrets of their own country in order to make money or for any other purpose are real traitors, and they deserve to be dealt with very severely by the law.

I am very much in sympathy with those who say that life sentence should be given to these people. It may not be within the provisions of our Penal Code, but I do think that the Government will keep an eye on people who go outside Nigeria to malign their country, the country of their birth. Such people are real traitors, and when such people come within the ambit of the law they deserve no mercy.

It is true that nationals of other countries who are in the Public Service of Nigeria may have divided loyalty. But I think there are many people of integrity who, if faced with choosing between loyalty to their country and loyalty to the Government which they are serving, will choose resigning their appointment and not be hypocritical.

While I desire that all our top posts in the Civil Service should be Nigerianised as early as possible, we should never sacrifice efficiency for Nigerianisation. The Official Secrets Act is a very necessary legislation and I must congratulate those who are responsible for preparing it. As my friend, Senator Chukwu-bike said, revealing official secrets can land the country in very serious trouble. We all know what happened during the last war. We are told it was not Germany but the German money that made France go on her knees after a few weeks. People who have no love for their country might go to any length. They will receive money; they will go in for good name abroad, but this Act will put an end to such desires on the part of these people. Without taking up any more of your time, I support this Bill and believe that every reasonable Nigerian will support it.

I beg to support.

**Senator Chief P. I. Acholonu:** I have pleasure in supporting this Bill. This Bill is not a controversial one; it is welcome and deserves the honest intentions of this august and honourable House. The mover of this Bill deserves any amount of commendation because without a legislation of this kind the life of this young country is at stake.

I have however, some contribution to make as regards the measures to be taken in case of contravention of the Act. For any person or persons caught committing the offence, the punishment must not be less than 30 years imprisonment because there is no other offence anybody will commit in this country that will be more severe or more abominable than this.

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

**Senator Chief Mrs W. Esan:** This is a welcome Bill. No one who is a patriotic Nigerian will like our official secrets to be divulged anywhere within the country much less to the outside world, and anybody caught revealing official secrets should be dealt with severely.

Treason in Nigeria in ancient times was punishable by death or by cutting off the arms and ears of the offenders. That was brutal and to-day we do not want to see people with arms and ears cut off. Yet, I would like to say that official secrets differ from mere indiscreet statements. People are sometimes tempted to say a bit more than they intend to say especially when they are in the midst of people who make too much of them. They become swollen-headed and they want to say a little more than they want to say. Are we going to consider that as revealing official secrets? Are we to regard that as an offence punishable under this Bill?

Another point is that we should give the people a clear definition of the things which come under the Official Secrets Act. It will then be unwise for anybody to contravene the law in order to make himself look important either in the country or outside the country.

During the debate in the Lower House, someone said that expatriates in Nigeria should be considered security risks. I strongly object to that. When women are married they become loyal to their husbands and loyalty is not a question of skin. So, I do not think that because someone is white and someone is black they should not be married to themselves. I am not by this suggesting that all our children who go abroad should marry white wives. This might be considered good in the days of our overlords but this type of thing should be dis-



couraged now that we are shedding our colonial mentality and having greater respect for the colour of our skin.

The last thing I want to say concerns Clause 6 which deals with Search Warrants. I think we must be very careful. The top Police Officers who execute search warrants should not do it indiscriminately. Suppose a search warrant is to be executed on my husband ; he is not in and I allow them in, and during the search they find documents which are secret to me and which relate to me. These documents may not be relevant to the purpose for which the Police originally came but they will be carried away and I may be prosecuted. I say that on the long run this will rebound and affect all the politicians in the near future, because whatever we may think, there is no disputing the fact that, politically, we are just learning, and we have got to learn and learn well in order to gain the necessary experience. At the moment, there are many mistakes and errors committed consciously and unconsciously. Therefore, I would like to sound a note of warning, that while I consider that this Bill is a very good one, I urge that we must look very carefully over each clause in order to effect necessary improvements and amendments. Such a step will make it acceptable to every one of us.

With these few remarks, I beg to support.

**Senator Chief O. A. Fagbenro-Beyioku :** I think we are now on the right way. Since we became independent, and, in fact, during the last few months, many things have happened around us. There were people who thought that our Government was ultra-lenient ; there were some who felt that our Prime Minister was unduly hesitant, and that the Council of Ministers itself was not pulling its full weight in the way certain important matters affecting the security of the State were handled.

Events, however, during recent months have proved beyond reasonable doubt that the Government of this country is a real Government of the people, a Government which actually takes into consideration the liberty, freedom, and the protection of the fundamental human rights entrenched in our Constitution. We are now all convinced that our Prime Minister was not unduly hesitant and that the Council of Ministers was not unduly ultra-democratic. The country is now

awake, like the traditional lion that we are. We now want to see that the shores and the four corners of the Federation of Nigeria are properly protected. For this timely action, I have to thank both the Prime Minister and his cabinet. They are now approaching the stage that we have all been expecting for so long.

Charity begins at home. Events have happened which have made some of us very unhappy. We must, therefore, search our hearts and talk to ourselves very seriously, and particularly to those of our people who are placed in exalted position as Ministers of State. We are not very happy when, at times, we find the newspapers speculating on matters that had taken place in the Council of Ministers. There is no smoke without fire, and I think that everything done in the Council of Ministers, according to our tradition, must be guarded with the utmost secrecy and never be allowed to see the light of day. But events have proved that eighty or ninety *per cent* of these newspaper speculations have been proved correct in the end. We all, therefore, have to renew our oaths, our obligations and our allegiance to this country.

I have not much to say about Civil Servants in the Secret Service. I know that a lot of them are very discreet, even to their closest friends, and they do not want to discuss secret matters. At the same time, there are some frivolous ones among them—we cannot escape that.

I feel, however, that in the implementation of this Bill when it eventually becomes law, we must be very careful to treat every aspect of it with all seriousness. There are some of us who are very knowledgeable about the affairs of the State ; there are others who, having contracted verbal agreements with foreign countries, do not hesitate to talk glibly of Nigeria abroad there are also others whose utterances portray Nigeria in an obnoxious and irresponsible way, and there are those who, after having organised one or two disturbances, take photographs of these incidents and send them to neighbouring territories, thereby attempting to bring into disrepute the Government of this country. I think the time has come that these unpatriotic people should be restricted, or, if they are not restricted, they must be made to suffer the full force of the penalty under this Bill when it becomes law.



[SENATOR FAGBENRO-BEYIOKU]

We have before us now, our SIX-YEAR DEVELOPMENT PROGRAMME. If this Programme is to succeed, the security measures of the country must be tightened. It is not unlikely that there are people in the country who are determined to see that the Development Programme does not succeed. If we are to succeed in building a stable country, this Bill must be regarded as a very welcome one.

Another important aspect of this Bill is that affecting the Security section of the Force. This section must be staffed by men of high integrity, and such men must enjoy a condition of service conducive to the responsibilities that they are now called upon to bear. This section must not continue to be staffed by the same old shabby security officers—some in the grade of constables and lance-corporals who were assigned to implement matters of high importance affecting the security of the State.

I do agree that in the implementation of this Bill, very high officials must be given the responsibility of recommending to the Minister suspicious people for whom search warrants should be issued. But what will happen in areas where there are no officials of the grade of Assistant Commissioner of Police? I believe the Prime Minister will have a way of meeting the situation. Perhaps there will be delegation of power.

A lot has been said on the question of penalties. If we want to go by the way we feel about these things the maximum penalty must apply and in any case not less twenty years imprisonment. The man who wants to destroy the nation must be kept in a safe place where he will destroy only himself.

There are still some Nigerians who, when they want to go to certain countries in Europe, first go to a neighbouring territory where they obtain a visa to go to Europe. It means that they regard the neighbouring territory more important than their own country of origin. When they go to the neighbouring territory they take a passport to travel outside, and then when they get to the other end they answer Nigerians.

**The President :** May I point out to the Senator that this is a bit too wide of the Official Secrets Bill. We are dealing with leakage of official secrets. Treason may be a different thing from leakage of official secrets.

**Senator Chief Fagbenro-Beyioku :** Well, Sir, I think official secret means a lot.

**The President :** Taking passport from Dahomey and going to Moscow is not revealing of official secret. So I think we can keep within the relevancy of the Bill.

**Senator Chief Fagbenro-Beyioku :** I am a Nigerian and I know a lot about official secret. I happen to be in possession of some.

**The President :** That will probably bring the Senator within the grip of the law.

**Senator Chief Fagbenro-Beyioku :** If I want to sell the secret I will find it necessary to make my exit from the country because I have that information in my possession. If I go out and divulge that secret, surely it is official secret. But I accept your correction, Mr President.

Every hon. Senator who has spoken on this Bill supports it wholeheartedly. One of the reasons is that it is particularly connected with our six-year Development Programme. This Bill is very important. Anything that makes for the stability of the country is important. I support the Bill.

**Senator H. O. Abaagu :** I welcome this Bill. I just want to say that I disagree with any suggestion that just because of this Bill Nigerianisation should be speeded up. I am not doubting the integrity of Nigerian civil servants whose duties are sometimes connected with official secrets, but at the same time I cannot count entirely on the integrity of certain Nigerians connected with official secrets. I cannot see why a certain columnist in the local Papers sometimes gets one hundred *per cent* details of the deliberations of Council of Ministers or of any Ministry on policy matters. The speculations of this columnist *Aiyekoto* are always one hundred *per cent* correct. It baffles everyone that a man who is outside the Government speculates correctly what is going to happen in a few days. It means he got that information from within the Government.

I know that with us Africans, when we are revealing official secret, we are not conscious that we are doing it, but we do it. When certain people get together, one man will go out, meet A and tell A, "This matter has been discussed but it is still top secret, do not tell



anybody." A will go to B and say: "Well, that is what I have heard, but I have been told not to tell anybody. I trust you that is why I told you, do not tell anybody." B will go to C and do the same thing and in a few hours the whole thing will spread out. For this reason, I am sorry to say, I trust the expatriates more than Nigerians as far as official secrets are concerned. The Europeans are not very accessible to many people as we are, and the chances of their revealing official secrets are always very remote since they do not go in groups of very many people, in hotels, in dancing groups and things of that nature. Again, Europeans have a high sense of responsibility as far as official secrets are concerned. I am saying this because when the Europeans were in the key posts in the Civil Service, things of this nature were not rampant, but no sooner did the Africans take over, than these things became the order of the day.

I am not doubting the integrity of Nigerians but this must stand as a warning to those Nigerians who are sometimes entrusted with duties connected with official secret. I am not saying that duties or posts which are secret in nature should be reserved exclusively to expatriates. There are some expatriates who are not trustworthy, there are also some who may be trusted. For example, expatriates should not be trusted always when it comes to the question of official secrets because they come from a country which we suspect to be undermining the sovereignty of Nigeria. I am not disqualifying Nigerians from being appointed to posts of trust. I am merely sounding a note of warning. We want them to live up to expectation.

**Senator Chief Fagbenro-Beyioku :** I want to say this as a point of order, that official secrets could have been more exposed to Europe through the expatriates than through Nigerians.

**The President :** That is not a point of order. You are countering the debate of the Senator, which you are not entitled to do. Will the Senator proceed.

**Senator Abaagu :** These are my points. I am not disqualifying Africans who are aspiring to positions of that nature, but when the Government is thinking of entrusting official secrets to any African or Nigerian it should be very cautious.

**I beg to support.**

**Senator Chief Z. C. Obi :** I rise to support this Bill without comments.

**Senator Chief J. S. Olayeye :** I have no hesitation in supporting this Bill. But in supporting this Bill I want to be enlightened by the Government as to what categories of crimes this Bill refers. Leakage of official secrets with a view to selling Nigeria to the world is a different thing from what Senator Chief Fagbenro-Beyioku has already said, that some discussions of the Council of Ministers leak out. Selling Nigeria to another country is, in my opinion, a very grievous offence and the offender should be dealt with accordingly. He could be sentenced to death if possible. That is all I want to say on this point.

When we say official secrets we must differentiate capital offence from an ordinary one. This Bill merely states that anyone who commits such an offence should be sentenced to four years imprisonment. Supposing the Prime Minister tells somebody something and that person happens to tell me, will that person be charged for committing an offence under this Bill? This type of offence is quite different from a Nigerian who receives some money with a view to selling Nigeria to another nation. I just want that to be noted.

For instance, during the 1914 War between Germany and other European countries, there was a leakage of secret which claimed the life of Lord Kitchener, a very famous man at that time. Lord Kitchener was to go on a voyage outside England. There was in England a man who was a friend to a German. What did he do? He sent a telegram to his friend in Germany. With your permission, Mr President, I will read it:

*"Shall Henry enter the London Academy next December?"*

When the German received the telegram, he read it and sorted out the letters in order to know what the telegram indicated. He found the following:

(S)hall  
(H)enry  
(E)nter  
(T)he  
(L)ondon  
(A)cademy  
(N)ext  
(D)ecember



[SENATOR OLALEYE]

In this way the German discovered that SHETLAND was where Lord Kitchener planned to fight the German Army. There and then this news was made known to the Germans who sent their army to waylay and torpedo the English warship, and there and then Lord Kitchener lost his life. As a result of this horrible, terrible and lamentable event, everybody's mind in England was disturbed and worried. The English, clever as they are, made several efforts and eventually got the secret and found out what was responsible for this sudden death of this great warrior. They went to the telegraph office, checked all the telegrams one after the other, and then found the telegram which I have just read.

From "Shall Henry enter the London Academy next December" they read out the meaning that Lord Kitchener was going to Shetland. They found out the man and he was severely penalised. Such a penalty is what I would advise the Prime Minister to inflict on any person who sells or attempts to sell Nigeria to another country.

I say this in order to show that there must be a certain demarcation between selling Nigeria to another country and a mere leakage of secrets among ourselves. As I have said, it is very risky for an official to leak out a secret with a view to breaking down the nation. If a house is divided against itself, that house cannot stand.

With these very short observations, I beg to support the Bill.

**Senator S. Eytayo :** I rise to support the Bill and to associate myself with the views already expressed by many Senators. This Bill is a welcome one. There is no doubt that it will receive the unanimous support of this House. We are grateful to God that in our own time Nigeria has gained her independence. It is one thing to be independent, and it is another to maintain that independence. When one goes through this Bill one can see that the politicians are helping us to maintain our independence.

Nigeria is not the only country which has passed a Bill like this into law. If we go through the laws of other civilised countries, we will find similar laws. This reminds me of

what happened a few years ago when one American pilot flew over Russia and he was shot down, then arrested, then tried and convicted for ten years. He would have been given a death sentence but for the intervention of several people and the parents of this youngman. Such a thing can also happen in Nigeria, and unless we have provisions of this nature, we will not be able to try people from other countries who might do such a thing in Nigeria. I believe that this young man who flew over some areas in Russia wanted to take photographs of such areas. A similar thing can happen in Nigeria too. This Bill is making provision against such a thing and that is all the more reason why I support the Bill.

**Senator H. N. Udoh :** Nobody in Nigeria, be he a little child, will fail to support this Bill for the sake of security.

Nigeria is more blessed than many other countries in Africa owing to its position. Nigeria is one of the places where independence was granted without bloodshed. Some will remember when we were struggling to achieve independence. Many of us, Nigerians, said that we were not yet ripe. Now, by the grace of God, we have won our independence. But those who made such statements are still here and are not satisfied. The Bill which we are now debating is one of the laws to keep them in check within themselves.

I feel that the punishment for anybody who is guilty of the release of official secrets should be either a death sentence or life imprisonment with hard labour. I do not think that Nigeria will ever grant any concession of a release for anybody involved in this matter. But the reason why I do not support those who have said that the man should be killed is that I feel he should live to see the Nigeria which he wants to destroy, prosper.

Now about people who go out of the country to let out official secrets against our security—if anybody takes all the necessary passports and everything possible and leaves this country and goes to other countries to expose Nigeria and it happens that he comes back home, such a person must have something awaiting him. If he does not come back home, if it is possible in law, he should be informed to remain there for life.



I personally think, as one Senator said, that the high officials who reveal official secrets do so unconsciously. A high official goes to somebody and talks of an official secret forgetting that walls have ears but no eyes. If somebody, by chance, passes by, he will hear it. Also, as one Senator said, Mr A goes to talk to Mr B about the story and so the official secret is revealed. Our high officials should not discuss such matters. For these reasons, I am supporting this Bill with all my heart.

**Senator T. Olamijulo :** There is nobody here among us Senators who will hesitate to welcome this Bill because, as Senators, we are expected to be matured and to be able to know what is good and what is bad for the country. We should therefore give this Bill our whole-hearted support because it is good for our country.

People always say that if one calls one's cloth a rag, other people will use the cloth as a rag. Similarly, if we call our people good people, they are going to be treated as such. Therefore, it is very essential that the security of the nation, Nigeria, should be placed very high above other things. At the same time, it is very essential that we should think of doing what would give Nigerians a very good name as a class of people. Let us think of everybody, either abroad or at home, with open minds and be ready to accommodate their criticisms. Whilst we are closing our doors to those who may seek to sell our country, we should, at the same time, realise that if we close the door to criticism, Nigeria would go daft. It is very essential that we should be able to accommodate criticism—not destructive ones. We should know how to sort out destructive ones and constructive ones that would give Nigeria very wide respect. If we refuse to accommodate criticisms, that is the end of democracy in Nigeria, and if we are not prepared to sort out the right type of criticism from the wrong type, as I have said, that is the end of democracy in Nigeria. I, therefore, ask the Prime Minister and the Minister of Justice to sort out the good from the bad. The Government should be on the alert. We know that this Bill is removing undue privilege from mischief-makers, who act for the destruction of others and who find faults where they do not exist.

**The President :** Order ! Undoubtedly, we must debate this Bill. The Bill is on Official Secrets, but I believe the Senator is talking about criticism.

**Senator Olamijulo :** I am talking about that really, and I feel I should heed the warning of the President.

It is easy to introduce a Bill, but the operation of it may be difficult. I wholeheartedly support the Bill, praying that my warning be heeded in that the Bill should not be misinterpreted.

**Senator Dahlton O. Asemota :** This is a welcome Bill indeed.

Before I dwell on one or two important points which I would like to raise in connection with this Bill, I would like to tell Senators my experience during the last few months. I am one of the people who went to the United States and Canada. On the 12th of June, we visited the President of the United States of America, President Kennedy, and were, first of all, taken to the Conference Room which is similar to our Cabinet Office here where one would see all the different Governors and State Officers with the President. But the President was not satisfied, and he asked that we should be brought into his office. We went into the President's Office, and he was so pleased to see us Nigerians. Of course, as Nigerians we went dressed in our Nigerian attires, everyone of us looked dignified. The President talked about one thing and another, and then he talked about our luck in having a cool headed man as a Prime Minister. Then somebody showed us where our Prime Minister stayed when he came there, and the President talked about Nigeria as a whole. He was very pleased indeed to see us. The very high regard that he had for us, and what we heard from him, should make every Nigerian to be very proud of himself, and we were very proud of ourselves.

We visited there, and went to one or two other places from where we went to Montreal in Canada, where our Minister of Transport was described as a dignified man, and this same remark went to all of us. I just want to give you a report of it now.

**The President :** Order ! This gladdens my heart, being also a member of the delegation, but I would like you to be relevant to the Official Secrets Act.

**Senator Asemota :** I say this in order to show that this Bill is a very welcome one, because we want to preserve the dignity,



[SENATOR ASEMOTA]

respect, and affection which Nigerians already have overseas. Whatever goes on, Nigeria is being regarded in the highest esteem, and the only way in which we can preserve this is by way of this Bill. It is indeed a welcome Bill. I do hope that every Nigerian will take it seriously to heart and observe it so that the good name which we have already established should not be stained.

I would also refer to two or three matters in this Bill. The first is Clause 9 (1), page C116. With your permission, Mr President, I quote—

*“In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—*

*“classified matter” means any information or thing which, under any system of security classification from time to time in use by or by any branch of the government, is not to be disclosed to the public and of which the disclosure to the public would be prejudicial to the security of Nigeria;”*

Well, it is not clear enough. I should be very happy if the Prime Minister would explain what is meant by “classified matter” as regards the Six-Year Development Programme.

One is likely to talk to anybody about Nigeria's intention, what Nigeria wishes to do, and solicit assistance from other countries in carrying out the Six-Year Development Programme. But if this Bill covers the Six-Year Development Programme, it will be too difficult to talk about it.

I also would like to refer to Clause 9 (1) (b) which reads as follows—

*“any area in Nigeria or elsewhere for the time being designated by an order made by the Minister as being an area from which the public should be excluded in the interests of the security of Nigeria,…”*

Here again I think it somehow refers to naval, military, and air-force establishments but I think that a detailed explanation is necessary. When a foreign friend visits one and one takes him out to Ikoyi to see places of interest and it is unknown to the one that those places have been demarcated, obviously one would come within the ambit of the Official Secrets

Act. If there is going to be any such place in Nigeria, it should be clearly demarcated. If this is done, one would know when one has committed an offence under the Official Secrets Act.

These are the two points that I have in mind, and I wholeheartedly support this Bill, and I trust that everybody will do the same.

**Senator Chief R. A. Umoh:** I rise to support this Bill and in doing so I would like to say that this is the time the country needs security most. It is true that we had our Independence in a most congenial atmosphere and the whole world is thinking that we are easy-going people. We must not in an attempt to give the world this impression slacken our vigilance. They say we are very happy and our people have the energy and ability to make a success of our Independence, but how can we keep our independence when security measures are not tightened up? What we need now boils down to one thing, from whatever angle we look at it; if an ordinary murderer who takes the life of only one person can be hanged there is no reason why a traitor, somebody who plans to ruin the whole nation, should not be severely punished. As a matter of fact, there is no reason why the penalty for such a crime be life imprisonment.

If we look at this Bill very carefully we will find that the highest degree of integrity is expected from everybody in this country. This is the time when everybody should be on his guard. It is when things are running smoothly that the devil comes very near and tries to cause trouble. So unless we are always on our guard, we may fall into the temptations of the devil. This is a very important issue.

We require people of integrity not only in our Civil Service but also in the Council of Ministers. Some Senators have said that the Ministers will not be affected. I think everybody is affected by this law—all the civil servants in this country from the highest officer to the messenger. If all these people are aware of this law, if they know their duty to the State, they will be on their guard, because if you have no enemy in this world you will never prosper.

Nigeria enjoys a very good name outside and the country's friends are growing by leaps and bounds. There are people, however, who are seeking to lower the prestige of this great



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country. So it is the duty of everyone, both the rich and the beggar to see that the country grows stronger and stronger. Sometime ago the Supervisor of a Government school kept the Question Papers for Standard Six pupils. One of his servants went secretly and opened the locker where these papers were kept, removed them and sold them to some of these pupils. The Supervisor found himself in a very embarrassing position because he was arrested. He was however, later released, when it was proved that he was not responsible for the leakage.

We have to be on our guard. We should not rush to Europe or Russia or America to disclose our official secrets. You may think that these places are too far for people to go and divulge our official secrets. But there are people who take pleasure in going to these distant places to divulge our secrets. They go there to betray this country for various reasons. Some want to appear big before the outside world or even before his own countrymen. We should be on our guard against all these things. Those who go abroad should be careful what they say both in this country and outside the country.

I have said repeatedly that this is the time we must be on our guard. I welcome this Bill and I wholeheartedly support it.

**Senator Chief P. C. Ndu :** I rise to support this Bill wholeheartedly and I take this opportunity to congratulate the Prime Minister for introducing it particularly at this critical time. Nigeria is a young country. Official secrets are the greatest machinery of the Government. For instance, it takes the Council of Ministers days, or even weeks or months to arrive at certain conclusions, and yet someone in the twinkling of an eye reveals the whole secret. Some people divulge official secrets in order to make money and some people divulge official secrets merely to show people that they are in possession of important facts and documents, and to show that they are able to say something. They are commended and they feel big without knowing that they have done what could bring calamity to the whole nation. Anybody found guilty of that offence should be given life imprisonment. With these few remarks, I support the Bill.

**The Prime Minister :** I would like to thank Senators for the support they have given to my Bill. A number of Senators have made some

very useful points. It is not my intention to cover them all, but to treat them generally and to say that I have taken note of the points made.

I observe also that many Senators have demanded life imprisonment or death sentence for people who give away official secrets. A number of Senators have also suggested that this is the time when we should Nigerianise all the security posts in the Federal Government. But Nigerianisation is our policy and we are doing our best to foster it. At times, we have been asked in the Lower House to disclose the number of nationalities serving in our Security Branch, but I have always declined to do so because if I did, the whole thing would no more be security. I can assure Senators, however, that we are doing our best to Nigerianise, and I am happy to say that we have got the matter under control.

Senator Chief (Mrs) Wuraola Esan made some very interesting points. She spoke on a particular subject in relation to the other sex, that is about Nigerian women getting married to people of other nationalities. I have no doubt that what she said is correct, but it is not always necessary for a wife to disclose secrets which she may possess from her husband. In fact, many of these wives, I understand, are becoming Nigerian citizens, and so I think we should regard them as Nigerians. Senator (Mrs) Wuraola Esan should know, of course, that we are taking certain precautions in regard to foreign representations. Nigerians who are in the Foreign Service will not be encouraged to indulge in very free association with other people.

Senator Chief Fagbenro-Beyioku made quite a number of points. He said that at one time the Prime Minister and the Government were thought to be unduly hesitant. I would like to say that if any Government is to succeed, the Prime Minister, the Ministers, and all concerned should be tolerant and it is most necessary that people in a position of authority should exercise a lot of patience. That one has power does not necessarily mean that such power must be used anyhow. We, on our part, use power when it is absolutely necessary. (*Applause*).

Senator Beyioku made another very interesting point, which was supported by other Senators. For example, I think that the same point was made by Senator H. O. Abaagu, and,



## [PRIME MINISTER]

in another form, by Senator Chief Olayeye. The point was that I should do something about the leakage of official secrets from the Council of Ministers. I have noticed that there have been speculations in the press as to what the Federal Government is intending to do and that on many occasions these speculations have been correct. Well, I will not disclose to the Senate the action that has been taken. But I want Senators to know that I am really concerned about it, and I am taking some measures to see that these things do not repeat themselves too often. There are instances, however, of when it is impossible to determine how the newspaper men get their information. I really do not know whether they obtain the information by means of *juju* (Laughter). Believe me, I do not know. I am trying however to apply my own method which I think will make it impossible for them to know these things in future.

Senator Chief Olayeye told us of how Lord Kitchener lost his life in the 1914 war. Well, I think that is a very common thing. All these things happen during wars. In fact, some of us know quite a lot about these security measures, and all sides in a war will employ the same method, so I am not surprised at all. Senators might have heard the story of one Colonel Martin during the last war when the allied forces were trying to attack the mainland of Italy. The attack was planned in such a way that made the Germans believe that they were attacking Sicily, and as a result, they concentrated all their forces there. Such things are very common occurrences.

My Friend, Senator M. G. Ejaife, told us the story of the U.2 incident, and that brings me to the point made by Senator Dahlton O. Asemota who wanted to know the necessity for retaining the provision of section 9 (b) which prevents people from going to certain places.

If we have an Official Secrets Act, it is very necessary that we should use it. I am quite sure that the Senator would not like to bring in the nationals of another country to take photographs of secret institutions in this country. That is exactly what the U.2 man was trying to do in Russia. It happened right there in Russia—the man tried to take photographs. Such a thing could easily

happen here if we include secret development projects in our Development Plan. It is our hope to publicise our Six-Year Development Programme, and even to sell copies. We want to publicise the Plan as much as possible. It has been presented to Parliament, and whatever is presented to Parliament becomes more or less public property.

I wish that all of us should follow the example of Senator Chief Z. C. Obi. I would definitely take the opportunity to inform the Lower House about it. His speech was the most interesting short speech that I have ever listened to in my life.

I want to thank all the Senators who have supported this Bill.

*Question put and agreed to.*

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

## OFFICIAL SECRETS BILL : CONSIDERED IN COMMITTEE

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

*Clause 7—PENALTIES AND LEGAL PROCEEDINGS.*

**Senator Chief A. O. Fagbenro-Beyioku** I want an explanation, Sir, on Clause 7 (3): "No proceedings in respect of an offence under section one, two or three of this Act shall be begun except with the consent of the Attorney-General of the Federation or a Region or by or on the instructions or authority of the Director of Public Prosecutions of the Federation or a Region; and the instrument by which permission is signified for the beginning of any such proceedings shall state whether the proceedings shall be summary or on indictment.

I wonder if the Prime Minister would not feel that it would be more helpful if we have one authority to be responsible for giving these instructions. Here either the Attorney-General or the Director of Public Prosecutions can give instructions. I wonder whether that is not going to cause some confusion in the matter of such proceedings.

**The Prime Minister :** I do not think this will cause confusion. One of the Senators, it might be Senator Beyioku himself, in his speech asked the question "What will the Government do in places where we do not



have Director of Public Prosecutions or senior Police Officers?" This more or less meets what he asked me before. It will help the Attorney-General of the Region or the Director of Public Prosecutions when these crimes are committed in those places. The people themselves could not get away so easily. I think this provision is quite in order and also necessary.

*Clause 7—ordered to stand part of the Bill.*

*Clause 8—ordered to stand part of the Bill.*

*Clause 9—INTERPRETATION, etc.*

**Senator D. O. Asemota** : I would refer to Clause 9 (b). I think the Right hon., the Prime Minister has misunderstood me as regards Clause 9 (b). What I want is reasonable safe-guard for anybody committing an offence unintentionally. Will the Government demarcate the protected area so that people may not go there unintentionally?

**The Prime Minister** : I think this is always done. If the Senator has, as he has told us, gone round the world, I am sure he must have seen notices like "The public are not allowed beyond this point." If the notice says that people are not allowed beyond a point and they go there, they have had it.

*Clause 9—ordered to stand part of the Bill.*

*Clause 10—ordered to stand part of the Bill.*

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

#### MERCHANT SHIPPING BILL

*Order for Second reading read.*

**The Minister of Transport and Aviation** (Hon. R. A. Njoku) : I beg to move, That a Bill entitled the Merchant Shipping Bill, be read a Second time.

The purpose of this Bill is to provide for Nigeria legislation to replace the United Kingdom Merchant Shipping Acts, the provisions of which governed Nigerian ships and shipping in Nigeria waters prior to Independence and are still in force.

The Bill is, in effect, a consolidated version of all the United Kingdom Merchant Shipping Acts since 1894, adapted and revised to suit Nigerian conditions as well as international requirements. It also incorporates all appropriate existing Nigerian legislation, namely

the Desertion from Ships Act, the Shipping and Navigation Act, and the Wrecks and Salvage Act.

The Bill is designed to cover all aspects of shipping and safety of life at sea, and includes provisions for the implementation of various international conventions, to which Nigeria subscribes. This latter function of the Bill is of great importance, since, if Nigeria's ships are to be treated on equal terms with those of other maritime nations, they must be manned and equipped to the standards that have international acceptance.

It will be seen that a number of sections of the Bill are designed to protect the welfare of seamen, and as such will, I am sure, have the full support of the House.

Before dealing with the different Parts of the Bill, I would like to refer to some points of general interest. Hon. Senators will note that the Bill differentiates between "Commonwealth" and "Foreign" shipping. This differentiation is necessary, because of the reciprocal arrangements for inter-change of qualified officers and seamen through shipping offices in Commonwealth territories, and also provision for the mutual protection of seamen and ships of any Commonwealth nationality. The Nigerian Shipping office can, for instance, now sign on and off seamen of other Commonwealth countries, while a similar procedure applies to Nigerian seamen in other countries. Depositions can also be taken relating to ships registered in any Commonwealth country according to the laws of Nigeria.

These arrangements do not apply to the shipping of foreign countries outside the Commonwealth. As the majority of Nigeria's 2,400-odd seamen are employed in Commonwealth shipping, the reflection of these reciprocal arrangements between Commonwealth countries in the legislation is of considerable advantage.

As the Foreign Service of Nigeria is not yet established on a world-wide basis, this Bill makes it possible for Nigerian seamen to lay complaints and seek redress before British consuls or the captains of Her Majesty's ships, where no Nigerian consul is available. Nigerian seamen and seamen on Nigerian registered ships have exactly the same rights as British seamen if suffering imposition or poor fare.



[MINISTER OF TRANSPORT AND AVIATION]

I think that Senators will, in reading the Bill, be satisfied that Nigerian seamen are amply protected by its provisions. And I can give the Senate an assurance that this Bill in no way diminishes the amenities that Nigerian seamen enjoy to-day.

The Bill contains a number of provisions that are designed to make travelling by water safer for the general public. All inland water vessels over fifteen tons will now require to be registered. The requirements for the survey of vessels has not been changed, but owners will in future be required to keep records on board each craft showing the name, certificate number, address, *et cetera*, of each person in charge of the craft and of its engines. This new provision has been found necessary because of the number of accidents and cases of loss of life due to the operation of small craft by uncertificated or incompetent masters and engineers.

I appreciate that the provisions of a complex Bill of this nature may be difficult for the general public to master. My Ministry, therefore, proposes to issue a booklet setting out in abridged form all the provisions that concern inland water craft, their survey, manning, provision of life-saving appliances, *et cetera*. This will assist owners and operators properly to understand the law, and leave them with no excuse for not complying with it.

The Bill is divided into thirteen parts containing 433 clauses and five Schedules. I will now deal very briefly with the individual parts of the Bill.

Part I—Interpretation—largely deals with the meaning of forms of words used in the body of the Bill. It includes provision for parts of the Bill to be brought into force at different times. This is necessary because shortage of staff may make it impossible to administer all parts of the Bill at once.

Part II—Restrictions on Trading—impose the need for certificates of foreign registry on all foreign vessels trading in Nigerian waters. The need for Nigerian and Commonwealth vessels above a certain registered tonnage or earning capacity to be registered is prescribed in another Part of the Bill. Small Nigerian and Commonwealth vessels, such as would operate

on inland waters only, may trade without a Certificate of Registry but would of course be subject to the provisions to ensure safety.

Part III—Masters and Seamen—deals first with the Certificates of Competency required for masters and seamen. The necessity for masters and seamen to be able to show competence in their calling before being allowed to take charge of expensive craft and machinery and passengers' lives cannot be over emphasised. It also empowers the Governor-General in Council to recognise Certificates of Competency issued in other countries.

This Part goes on to stipulate conditions for the engagement and discharge of seamen, recruitment of apprentices, wages of seamen and their rights in this respect, in fact, all matters relating to seamen, their welfare and rights.

It is, with slight rearrangement, a transcription of the laws to which Nigerian nationals serving on British sea-going ships are subject at present. They have stood a good test of time, provided a comprehensive system of safeguards for the rights of seamen and masters.

I do not propose to take much of the time of the Senate by enumerating the various Chapter headings. These can be seen at the beginning of the printed Bill. I would, however, draw particular attention to clause 77 (2) (b) of Chapter 12, which has the effect of allowing contributions in respect of the National Provident Fund to be deducted from the wages of Nigerian seamen on Nigerian ships.

Part IV—Construction, Equipment and Survey—deals with what it says and lays down standards of equipment for the safety of the vessel. It is not intended to bring sections 144 and 145 into effect immediately this Bill becomes law.

Part V—Load Line and Loading—lays down stipulations to prevent the overloading of ships, and also provides rules for timber when carried on deck to prevent it being loaded to such an extent that stability is adversely affected.

Part VI—Safety—deals with the prevention of collision, signals of distress, report of accidents and loss, anchors and cables, dangerous goods, grain cargoes, ballast, unseaworthy ships, deck cargoes, *et cetera*, and requires no special comment.



Part VII—Shipping Inquiries and Courts—prescribes a procedure for investigation and inquiries as to shipping casualties, and the appointment of Boards of Surveys.

Part VIII—Wrecks and Salvage—covers all matters relevant to wrecks and salvage and also to the appointment of a Receiver of Wrecks and Assistant Receivers.

Part IX—Registration of Ships—provides for the introduction of a Registry of Nigerian ships. This is entirely new. There has for many years been a Registry of British Ships in Lagos, and this will continue in existence; but when this Bill becomes law, ships can be registered as Nigerian ships in Nigeria or anywhere else, and such ships will fly the Nigerian flag. It is of course very necessary for this country to keep an accurate record of ships flying its flag because such ships are subject to Nigerian law.

It sometimes happens that a ship may be chartered by a foreign country and in the charter party it is laid down that disputes shall be decided by the law of the flag which, for a Nigerian registered ship, would be Nigerian law.

There is also the prestige attached to having vessels showing the flag of our country in the various ports of the world. This will no doubt, give our country the publicity that it deserves.

Registries of ships and the issue of certificates of registry were first instituted by sea-faring nations for the prevention of impersonation and the protection of the owner who might have found his vessel sold by the master during the course of a voyage.

There is on a Certificate of Registry a full description of the ship and the owners. The name of every master is entered whenever a change is made. It is an essential document for the navigation of ships. Part II of the Bill provides that all ships trading in Nigerian waters should have a Certificate of Registry or a licence to trade as does the law of all other maritime nations. Nigeria must have a Registry of Ships to provide what are in effect identity cards for the ships flying the Nigerian flag.

There is also under this Part, provision for the measurement of tonnage which must be ascertained before registration.

The Senate will be interested to learn that the tonnage referred to in these clauses is not the ton avoirdupois of 2,240 lbs., but is a ton of 100 cubic feet, which was derived from the Burgundian wine trade of the Middle Ages, where a ship's size was determined by how many tons of wine the vessel could carry.

Part X provides for the licensing of Nigerian ships and needs no further comment.

Part XI—General Liability of Ship Owners and Others—limits the liability of ship owners to a specific number of international gold francs for various accidents, according to the tonnage of the ship.

Part XII—Legal Proceedings—deals with instructions for the administration of legal proceedings, the definition of Admiralty jurisdiction, inquiries into deaths, detention of ships and protection of officers. It deals exclusively with the legal administration of the Act.

Part XIII—Supplemental—invests the Minister of Transport with the powers of general superintendence of the matters to which this Bill relates and also gives the Minister authority to delegate such powers as he thinks desirable to the Marine Division of the Ministry.

It gives the Minister the power to appoint inspectors and to report on accidents.

It also makes allowance for reciprocal provisions as to jurisdiction and duties of Nigerian officials under the law of Commonwealth countries.

It exempts certain ships, in fact Government vessels, from the provisions of this Bill.

It makes provision for the Minister of Transport to make regulations under this Bill and makes transitional provision for the continued application of the subsidiary United Kingdom legislation that is listed in Schedule IV.

It also stipulates that all rules and regulations drawn up under this Bill shall be laid before this House, without which they shall be inoperative; and any of these rules and regulations may be altered as seems fit to you by a resolution of both Houses of Parliament.

This, Sir, concludes in rather prosaic words, a brief description of an Act which marks a further important step forward in Nigeria's



[MINISTER OF TRANSPORT]

exercise of her sovereignty in all aspects of the national life I commend this Bill to the House and am confident that it will have the general support of all Senators.

I beg to move.

**Senator Nuhu Bamali** (Minister of State) :  
I beg to second.

**Senator Chief O. A. Fagbenro-Beyioku** :  
This is a very good attempt on the part of the Government and on which we must have to congratulate the Government.

I have some observations to make on this Bill and I will try to point out certain things for which the International Labour Convention provides but which are absent in this Bill.

In my opinion, we need not fashion our Merchant Shipping Law precisely on the United Kingdom Shipping Act which has been in existence for years. Rather than that, at this stage, we must be able to fashion our own Merchant Shipping Law in accordance with accepted provisions of the International Labour Conventions relating to shipping.

I want to refer to certain sections of the Bill which provide that where seamen are discharged the master of the ship could give a certificate on their character. In my opinion, this will be contrary to the provisions of the international Labour Conventions on the discharge of seamen. According to the provisions of the International Labour Conventions on the question of the discharge of seamen, the master has an obligation to issue certificates to seamen who are discharged.

There is another portion again on the question of certificates issued to masters or officers or crew. There is a provision in this Bill that a certificate of competence could be impounded from a person holding a certificate of competence by the master if the man is convicted of a criminal offence.

The mere fact that a medical practitioner is convicted of a criminal offence does not necessarily mean that he automatically loses his certificate. There is the Medical Board, and it is on their recommendation that his certificate could be impounded. Also, if a man who is a practising barrister is convicted, the matter goes to his Inns of Court. The International Convention provides for the

same thing. The character of the man must have to be looked into by a board and it is only on the recommendation of that board that his certificate could be impounded. But according to this Bill which is before us now, simply because a man has been convicted of a criminal offence—a man is taken to court for a criminal offence (which is unqualified and which might be a minor offence) and is fined fifteen pounds or one month's imprisonment—he loses his certificate. I do not think that that is consistent with the provisions of the International Labour Convention.

Another thing absent in this Bill is the provision of the International Labour Convention on the payment of seamen. This Bill does not take care of that. The International Labour Convention places it as an obligation on the ship farers organisation and the ship owners as something to be done conjointly by them in consultation with each other. But according to this Bill, the question of consultation with the ship-farers organisation has been completely eliminated. As it is not taken into account, it is not consistent with the provision of the International Labour Convention. If we want to go strictly by the International Labour Convention, the International Labour Convention provides that no able seaman shall be paid at a rate less than sixteen pounds. I think that is what the International Labour Convention provides. I will quote from the International Labour Organisation Convention :

*"International Sea-farers Code : Wages to Able Seamen.—Article 997—*

*"The basic pay of wages for a calendar month of service to an able seaman employed in a vessel to which this section applies shall not be less than sixteen pounds in currency of United Kingdom or of Great Britain and Northern Ireland or sixty-four dollars in currency of the United States of America or the equivalent thereof in other currencies".*

It was admitted during Committee Stage that these currencies should apply.

But even though we have the wages and everything else and we say that we are taking into consideration that this Bill was drafted in accordance with the International Labour Organisation Convention, this Bill was silent when it came to the question of wages.



The International Convention provides further that where a seaman is serving on a sea-going vessel and food is not served, he should be paid extra for that. This Bill does not take care of that. It is just the same old-fashioned colonial thing.

We say we want our shipping lines to be in line with world shipping lines, but all these Conventions had been ratified by Great Britain on behalf of Nigeria, and as we have attained independence we have to ratify the Conventions. This is because the obligations were made for us while we were under colonial rule.

On the question of Certificates, if we are to have a merchant shipping ordinance it must be consistent with International Shipping Ordinance. I see here that this Bill refers to Masters, servants, and the rest: cooks must be included in the list on the Bill. Cooks are not mentioned in this Bill, whereas according to the International Convention certificates should be issued to cooks. We want to make sure that cooks serving on board ships have international certificates of competency. The International Convention provides for this, but the Bill does not take care of it.

On the question of wages the I.L.O. Convention provides that where a seaman is stranded in a port other than the port of his engagement or his own native home, and for one reason or the other he is stranded, the ship owners or the master of the ship must give an account of all the wages due to him, and provide for his maintenance and subsistence until he is repatriated and any expenses incurred in maintaining him should be deducted from the wages. Indeed, there is a conflicting point in this Bill before us, and it would be good if the Minister could explain this question of wages, because Clause 41 of this Bill says:

"Where the master of a Nigerian ship leaves a seaman behind on shore at any port out of Nigeria on the ground of his unfitness or inability to proceed to sea, the master shall deliver to the proper officer at that port a full and true account of the wages due to the seaman; and, if the port is a port in a foreign country, he shall deliver the account in duplicate."

This Clause refers to "the proper officer". This law does not go further to say what happens to the account of the seaman when the account is delivered to the proper officer.

Clause 42 says: "Where any seaman is left behind at any port in a Commonwealth country, other than Nigeria....." The same thing happens, but it goes further to say in Clause 43 (a): "If the seaman subsequently obtains employment at or quits the port at which the payment has been made....." the money due him shall be paid him less certain expenses. I want an explanation on that, because if the seaman is left behind it is part of the obligation of the Master or the ship owner to leave all his wages behind, and apart from his wages to leave sufficient money until he is repatriated. That is what the I.L.O. Convention says.

The Minister should be able to tell us what he expects should be taken from the seaman's wages.

The Bill further provides that on certain minor matters affecting wages in which the amount involving is not more than £5 the decision of the Superintendent shall be final. I think that will be too much. What the I.L.O. provides is that in all matter relating to wages opportunities shall be given to seamen to be able to pursue the matter in the most inexpensive way, and they can be represented either by their own representatives or by any other form of representation in the most inexpensive way until they get satisfaction. When we say a man has a dispute, and we ask him to complain to his Superintendent I think we must be wrong there. The Superintendent may say to the seaman concerned: "Dash it, my boy!" We know how some of these Superintendents treat some of the seamen. I have got the experience. "Dash it, my boy". That is the Superintendent's decision, and this will not be fulfilling the objective of the I.L.O. Convention on such matters.

On the question of allotment, it is said that this Bill provides that when a seaman makes certain allotment it shall be paid to the wife or the allottee, but if the Minister or somebody feels that the wife has misconducted herself or something like that the allotment shall be seized. Who is to decide that the wife has misconducted herself? Is it the seaman who makes the allotment? The law just says it shall stop. That can be grossly abused, and it may bring untold hardship on the family of the seaman, because as the case is now, somebody will just stop the allowance and the wife



[SENATOR FAGBENRO-BEYIOKU]

and the children would be starving. That should be rectified and it should be made to run in line with the international Convention.

This Bill does not make provision, in accordance with Article 1636 of the I.L.O. Convention, for the dependants of seamen to have medical care on the same lines and on the same proportion as their counterparts in industry. The I.L.O. Convention provides that the dependants of seamen should have medical care on the same proportion, or rate, or anything, as other people engaged in industry. That is what the Convention on that matter says. I think I shall read Article 1066, with your permission, Mr President :

*"Article 1066 (c) Social Securities : Sea Farers. The dependants of a sea farer shall be entitled to medical benefit no less favourable in respect of conditions of work, extent, and duration than that to which the dependants of another worker in industry are entitled."*

What we have here is just a camouflage, and does not fulfil the provisions of this Convention.

Allowance is made in this Bill for inspection —"but purposely and principally for technical inspection", whereas in accordance with Articles 1170 and 1176 of the I.L.O. Convention provision is made for labour inspection apart from technical inspection. People go on board to make inspection purposely for the welfare of the seamen apart from detecting technical faults. What we have in this Bill is to make provision for somebody connected with the technical functions of the ship to go aboard and see that every machinery is working well, but as to the welfare of the seamen this Bill is silent. I feel the Minister would like to take care of this.

Again we have what we call seamen's insurance against sickness.

There is another point to which I want to refer. I have to be convinced that the Workmen's Compensation Act is directly pertinent to the Seamen's Insurance Convention.

In introducing this Bill, the hon. Minister of Transport referred to the Provident Fund. If we study the provision of this Provident Fund and study the provision of the Compensation Convention for Seamen we will find there are certain things to be reconciled. By

and large, the International Labour Organisation provides that any member of the International Labour Organisation drafting any bill or law to affect seamen should do so in consultation with the Seamen's Organisation. I am sure the seamen's opinion has not been sought. When the Minister of Justice was introducing the Bill relating to the Legal School he told us that they had consulted with the Bar Association, with the Judges, with everybody who has something to do with the legal profession. The International Labour Organisation Convention says that in making any law, the Seafarers organisation should be consulted, but I am sure their opinion has never been sought on this Bill.

It is not my intention to obstruct this Bill ; I do not want to. Rather I want to congratulate the Minister for making an effort, but nevertheless I want it placed on record and when the time comes he will bring amendments to cover all these shortcomings in the Bill. If we want something with a colonial outlook, all right. But if we want something that is international, we must sit down and look into the Seafarer's Code. We are a member of the International Labour Organisation. Government spends money in sending us to the International Labour Organisation Conferences. We study the Conventions, we serve on Committees. We do all these things and when they are ready we ratify them. If we ratify them we should be ready to abide by their decisions.

I welcome this Bill ; I support it, but I want the Minister to go back and look into the shortcomings and very soon come back and bring necessary Amendments for everything that is desirable in this Bill. I support it.

**Senator J. K. Nzerem :** This voluminous Merchant Shipping Bill is not for an ordinary layman like myself to talk about, but there are just a few things about which to be convinced. Sections 111 to 127 deal with discipline of seamen. I happen to be a disciplinarian of some sort and whenever anything about discipline comes up I am interested.

Our seamen must be disciplined men because working in the sea is not like working on land. If things are bad we look after ourselves on land, but in the sea we have got to be under some sort of military discipline and I would say that those who disobey orders should be



punished. It appears to me that the punishment meant for disobedient seamen is very light and they get away with it very quickly. So I think the Minister should see about that.

About the welfare of the seamen I could not agree more with my friend, Senator Chief Fagbenro-Beyioku, that a great deal of care should be taken about the health of men working at sea. They require very great care indeed. Their health, wages must conform to the International Labour Organisation Conventions. That is absolutely necessary.

Section 258 deals with seaworthy ships. I consider the penalty of two years imprisonment for putting unseaworthy ships on the sea very inadequate because if you put unseaworthy ships on the sea and there is an accident it could mean the loss of the lives of the people on board the ship. So I consider this punishment of two years very inadequate.

I do not know whether I will be in order if I talk of buying ships. We have always heard that Nigeria's ships are old and dilapidated. There is no point in buying old and dilapidated ships. We had better have good ships or no ships at all. I think Nigeria is famous in many respects. We are getting into our own and anything that is worth doing is worth doing well. I sound a note of warning that if we are going to be owners of ships we must be owners of respectable ships.

I said before I do not know very much about this Merchant Shipping Bill, the drafting of which must have taken months of consultation, hard work and research. So it is not for a layman to come here and tear it to pieces. However, I think I should congratulate the Minister of Transport for the hard work he has done. He should be guided by the observations made by my friend, Chief Fagbenro-Beyioku. I support the Bill.

**Senator A. Nwoke :** I rise to support the Bill. It is a very great effort on the part of the Minister to give us a voluminous book covering a hundred chapters all told. I look at the matter from the national angle. As a young nation we must protect the lives of our people. It is not possible for me at this time to incorporate everything that could be expected at the international level, but since an attempt would be made at no distant date to amend a large part of the Bill I think it is

all right. Meanwhile, I would like to confine my observations to what has been presented in the Bill.

There is one serious omission that I expected would have been put in and that is, every year we award scholarships to students to study abroad in naval schools in Britain. There is no reason why the Minister should not make attempt to found a naval school in Nigeria. That could have been appreciated.

**The President :** Order. I must point out that this is a very technical Bill. A naval station or a naval school will not come under merchant shipping.

**Senator Nwoke :** Thank you very much. One last point is that the licensing of Imperial ships and those plying at the Victoria Beach is necessary. That should receive the approval of this august House. I have noticed that no emphasis has been placed on the supervision or survey of smaller crafts in our home waterways. In this connection, I am referring to crafts using outboard engines. Too often we hear stories of canoes capsizing at Calabar, Port Harcourt, Onitsha and other places. I think that consideration should be given to legislating on these smaller crafts along with the big ones, otherwise I would not like to believe that we have covered any ground at all.

Again, we have been able, according to the explanation of the Minister, to find a safety room for Commonwealth ships and we have given them fairer treatment than we are expected to give to foreign ships.

I am happy to learn that all ships, be they owned by a foreign company or a Nigerian company, once they are licensed in Nigeria, will fly the National Flag of Nigeria. That in itself is a source of pride and we will very much appreciate the licensing of such ships.

I do not think that, within this short space of time, this very voluminous Bill can receive very close criticism. It has not just been possible for us to go through the one hundred chapters of the Bill in the way we would have liked to.

I beg to support the Bill.

**Senator T. Olamijulo :** I feel that I should say something about this Bill. Sometime ago, I had a discussion with a European friend of mine and he expressed very painful misgivings



[SENATOR OLAMIJULO]

about the state of our country. He thought that as we were getting nearer to independence, we should be able to do so many things in a way that will give lead to others, and be able to measure up to international standards. His opinion made a very deep impression on my mind. And so, Senators will understand when I say that this Bill on Merchant Shipping has given me a very real joy. I think that it is a source of joy to all of us.

We cannot attain international standard overnight: we first have to crawl before we begin to walk. I believe that this will be the first of many other Bills which will certainly give Nigeria its rightful place in the world.

I commend the efforts of our Minister and every one who has had something to do with this Bill. I congratulate them all and congratulate myself for being alive to witness the passage of this important Bill.

I wholeheartedly support the Bill.

**The Minister of Transport :** I must first apologise for being away during part of the debate. The Resolution which the Senate sent back to the Lower House had to be taken.

May I say that I am very grateful to all Senators who have spoken, for receiving this Bill with so much enthusiasm, and also I am grateful to those who have not said anything about it. I take it that they all welcome the Bill as well.

In his usual eloquence, Senator Chief Fagbenro-Beyioku led the debate, and I expected him, naturally, to pick some holes here and there in the Bill. I can assure the Senator that this Bill was not modelled after the United Kingdom shipping Act of 1894 and subsequent legislation alone. We considered all the legislation throughout the Commonwealth and, in fact, some legislation outside the countries in the Commonwealth, and so, what we have produced is perhaps the most up-to-date legislation on Merchant Shipping that now exists, being the most recent. We have embodied all the good points in every legislation that we were able to come across. I do not want, therefore, to take up the time of the Senate.

When I was moving the Second Reading, I tried as much as possible to run through all the Clauses and to throw such light as I could on the whole Bill.

The Bill, as all Senators know, is of a technical nature, and there is not much to quarrel about in it. I notice, however, that the most interesting part of it has been one of the Clauses dealing with seamen. We took special care to draft this section in the best possible way so as to provide not only protection for our seamen but as many amenities as possible.

Once again, I am very grateful to Senators who have spoken.

My hon. Friend, Senator Nuhu Bamali, was kind enough to take notes for me of the points I was not here to listen to. I can assure Senators that all these points will be taken special note of, and I will do my best, when I start making rules and regulations, to see that all the points which have been made and which will be of assistance in the working of the Bill, are taken notice of.

*Question put and agreed to.*

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

MERCHANT SHIPPING BILL : CONSIDERED IN COMMITTEE

**The Chairman :** I propose that the Senate should take this Bill in the Committee Stage Part by Part instead of Clause by Clause.

**Senators :** It is agreed.

*Parts I—III ordered to stand part of the Bill.*

*Part IV.*

*Clause 144—CONSTRUCTION RULES.*

**The Chairman :** If the Amendment was passed in the Lower House, what the hon. Minister has placed before us is the Bill as passed by the Lower House, including the Amendment.

**The Minister of Transport :** That is correct.

**The Chairman :** It is not a new Amendment. It is a part of this Bill which is before us.



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Clause 144—ordered to stand part of the Bill.

Clauses 145-199—ordered to stand part of the Bill.

Parts V-XIII—ordered to stand part of the Bill.

First-Fifth Schedules agreed to.

Bill reported, without Amendment.

Motion made and Question proposed, That the Bill be now read the Third time (THE MINISTER OF TRANSPORT AND AVIATION).

**Senator Chief Fagbenro-Beyioku :** The Minister has reported the Bill "without Amendment". I thought the Bill was amended by the Lower House. I want to make sure that this is correct so that we are not called back to it again.

**The Chairman :** We are doing the correct thing because what comes to this House is what is amended down there and no amendment has been put in, in this House.

Question put, and agreed to.

Bill read the Third time and passed.

ADJOURNMENT

Motion made and Question proposed, That the Senate do now adjourn—(MINISTER OF STATE (SENATOR NUHU BAMALI))

Question put and agreed to.

Resolved, That the Senate do now adjourn.

Adjourned accordingly at one o'clock.



SENATE OF THE FEDERATION OF  
NIGERIA

*Thursday, 23rd August, 1962*

*The Senate met at 10 a.m.*

PRAYERS

(The President in the Chair)

ORDER OF THE DAY

ELECTORAL BILL

*Order for Second Reading read.*

**The Minister of Internal Affairs** (Alhaji the hon. Usman Sarki, Sardaunan Bida): I rise to move, That the Bill for an Act to consolidate and amend the Law as to the conduct of Parliamentary Elections and for other purpose connected therewith be read a Second time.

The history of this Bill goes back for nearly four years, to the resumed Constitutional Conference held in London in October 1958. That Conference decided that when Nigeria became an independent nation provision for Parliamentary elections and all matters relating thereto should be made in an Act of Parliament, which could be amended only after discussion in Parliament, instead of in subordinate legislation which could be amended at any time by whatever Government was in power.

The first active step towards the preparation of this Bill was taken immediately after the Federal Elections held in December 1959 when the Federal Electoral Commission were asked to submit a report on the conduct of those elections and to comment on any changes in procedure which they would consider desirable in the light of their experience. The Commission's report was submitted in the early part of 1960 and contained various recommendations for changes in the procedure relating to both the registration of electors and the conduct of polling. Before the recommendations made by the Commission were considered, a Committee was convened under my Chairmanship composed of two representatives of each of the three major political parties in the country to give preliminary consideration to those recommendations.

In preparing the Bill which is now before you for consideration, we have accordingly had the benefit of the views both of the Federal

Electoral Commission and of representatives of the main political parties in the Federation.

The main purpose of the Bill is to give effect to the decision of the resumed Constitutional Conference in 1958 and to embody in statutory form provisions which are at present, for the most part, contained in the Elections (House of Representatives) Regulations, 1958, and the Federal Legislative Houses (Disputed Seats) Regulations, 1959, as continued in force by the Electoral (Transitional Provisions) Act of 1961. The Bill is, therefore, to a considerable extent a consolidating measure, but it does in addition introduce one major amendment in the procedure for the preparation of a Register of Electors and various minor amendments relating to this procedure, the conduct of polling and various other ancillary matters.

Part I of the Bill contains a major change in registration. This is that the old principle of voluntary registration is being abandoned and provision has been made instead for a preliminary list of the electors to be prepared from population census. Senators will no doubt have noticed during the course of the recent census that the information recorded was such as to indicate whether or not any person was entitled to be registered as a voter and, if so, where? A preliminary list would be prepared from the Census Returns and this would then be displayed throughout the constituencies for claims and objections to be made. This would enable persons who were for some reason omitted during the census, possibly because they were out of the country at the time, to apply to have their names added. In addition, objection could be made to the inclusion of names of persons who may be suspected to be under age and to have had their names included because they gave a false age to the census enumerators.

During the preparation of the 1959 Electoral Register there were a number of instances of the making of large scale objections, which were obviously not lodged on any reasonable grounds, but merely in the hope of being able to secure the deletion of the names of supporters of an opposing political party. We have thought it desirable to discourage such objections by providing a deterrent penalty and the Bill therefore provides for a deposit of £10 to be paid on the lodging of an objection which will be refunded if an objection is sustained,



or if the Federal Electoral Commission, on a report from the Revising Officer hearing the objection, is satisfied that the objection was made in good faith.

Part II of the Bill deals with the procedure at elections, and little change has been made from the provisions already contained in the Electoral Regulations. The only change of substance is in the procedure relating to the appointing of dates for elections, where the method of issuing a writ, which is used in the United Kingdom and in other Commonwealth countries, has been introduced. Under the present regulations the date of an election is fixed merely by notice in the *Federal Gazette* and the proposed new method has the advantage that there will be a document fixing the date of an election and on which the result of the election will subsequently be endorsed, thereby providing a permanent written document.

I need make no particular comment on Part III of the Bill, dealing with electoral offences, since although the opportunity has been taken to introduce a more logical arrangement into this Part, there is no major change in the substance of the law. The same comment may be made about Part IV of the Bill, which contains provisions for election petitions, where the only changes which have been made have been to reduce the period for the presentation of petitions and for the lodging of appeals from one month to 21 days.

Part V of the Bill contains miscellaneous provisions which for the most part repeat similar provisions in the existing regulations. Provisions have been inserted in addition requiring all printed matter produced in connection with the election to bear the name and address of the printer and publisher, information which is required if proceedings are contemplated, and providing penalties for the corrupt withdrawal of election petitions.

Mr President, well, this is really a straightforward Bill and knowing the Senators as I do, they will certainly not repeat the points made in the Lower House to which I made some promises, and I hope this Bill will have an easy passage.

Sir, I beg to move.

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

**Senator A. E. Ukattah** : We really do not know the points to which the Minister referred in concluding his speech. We are going to raise our own points here and we would want him to answer. This Bill is more familiar to me than any other—

**The President** : I think it is my duty to point out at this fact because when the Minister mentioned it, it struck me. This House is entirely independent of the other House. Senators are entitled to make points even though they have been made in the other place, and the Minister must answer them here.

**The Minister of Internal Affairs** : Mr President, Sir, I am not actually trying to stop Senators, and I do not think I can stop them from making their points. I just want to appeal to Senators to read this Bill with a great deal of objectivity.

**Senator Ukattah** : With this in mind, I must thank the President for agreeing with me that I began well. I was saying that this Bill is more familiar to me than any other handled during these sittings; more familiar because most of the provisions are already known. But familiar as the provisions may be, they are at present scattered as it were, being contained in subsidiary legislation. To embody the old provisions and the new ones in one volume is more convenient and more reasonable. The Minister is to be congratulated for bringing up this Bill. But there are two or three points I wish to make. One relates to the deposit of £10. With your permission, Mr President, I will read Clause 8 (2), page C376, from the sixth line :

*.....Every notice of objection under this subsection shall be accompanied by a deposit of ten pounds which shall be refunded if the objection is sustained, or if the Electoral Commission after considering the report of the revising officer is satisfied that the objection was made in good faith; but otherwise the amount deposited shall be paid into the Consolidated Revenue Fund by the registration officer”.*

This, to me is not wise. Why should somebody who has a genuine objection not come forward to make it? Why should he be asked to deposit £10? In actual fact it is not for the man who is coming to give the Govern-



[SENATOR UKATTAH]

ment information to pay ; it is for the Government to pay the man because he is going to give them useful information. If you allow this provision to stand it will frighten away people who would come forward with genuine objections. They will not come forward to object, with the result that you will have a list containing names of people you will never see anywhere on earth except, perhaps, in the moon—fictitious names. So, this point should be considered. In fact, I have an Amendment which I hope to move in the Committee.

The next point is the nomination deposit of £25 for candidates. With the permission of the President, I will read page C380, Clause 20 :

*“Every candidate shall, before his nomination paper is delivered to the electoral officer pay into the Consolidated Revenue Fund by way of deposit the sum of twenty-five pounds”.*

This amount is very small. This is exactly where the Government should try to make money rather than asking somebody coming with an objection to pay £10. This is where the Government should make money. I wish to move in Committee that this amount be raised. It could go up to £100 or even £200. That will keep away people who may never be serious with elections. In certain constituencies people may be bribed by somebody else to contest an election against other people whom they know to be most eligible. And that is a kind of trap.

**Senator Chief A. O. Fagbenro-Beyioku :** That is democracy.

**Senator Ukattah :** It is democracy I agree, but not *demon crazy* !

It is a kind of trap. If I am the most eligible candidate in my constituency somebody who does not like me can easily give £25 to somebody else to go and enrol only to make me spend more money than might ordinarily be the case. This amount is so low that that person will not care a damn whether money is lost or not.

**The President :** I do not know whether “damn” is quite parliamentary. Did the senator say “damn” ?

**Senator Ukattah :** I did say “damn”. Sir.

**The President :** “Damn” in that context is not parliamentary. Please use another word.

**Senator Ukattah :** He will not care less whether the money is lost or not. So, if somebody pays this money and it is forfeited he will not care because the money is small. But where does the trouble lie ? It lies in that person coming to the man most eligible and saying, “well, many people have come to me and advised me to step down for you. I am prepared to do that but what will happen to the amount I have already spent ? I have spent between £300 and £400. Are you prepared to refund that” ? This is exactly what happens. The Minister himself knows this. He is an active politician. He is more active than any of us here. We have heard of things like that happening. If we raise this amount to £100 we will find that nobody will have £100 to play with, but many can afford to throw away £25.

One other point is that copies of the register of electors should be made available to the general public. The register is a very important document. Every wise member of our society would like to have a copy. I would therefore suggest to the Government not to make the price of the register prohibitive. If the price is too high for people to be interested in the document you will have only very few copies sold. But the more reasonable the price of the register the more people will buy.

I have another point to move when we come to the Committee stage. Meanwhile I beg to support the Bill.

**Senator H. O. Abaagu :** This Bill has taken me unawares but I will manage to make certain points.

I seem to take side with the Senator who spoke last and who suggested that the deposit should be much higher than £25. I see no reason why the Regional Governments did not think it expedient to recommend to the Federal Government to raise the deposit. If the fee is raised it will definitely scare away frivolous candidates. As the last speaker said, somebody who does not like you will come in with £25 and ask another person to oppose you. This will make the election expenses rise very high for somebody who is acceptable to the constituents.

Election expenses in Nigeria are becoming too prohibitive. If the Government does not guard against this it will land parties in a certain unpleasant state of affairs.



During the last Federal elections in 1959, certain political parties spent money more than they expected. One political party spent money in such a way that it looked as if that political party was stealing the money, or minting it. In one place the party had only seven seats to contest, and yet they loaned the people about one million pounds. Election in Nigeria is becoming a sort of commercial enterprise. Events now taking place reveal that that particular party actually stole the money or minted it. I do not want to name that political party, but anybody who contested election or who stood and watched the method of campaigning and how money was spent during the last election will know that political party.

This is really the time for the Government to find a way of legislating against election expenses. I know that in certain countries like Great Britain there is a fixed amount of money which a candidate is expected to spend: I think it is in the neighbourhood of about three hundred to four hundred pounds. But here in Nigeria a candidate is expected to spend over a thousand pounds.

After a candidate has spent a thousand pounds and he is elected, he is again expected to live up to expectations by continuing to entertain the members of his constituency, because if he does not entertain them he is threatened with the prospect of another election. He, therefore, continues to please them so that the chances of his being elected in the next election may remain bright.

Consequently, we see that it is the rich people who are borrowing, and it is the political parties that go into stealing. There are certain rumours, at present in the country, which have indicated that, really, during the 1959 election a certain political party spent money which they should not have spent and that that money was not got from a genuine source.

As I said, this Bill has taken me unawares for I have no more points to make. But I want to emphasise the point of our trying to convince the Government that they should stand firm and legislate against the undue use of money during any election.

**Some Senators :** It is in the Bill.

**Senator Abaagu :** If it is there, but I want to lay emphasis on it. If it is at all there, it does not go far enough. I say that there should be a definite amount of money which a candidate should be allowed to spend, or which a political party is expected to use in order to finance its candidates. If the Government does not legislate against undue expenditure on elections, political parties that are in a position to use the taxpayers' money will continue to do so unduly.

One other thing which I would like to mention is that the time between the dissolution of a House and an election into a new House should be shortened. That is to say, that if a House is dissolved, say, to-day, the election should be held in about two weeks' time. It is the length of the campaign period which makes it necessary for candidates of political parties to spend more money than is reasonable.

I think it is high time we tried to wipe the idea of commercial politics off the record of our national prestige. Commercial politics makes a mockery of Nigeria in the outside world. Recently we heard of people signing papers for one political party and disowning those papers on the very same day. What is the cause? I think it is some sort of financial inducement.

My main point this morning is to implore the Government to legislate against undue expenditure during any election.

I beg to support.

**Senator Chief O. A. Fagbenro-Beyioku :** We have not much to say on this Bill as it stands other than for us to support it. The only comment which I want to speak upon is the suggestion from this House that deposits should be raised from twenty-five pounds.

We fought in this country for what we call the 'franchise'. Therefore, according to our laws, anybody whose name appears on the Voters List has a right to vote and to be voted for. The idea, right from the beginning, that we raise deposits to one hundred pounds will start a race for money and the race will be by those people who have no money. A man, however eligible and however efficient he may be to represent his people in Parliament, simply because he does not have one hundred pounds, will be thrown out by the man who has one hundred pounds simply because he is a financially good man.



[SENATOR CHIEF FAGBENRO-BEYIOKU]

But it is not only the question of this twenty-five pounds deposit ; there is another side to the matter. If any group of people wants to make it impossible for anybody to win an election, particularly state unions like the Arochuku State Union, the Egbado State Union, and the Calabar State Union—these are all groups of people and not individuals—even if the deposit is one thousand pounds, they will collect the money and pay it for a rival candidate in order to embarrass the other man. What we want now is not so much that. I think we have got to a stage where we must realise that in the shapening of the affairs of this country, it is not so much the laws that matter. Most of the things which people have discussed are already embodied in the law : during an election, nobody must entice anybody with money. Also, the period between the dissolution of a House and election into another one is not unduly long, but we have no doubt that right now campaigns for the 1964 election have already begun somewhere. We all know that it has already begun for 1964 even though the House is not dissolved yet. That is not the point. I feel that most of these our difficulties would have to solve themselves as we develop in our state of maturity and then we start to develop a civic sense of responsibility.

What I would actually like to deplore is the use of hooligans during election. I would actually like the Government to take all steps they can to remedy the question of the use of hooligans during election because it endangers human life. That is the most dangerous thing, and that is what we must try to remove by all means. Anything the Government can do in this direction is desirable, otherwise such a situation if it exists, tampers with the elections and even does not give the assurance that it is actually the people's choice who are returned as their representatives.

This Bill is a welcome one, if all Senators and every citizen take care of this Bill, as it is presented, and apply it, things will really take care of themselves.

**Senator Chief S. T. Hunponu-Wusu :** I fall in line with the last speaker in that if the deposit is raised from £25 to £100, or £50, or £200, we are then trying to deviate from the original idea of asking people to vote and

be voted for. There may be some who perhaps will not have the money but who have the ability, wisdom, and knowledge ; they may be old ; they are qualified to vote and be voted for ; but they will keep away if they cannot get the £25, or £100, or £50, or whatever we may say to deposit. If that is the case, it means then that we are now encouraging the people to come out and bring out money which is the root of everything evil to-day. Why can we not bring the whole thing down so that no candidate will be handicapped for lack of money. As it now stands, it means that a person, however good he may be, cannot have the opportunity of serving his constituency or country if he has not got the money with which to pay his deposits.

The more we increase the amount of deposit, the more danger we create for ourselves and for the coming generation. Therefore, I am supporting Chief Beyioku as far as that is concerned.

The other one is in respect of paying £10 before making objections. To me it appears then that we are trying to drive away people who may give better information. What is the use of going to contest an objection against Mr C, a rich man, who can get two or three people as witnesses to over-ride the other person ? He will be the loser. His £10 will go even though he has a very good case. I would suggest that as time goes on, this £10 should be reduced to about £5 or £2-10s. Then anybody who has a genuine case to present to the Government will be able to come forward. I feel that this sum of money is too big, and that it should be reduced.

On the question of deposit, we should take what the Minister has just said here to start with. Increasing it would have the effect of scaring people away. We do not want only the rich men to vote and be voted for : according to our Constitution everybody is entitled to vote and be voted for. As it is now, we are trying to create a situation in which only the rich can rule Nigeria. For that reason I deplore the question of raising the £25 deposit and request that it should remain as it is.

With these few remarks, I beg to support.

**Senator Chief J. S. Olayeye :** I just want to make a few remarks on how large expenses are being involved in contesting elections. According to what I heard from people who



have travelled outside Nigeria, a candidate is being selected by members of his constituency according to the quality and popularity of such a candidate, how he behaves and what the people of his constituency think he can do if he contests and wins the election. Further, I heard that in civilised places a candidate elected by the people of his constituency is elected purposely to fight for amenities for that particular constituency. The candidate is not elected with a view to spending money which he cannot recover during the period of his office in the legislature. But in Nigeria it is not so. I wish we could do our best to learn that in selecting candidates in our constituencies we do not select for the sake of money but for the sake of fighting to get amenities in those constituencies.

I remember in 1954, in my area (I do not want to mention any name) the people selected a certain candidate and his selection was supported by ninety-nine *per cent* of the population of that particular Division. They all considered that man to be upright, faithful, and trustworthy, a man who could fight for amenities in that area. After this had been concluded, a small boy said that the elderly man who had been chosen would not be active and, perhaps, be able to speak big English. He went to bring the Principal of a certain College to oppose the elderly man, and the struggle started. The elderly candidate who was selected by the majority of the people of that area had to go round and spend money. He had to go to the seaside and run transport expenses. As a result of this, the elderly man spent more money than he expected to spend—

**Senator Chief Fagbenro-Beyioku :** Can we know the name of the elderly man ?

**The President :** Senator Beyioku wants to know the name of that elderly man.

**Senator Chief Olayeye :** I must leave out the name of the elderly man at the moment. Anyway the elderly man won the Federal Election with an overwhelming majority.

I would appeal to the Minister concerned to please help us to find a solution whereby this kind of thing can be remedied, otherwise these illegal expenses would continue where we have somebody legitimately selected and constitutionally supported by the majority of his constituency. In fact, this is the cause of the great expenses incurred on election.

Other speakers have said quite a lot about the anomalies in the Electoral Bill, and I need not waste the time of the House on what others have already said.

With these few observations, I support this Bill.

**Senator Chief R. A. Umoh :** I rise to support this Bill and in doing so I would like to make some observations. I think it is unreasonable to deposit £10 before an objection is raised. It would be more reasonable for the Government to pass a law saying that anybody who gives false information during an election will be punished severely—anybody who submits false information against anybody in the opposing party. So, I feel that it is not good to make it £10.

Now, we come to the question of £25 deposit for elections. The deposit to-day is £10 for local Council elections. If the Government wants to be so liberal why do they not allow the people to contest elections as they like ? The Government runs into a great deal of expenses during elections. So, I feel that if we have a purpose for collecting £25, we should do it properly—we should collect money befitting the occasion. If we do not want to get anything let us not get anything at all because the people in the Regions will think it is a mockery. Some of them will make fun of the whole thing when they find that to contest a local Council election they have to pay £25.

Why should we not raise this one to £100 ? Is this House smaller than the Regional Houses ? Before contesting an election to the Regional Houses one has to pay a deposit of £100, and yet for election to the Federal House the deposit is £25. By that you are drawing many people into the fight. I do not see how somebody who has not got a hundred pounds in his house can go to contest an election. It will only be a matter of being able to talk. Those who talk without a penny in their pockets are rascals and irresponsible people. But you talk according to the amount of money you have. (*Laughter*).

I feel we should raise the deposit to £100. It is not an individual effort ; it is the effort of a group of people and if they want their man to contest the election they will collect the money from among themselves. Mr President, Sir, this amount should be raised to a hundred pounds. I beg to support.



**Senator J. K. Nzerem :** I feel this is a Bill mainly for politicians and I am sure that all the political parties have had their say on it. I think all the political parties were consulted ever before this Bill was drafted. They wear the shoes and they know where the shoes pinch. I will only talk about a few things. One is this deposit of £25 for Federal elections. It is just going to make everybody contest an election. I think frivolous candidature should be discouraged in this country by all means. I thought the Government would raise it to £200. At least make it a hundred pounds. If it falls below a hundred pounds every Tom, Dick and Harry will contest elections and the whole thing will result in chaos.

I am very serious about that because people are hoping that the number of people contesting the next elections will be smaller. We know those who are eligible in every constituency and I know that quite a number of rascally young men contest elections in order to make them more expensive for the person who is known to be eligible. I think something should be done to raise this amount to at least one hundred pounds. I know a lot of people have not got the amount but if they are good for election, their constituencies will always give them this money.

Another point I want to talk about is this £10 deposit for objections. I think it is unreasonable. I do not think anybody will want to complain for the mere sake of complaining. It should be removed.

Another thing is the use of thugs during electioneering campaigns. We want to make elections free and fair in this country. If your political opponent comes to your village to campaign let him say all he wants to say. Give him all the liberty and freedom to say everything he wants to say. I think Government will have to tighten the regulations, forbidding the use of these rascals called thugs. They are a menace to life and property during campaigns.

About corrupt practices, I do not know how we can stop them now. I challenge anybody in this House, any Member, to say that he does not know that there are corrupt practices at elections. In almost one hundred per cent of the cases in this country there are corrupt practices. I see these corrupt practices practised openly in broad daylight. It is everywhere. People are given beer, they are feasted publicly ;

they hire lorries to carry people about and feed them. What are we going to do ? The only thing that will stop corruption in our society is to stop paying members of Parliament. That is the only way to stop corruption. At present, £800 per annum is big money in this country. There are retired office messengers who were getting £120 per annum. Now the prospect of becoming hon. Members and getting one thousand pounds swells their heads. They go in and use all their life savings in order to get elected.

The politicians themselves are responsible for all these. They will call people, give them money and feast them. I do not see how we can stop it. The very few cases of corruption which come to court are denied. If you say you gave me money at such and such a time I will deny it because in Nigeria the law of bribery and corruption is that both the giver and the receiver are punishable. So I really do not know the answer for these corrupt practices in our elections, but nobody can deny their existence. They exist. I do not know of anyone in this country who has contested an election and did not give bribe. I think if Government wants to stop corruption they should reduce the money paid to Members. Let them give Members only an allowance of, say, five guineas per sitting : corruption will then stop—

**Minister of State (Senator Dr E. A. Esin) :** What about Senators ?

**The President :** Order. The Minister asks what about Senators ? (*Laughter*).

**Senator Nzerem :** I do not think Senators give bribe. I did not give anybody anything ; not even a bottle of beer. I was attending a meeting of the Nigeria Union of Teachers when I got a telegram from Enugu informing me that I have been appointed a Senator. If one is appointed by Government nobody takes bribe.

**A Senator :** Senators should be exempted. (*Laughter*). I am not going to dwell much on this Electoral Bill because I am sure that the various political parties have made their views known about it, and whatever these parties consider good in the Bill, I think we also should support.

I beg to support the Bill.



**Senator H. N. Udoh :** I do not think we shall be doing justice to ourselves and to this Bill if we fail to comment on it.

We all know what happens in the country in times of election. Some of us have even at one time or another passed through the mills. In fact, we have regulations which are made to control the running of elections. But most of these regulations are mere paper work. The Government only remembers these regulations when trouble arises or when there is shedding of blood at election time. Normally, all the offences listed at Page C.371, Part III—Electoral Offences—are offences that are committed openly during elections. I am of the opinion that the prohibitive expenses incurred at election times is caused by duplication of nominations. Some people or groups of people, in order to feather their own nests, indulge in the dishonest practice of nominating two candidates to contest one seat.

According to the Senator who has just spoken, those who are more qualified to speak on the Bill have done so. But I will not refer to any particular person as a politician. I think everybody is a politician.

I would like to say that a deposit of £25 or even £50 is too small to contest an election to the Federal House. The amount should be raised to £100 and above. But I think a petitioner should not be required to pay anything, as I believe the payment will only help to drive away poor people who are willing to come forward and speak the truth. One may be able to give facts and figures, but when it comes to proving them one may be short of words and thus be unable to prove his case convincingly. Consequently, he may forfeit his £10 deposit.

With these few remarks and what other Senators have said, I support the Bill.

**Senator Chief Mrs Wuraola Esan :** I would like to speak first and foremost on the question of deposit. When we advocate the raising of the deposit of £25 to £100, it does not mean that we are not taking into consideration very many people who would like to vote and be voted for, but we are thinking of how to get the best candidates—candidates

who will benefit Nigeria in our Parliament. It is also not true that every candidate is supposed to pay the £25 deposit out of his or her own pocket. If the constituents know that a candidate of their choice cannot pay the deposit of £100, I am sure that they will raise money to help him, but that is on condition that the constituents know fully well that the candidate will be of benefit to the people if voted into Parliament. This, I think, dismisses the fallacy that the raising of deposit will scare away potential candidates. In my view, it will only not give useless people the opportunity to stand for election. I have had the experience of a poor man contesting an election against a wealthy man. The wealthy man boasted of his wealth, but the people in the constituency were determined to reject him and to vote for the poor man even if it meant paying his deposit and other election expenses, because he had been found to possess very good qualities. Consequently, however, the poor man was voted into Parliament.

I do not think that any law can stop bribery and corruption in this country to-day. While on this point, I beg your pardon, Mr President, to digress a bit. When last I was in Moscow, I met a group of influential women who wanted to know the type of government that we have in Nigeria. I told them that we have a democratic form of government but that naturally we are socialists and that I did not think that a combination of both would not suit us. In reply to another question implying that our Government hated communism, I said that I thought no Government could stop communism if the people wanted to adopt it, but that as I said earlier, we are socialists by nature and that in our country the rich is not forced to give to the poor. It is a natural order of things that a wealthy member of a family voluntarily helps all the other members and even outsiders. There is not element of force or compulsion attached to such obligation, and the wealthy man does not desire to be thanked for doing what he considers to be his duty. Communism, as I understand it, is forcing people to put down what they have so that everyone can share out of it. So, there is no reason why we should go your own way totally, although I believe socialism is included in communism. I think it is this growing period that is making us digress from the noble idea that our forefathers followed before we were born, simply because of the advancement we want to-day.



[SENATOR MRS ESAN]

In growing up we must have growing pains. There are people who think that politics is a very paying proposition so they have to find a way of making their own people vote for them. This is not the fault of a particular party. I have had the experience. You have to do all within your power to be elected. You do not have to go about preaching or reading catechism to the masses. You have to convince them to vote for you.

I do not think that legislating against bribery and corruption at elections can be done successfully, particularly at this time. The use of thuggery is what we have to fight. During the last Federal elections I did my own campaign for fourteen months and I do not remember a case where we had to fight anybody. I went all over the villages, vast villages because I have almost one thousand villages in my constituency. I was never protected by anybody. I went in my car or in a lorry with just a few of my workers, women and men, but they carried no weapon.

**A Senator :** Oh, the Senator has already had her protection.

**Senator Mrs Esan :** Let me finish. Although I carried men they went under my protection. I have the power of combating those people who want to fight me better than men, because when you smile sweetly when your enemy is coming there will not be any fight. Whenever we have occasion for our opponent to challenge us, I just advise my people to leave me to him. I will go forward and say to him, "Oh, my dear brother, do you also stay in this village? We will smile and the battle is won. After three or four visits they will call me "sister" and even prepare food for me, though I know very well that some of them will not vote for me for certain reasons. So I know that one can obtain one's wish if one wants by peaceful means and not by the use of thugs.

I would like to suggest the introduction of legislation to the effect that during election campaigns everybody should be free to enter anywhere safely to do his or her campaign without molestation. Whether or not the people are going to vote for you, depends on the idea you have brought to them. But I am advocating that people in Nigeria should realise that we have not got all the money. Somebody said this morning that the money

used for election by a certain party was stolen. I do not agree with that statement, but the money was carelessly spent and people should be made to realise that this money will be best spent for providing amenities for them in their areas.

Another thing that I would like to mention before I sit down is this question of Northern women. When I got up someone said I was going to talk about women. Well I cannot help it. During my last Federal election campaign we tried to make our Northern brothers allow their women to have a hand in the running of our country, but they have their own reason for refusing. I think this reason is now out of date and very primitive. There is no reason why they should keep telling us that the women shall have franchise in God's good time, telling us that religion does not allow people to vote.

**Senator Salahu Fulani :** I do not think it is fair for the Senator to say here that Northern women should be franchised whether they like it or not. It is the duty of the women and if it is their wish, they should be able to say "we would like to vote and be voted for". I do not think it is the duty of this House to say that Northern women should be enfranchised.

**The Chairman :** Actually, this is not a point of order. You are merely opposing Senator Chief Mrs Esan's views. She is entitled to express any view here about Nigeria or anything affecting any part of Nigeria and you are entitled to disagree.

**Senator Mrs Esan :** Well, I thank Alhaji Salahu of Ilorin.

**Senator Salahu Fulani :** I am not yet Alhaji.

**The Chairman :** Senator Fulani says he is not yet an Alhaji.

**Senator Mrs Esan :** I thank the Chairman for not letting Senator Fulani stop me. I should like to continue my debate. As I said before, it is time for the Northern women to be given the franchise not because—I keep repeating this—all of them will make use of it. But they should not be kept at home and at the same time be expected to have the experience. I am here now. Does Senator Fulani not want the Northern women to be



here as well? It will be very good and it will enhance the prestige and dignity of Northern men to see Northern women sit side by side with us here. Is it by asking them to stay at home and telling them what to do that they are going to be educated? Women do not want to be told that often. After all, they rule you. Women rule men.

**Senator Salahu Fulani :** On a point of information in the North we do not agree that women rule us. We rule women.

**Senator Mrs Esan :** The Senator can keep his opinion to himself. We women rule men without telling them that we do.

If you do not allow the mothers of the future generation to take their places in our Parliament to-day you can be sure that when their daughters are given the opportunity to do so you may not like it. In fact, many Senators are here because they have got good mothers and good wives who take sufficient care of them thereby enabling them to have the right sense of responsibility to do their work here. I think it is time the North thought it fit to allow the people who nurse them and made them feel comfortable to come out and either listen to debates or take part in the deliberations of the Parliament. I would, therefore, suggest that at the next Federal Parliamentary election women of the Northern Region should be given the opportunity to contest. They should be allowed to vote and be voted for.

Another point I would like to make is that elections in Nigeria as they affect women, should be modified. At present women do not like to vote for their fellow women.

**Senator Chief A. O. Fagbenro-Beyioku :** And you do appreciate that?

**Senator Mrs Esan :** Yes, I do appreciate it because I have been moving with women. We are our own enemies. No woman thinks that her fellow woman is fitter than she is to be a Member of Parliament. They often ask, "What has the other woman got that I have not got? If I vote for her she will be better than I am". The fact is that no woman will ever admit that the other woman is better than she is. In any case, I can assure the Senate that if there are more women Senators than men things will go more smoothly because we do not like to argue much. (*Interruptions*).

I will now speak about the objection fees. There is no need to ask anybody who has raised an objection to pay any fee. If we do this, I am sure that we will not get people to come forward with objections. Even now there are people who feel most reluctant to raise objections. After the last elections despite the fact that I had good reasons for raising objections I did not. I knew that it would not pay me to be the only woman in the Lower House. Of course, I knew that if I had done so I would have won but I refused to do it. It is not because of the money I would have spent.

I know that if this £10 objection fee is allowed to stand many people will not raise objections because they will not want to deposit £10 after paying the actual election deposit. So, I sincerely support the Senator behind me here who said that the £10 should be a fine for those who give false information. This will only scare people away and they will not raise objections unless they have concrete reasons for doing so.

I agree with Senator Abaagu that the period between dissolution and another election should be very short indeed. There is a very tense period in every election. And it is the length of this period that gives room for corruption. If the period is made shorter corruption might gradually be eradicated. If time is short nobody will have time to rush here and there to buy this and that over in order that he may win the election. Nowadays we find that people who have less followers claim to have about 400 people behind them and claim that when they add the votes of their wives, their children, their friends and so on they will catch thousands of votes. But when the election result is announced you find that they have not more than ten votes. So, if we have no time with which to bargain with all sorts of people I think we shall be doing much good to the cause of eradication of corruption and bribery.

**Senator A. Nwoke :** I rise to support this Bill. In doing so I have some observations to make. I have been in the field for quite a long time and I have sufficient experience.

I thought that this Bill could have embodied a clause banning the use of thugs at elections. Everybody knows who the thugs are. Many



[SENATOR NWOKE]

young men and young women of this country have been used during election time by political parties to destroy the chances of others. These young people—the thugs—have blocked the roads, thrown stones, flung bottles, used matchets and in some cases opened fire at members of the opposing party or parties. That is very bad indeed. Many lives have been lost as a result of this. Why? Political parties have resorted to using violence in some places when they feel that they lack the support of the electorate in those constituencies.

These thugs have been agents of violence. And the thugs are the young men and young women of this country; the custodians of our civic rights; the people who will in future rule our own children. These are the people we make use of and whose civic rights we destroy. In effect, we are not only spoiling the chances of the opposing party but also demoralising these young men and young women.

When one looks back to the elections of recent years one finds that there are a lot of cases still pending in the courts. All these cases arise from the use of thugs. So, if we fight shy of this problem and feel that the lower House has taken care of it, so that we should not do anything about it, we shall not be doing our duty as the Upper House. We are here to make use of our long experience in life. We are supposed to be older than the people in the Lower House. So, we shall make use of our experience for the benefit of the future generations of this country. At this stage we should send this Bill back to the Lower House and ask them to incorporate the ban of the use of thugs in elections.

The next point I would like to touch is the question of depositing £10 in order to raise an objection. This looks like a criminal depositing money to commit a crime. He should have been tried and found guilty before imposing the fine on him. I think that the £10 deposit should be scrapped completely. Reducing it to a shilling or even six pence will not solve the problem. I feel that the whole money should be scrapped to allow people the chance to proceed to the authorities with their complaint. If the complaint is not genuine, they stand the penalty of any fine that the authorities may impose on them.

About the question of depositing twenty-five pounds, people have criticised this section of the Bill feeling that it is a question of an individual coming forward to deposit twenty-five pounds. I have a different view. I am not feeling that twenty-five pounds will be an imposition on the individual. Since we are now in partisan politics, we should, as far as possible, try to destroy the chances of an individual contesting an election on his own. The political parties should pay the money.

**The President :** Not in a democracy.

**Senator Nwoke :** If it is not done in a democracy, I think that we have to tighten up before we can meet the essence of democracy in that particular field.

I think that when a political party fields its men at an election, the political party should be able to pay £100 deposit *per capita*. By so doing, they will be able to augment whatever might be the expenses of the State in running the election.

Definitely, if we work on the figures for the 1959 election, if they are obtainable, we will discover that they work out to much more than eighty to ninety pounds *per candidate*. Therefore, even if the election is run at a profit, the deposit should not come down to twenty-five pounds. It is too low. The idea of discouraging or not discouraging people does not interest me. What interests me is that the political parties contesting these elections should be able to afford doing so, and it will go a long way towards augmenting the cost of overall expenditure to the nation. I do not think that we should fight shy of these remarks. They are really very salient remarks.

In the Regions, as many Senators have said, the deposit fee is one hundred pounds. If this amount is collected from a number of candidates, one will really discover that the State has made some money.

By all means, I feel these remarks should be taken serious notice of and that when the hon. Minister goes back to the Executive Council he should ensure that they are taken into consideration there. They should, firstly, put a ban on thuggery; secondly, delete completely the ten pounds' qualification fee for objections; and, thirdly, increase the deposit fee of twenty-five pounds to one hundred pounds.



With these suggested amendments, I beg to support the Bill.

**Senator Salahu Fulani :** I would like to emphasise some of the points already raised by previous speakers.

On the deposit of ten pounds, I think I have to congratulate the Government for the motive behind the deposit. It is a very good motive which will enable them to keep out the people who will only give the Government lots of headache by giving them false information. If they realise that they will lose a certain amount of money when, after careful consideration, it is found that the information they have given is false, other people will desist from attempting this same sort of thing. I think the motive behind it is a very good one.

Another point which I would like to emphasise, and which has already been emphasised by previous speakers, is the question of thug-gery. It is a very important question. I would not like to bother the House by quoting instances, but I would say this : in my constituency, during the last Federal election, after one party's candidate had been beaten up, some of their hooligans came to my village. They ran at very high speed along the main street, and in their car were bottles filled with petrol. While passing through the village, they set the bottles on fire as they threw them out of their car. The result was that houses caught fire and the whole village was in an uproar. Yet these villagers are innocent.

This is one crime which I would like the Government to take very serious notice of. Unless the Government does something to check these thugs or hooligans (whatever name they are called), the people in this country will never be at peace.

At any election, we all like to see that honest people are elected, but when one goes and employs people from either the Western Region, or the Northern Region, or the Eastern Region, and instruct them to go and cause trouble and burn houses even of innocent people, I think such a person is doing a lot of injustice. I, therefore, wish the Government would take very serious view of this.

Another matter which I would like the Government to consider is the life of a Parliament. I am open to correction, but I feel that it is high time we should stop copying

what people are doing in other countries. It is high time we tried to lengthen the period of our parliamentary life from five to ten years in order to enable the people chosen to carry out whatever programme they have.

With these remarks, I support the Bill.

**The Minister of Internal Affairs :** I have to thank all the Senators for their valuable contributions. This Bill is not actually intended to make amendments on existing regulations. What we are actually trying to do is to bring all the various regulations that we have at the moment into one body; it is also to allow Members of Parliament, whenever possible, to have a say in any amendment that the Government may like to propose.

Before, there were various election regulations that were made by various governments without having to come to Parliament for debates on them. What we are doing at the moment is to get all these regulations into one body so that when the time comes for us to make amendments, it will come back to the Parliament for everybody's views. That is exactly what this Bill seeks to do. It is not actually intending to amend all the regulations that we have at the moment, but I know that the government will not keep quiet when the time comes for election. The Government will have to go through all the parts of this Bill and try to make amendments and I am sure that the points raised by the Senators will be taken into consideration.

I know that most of the Senators are opposed to this ten pounds deposit, but I am happy that some Senators have already expressed the motive behind it. The intention behind it also is to stop frivolous objections. I will quote an example. In a constituency, during the Federal Election, more than one thousand people raised objections to only a hundred names. This sort of thing causes a lot of confusion to the Federal Electoral Commission in trying to sort out each individual's objection. It is quite a job of work for the Electoral Commission to do. Therefore, in order to avoid all the unnecessary and frivolous objections, we thought that we should put a sort of deterrent penalty, or something to deter people from raising these frivolous objections.



## [MINISTER OF INTERNAL AFFAIRS]

I actually appreciate the point raised by Senators, but we cannot allow frivolous objections to continue. As I said before, I would certainly see that when the time comes for us to make some Amendment into the whole Electoral Bill this will be taken care of.

On the question of electoral deposit of £25, in fact, that is what the Regulation says. As I said, I am not trying to make any Amendment in the existing Regulations. What I am trying to do is to get all these Regulations into one place and to give Parliament the opportunity to contribute and express views on the Amendment that Government may like to bring out. So, when the time comes for us to make actual Amendments views of the Senators will be taken into consideration.

On election expenses I am really very happy that Senator Mrs Esan has made a very remarkable speech. It is really very difficult to legislate against these corrupt practices in elections, and I am sure it is not peculiar to Nigeria. If you go anywhere in the world you will find these things happening one way or the other. Giving of money is the only thing we call a corrupt practice, but there are so many ways of corrupting people. After all you spend your money if you want anything. That is really something we inherited from our own fore-fathers, and I am sure time will come when people will appreciate the significance of election, and they will know what it actually means. Then they can decide for themselves and say they do not want anything from anybody.

Of course, there are laws against corruption, malpractices, and inducement of voters, and, in fact, we have got all these laws existing even within these Regulations to stop people from doing these things. But what happens? They do it. We are in a democracy. If the Government hears of this offence being committed by somebody it cannot take any action other than to take the man to court, and it is up to the court to prove whether the man is guilty or not. The Government cannot just come out and say somebody has done so and so therefore he should suffer without trial. That is not the practice in a democracy. It is really our wish to do something, and in any case, as I said before, election expenses in my mind are classified into official and unofficial expenses where we have all this trouble.

Official expenses can be controlled or checked depending upon the type of constituency we have. If it is a rural constituency more expenses will be incurred than if it is an urban constituency, because in an urban constituency there is easy transport and one can go to the various quarters of the constituency one likes to go without trouble, and, perhaps, one spend a little less than what one can spend in a rural constituency. That, perhaps, could be done by Government, but it depends upon the candidate. So, I appeal through Senators to all the political parties to come together to assist the Government by advising on the means whereby election expenses could be controlled, and if they can come together and form a sort of machinery or give advice to the Government on how these things will be controlled the Federal Government would appreciate any move towards that goal.

On the question of the date of election, after the dissolution of the House we all like to go in for election so that we can get elected, because we feel that in a democracy we have to consult the people to know the wish of the people. So, if the House is dissolved to-day and elections are held in two weeks' time, I am sure it will be to the benefit of the Government, and I am all out for it. But I wonder if other people in the Opposition will take it that the Government is being fair, because they have to be allowed to make their preparations, to try to set up their campaign machinery and things like that. So, we must always come together and decide on what to do, and, as I said before, all these things will be considered when we start preparations for the next election.

The use of thugs is really an eye-sore, and to my mind whatever we can do to stop thuggery in our elections will be welcomed. We do not like people to be molested and killed. We do not want houses to be burnt because of elections. Nobody likes it. But what can we do? The laws are there already, and it is up to the people to comply with the laws. There is a law forbidding people from stealing, but people still steal, and there is nothing we can do other than to take them to court. If we take them to court it is up to the court to find them guilty. So, when people know that it is bad to beat themselves, and when the time comes for them to feel that friendliness is conducive to good order and



good election I am sure the people themselves will refrain from using thugs during elections. I am sure the Government is doing everything possible and will continue to do everything possible to stop the use of hooligans during elections.

The only female Senator was the one who made mention of women franchise in the North. I am very happy that none of the male Senators contributed to that, because I think that issue is not necessary, as it is a Constitutional matter. This matter was also raised in the Lower House, but there is nothing we can do to change it, because once we try to change it in Parliament or here it will be unconstitutional. It was during the Constitutional Conference that it was decided that women in the North should not vote now. Though I am a Northerner I am not against women voting, because I do not think it is necessary that we should not allow our women to vote, but what are we going to do? People who attended this Conference decided that women in the North should not vote. They had their reasons why they all agreed. The N.C.N.C., the Action Group, and all political parties were represented at this Conference, and they decided that women should not be allowed to vote.

When the time comes for us to amend our Constitution I am sure this will be one of the items to be considered, and at that time, perhaps, we may have a lot of women to compete with Senators as against now that they alone have the Floor to themselves.

As I said before I thank the Senators very much for their very good contributions. Also, I have in mind the question of this £10 objection. If you say it is not necessary I may take it back to the Government to go through it carefully. I do not say that we shall drop it altogether, and I cannot take it back without Senators giving it due consideration in line with my submissions on the issue.

*Question put and agreed to.*

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

ELECTORAL BILL : CONSIDERED IN  
COMMITTEE

*Clauses 1-7—ordered to stand part of the Bill.*

*Clause 8 : CLAIMS AND OBJECTIONS*

**Senator E. A. Ukattah :** I rise to move the Amendment that the section from "Every notice of objection" to the end of Clause 8 (2) be left out.

I move this Amendment because I feel it is reasonable. The argument adduced by the hon. Minister that in order to avoid frivolous objections one has got to deposit £10 does not convince me. We should ask ourselves the question: Which is more serious, frivolous objections or a long list of fictitious names? Obviously a long list of fictitious names is more serious. To allow fictitious names to remain on the list is a very serious situation. I think it is the more serious one that should be given serious consideration. So, I say that in order to allow people to come forward to raise objections to fictitious names, the £10 deposit should be expunged because I consider that to allow fictitious names to remain on the list is a more serious situation than to raise a frivolous objection.

I beg to move.

**Senator Oba Adeniji Adele :** I am standing before you to oppose the Amendment. I feel Senator Ukattah does not really realise the meaning of frivolous objections as applied to this particular Clause. Formerly, the system was, when registering voters for the Voters List, individual politicians and political parties submitted names and the List was then compiled from the list of names submitted. To-day the position is different. The List is now prepared from the list compiled by the Census Department. The list is compiled by the census enumerators who check and re-check before the final list is compiled for publication. The result is that if one enumerator makes a mistake while compiling his own list, the second enumerator will go over it and this process will eliminate errors. The final list will then go to the Senior officers. After all these processes have been gone through a final list will be compiled and submitted to the public who will have to raise objections, if any.

Formerly, the politicians went to the nooks and corners of their constituencies to compile the list of their supporters and people who never existed, but now, enumerators go to the houses, actually see these people, verify the names, go through the names over and over again. They came to my house; they came to



[SENATOR OBA ADENIJI ADELE]

me personally; they actually saw me and saw my people before the list was compiled. For any outside to say he wants to object to any of these names—unless he has very good reasons—the objection must be regarded as frivolous, and that is really what the hon. Minister has pointed out. If the Senator really knew what happened before the list was compiled, he would have seen that this is quite different from the list compiled previously.

I think nobody will object to the payment of a deposit of £10 before any objection is raised. If the reasons are frivolous, then he forfeits his £10. I knew what the enumerators and the census officers did during the last census and I am sure these lists are going to be prepared from the result of the last census. It will be frivolous for anybody to come forward to object unless he has very good reasons. For these reasons, I oppose this Amendment.

**Senator Chief Z. C. Obi** : I think this matter is not only delicate but also technical and I do not want to think for one moment that the Amendment is frivolous. I think that the amount of £10 required from anybody who wants to raise any objection is meant to be a deterrent and so I quite support the speaker who moved the Amendment.

**Senator Chief O. A. Fagbenro-Beyioku** : I am in full sympathy with my friend, Senator Ukattah in this matter. The point is that there are people who have got experience of these things and I think a deposit should be made before anybody makes an objection. It is desirable. I have experienced it, where the other political party will come to your area to raise objection to everybody they know to be in your party. They raise up to three thousand objections and if you are not very careful the names of all your supporters will be completely taken off the list. They do not do it out of any genuine intention. They just do it in order to disenfranchise people; then they will go through the back door to win the election.

There was a time, in a certain constituency I had to handle about four thousand objections which they raised. Could you believe that, Sir? And out of four thousand objections only eight were upheld. In the case of the others, I went to their houses, I found them

and found that they all belong to my party. There must be a check on this situation. I am sure the Oba of Lagos, at that time, had experience of these things because people came to the Iga from time to time to check whether people actually lived in the Iga.

**Senator Oba Adeniji Adele** : My name was objected to. (*Prolonged laughter*).

**Senator Chief Fagbenro-Beyioku** : It is very necessary we put a provision to avoid all these ugly situations. I have listened to the hon. Minister say that he will take the matter to the Council of Ministers for examination as to whether £10 is too much and if so what to do about it. I feel that is a very genuine assurance. In the Bill itself, it is stated that if your objection is genuine your £10 will be refunded to you even if you lose the objection. For that reason I think the Bill should stand as it is and let us see how it works.

**Senator J. K. Nzerem** : I will not agree with Senators who think that this deposit is necessary. Conditions in the urban areas differ from those in the rural areas. The Clause contains some safeguards quite all right, but what about unscrupulous enumerators who put down names of people without actually seeing them? There are cases of this nature, and people should be given the opportunity of protesting. If the deposit is even only one pound, some people will still not be able to pay. I believe that it should be free and that a clause should be inserted empowering the Electoral Officer to take action against any person who files a frivolous objection. If the Electoral Officer considers it wise, such a person might be prosecuted. I maintain that there should be no deposit, or, if the Government likes, it might rule that once a list is published, no objection can be filed against it.

**Senator A. Nwoke** : It appears that Senators are looking at this Clause from only one angle, and that is the angle of errors arising from the census. There may be other sources of objection. It may be that the person whose name is being objected to is an ex-convict or that he is not qualified under the electoral rules. If we look at it from the angle of the census officer making a mistake which has to be corrected, we shall be pinning ourselves down to an angle where we may feel that there is not likely to be an error. There are so many other points that may make people want to object to a name.



We should face this matter with a clear mind. So far as a number of days have been allocated for raising an objection, I think care should be taken by the officer who receives these complaints to go carefully into them, if even there are a thousand or more objections.

As one Senator has indicated, the officer in charge should be tolerant and find time to go through all the objections. If we insist on the amount of ten pounds for raising an objection, we shall be driving away very many people, because they may not be sure whether or not their objections will be upheld. Sometimes, the tendency will be for them to want to consult a lawyer in order to determine how far they are likely to succeed. But when one comes to think of the money involved in getting a lawyer, one will naturally decide to let the matter drop, and the errors will be perpetuated.

We should therefore delete the whole of this ten pounds condition and allow whoever is the officer competent to handle these complaints to receive them. If this is not done, we shall be going farther away from working on democratic lines.

**The Minister of Internal Affairs :** I am of the opinion that Senator Ukattah will no more want to pursue this matter in view of my assurance that the whole matter will be gone into and that it will not be long before I come back to the Senate with any amending measure, if this is considered necessary.

I repeat my assurance to the Senator, and ask him to withdraw his Amendment. I know that Senator Ukattah has confidence in me and the Government, and as such, he will not press the matter further.

**Senator A. E. Ukattah :** Before I decide whether or not to withdraw my Amendment, I would like to touch the point made by Senator Oba Adele Adeniji II of Lagos. He said that in the past political parties were responsible for compiling the electoral list but that now the lists are to be compiled from the census returns.

The enumerators are not impeccable, there have been so many irregularities in connection with the census about which we have been asked not to say anything yet because the final results have not been known. In fact, I know of a case where enumerators were prohibited from going to a certain place. They were only told that four or five people were there and that was all.

**The Chairman :** I would like to point out that this is not a debate on the census.

**Senator Ukattah :** Yes, Mr Chairman, but I am saying that the list based on the census result may be faulty.

I also would have liked to touch the point that the list submitted by political parties is better than that compiled from the census returns, but in view of the assurance given by the Minister, and the confidence that I have in the Government, and because I expect that in final analysis this Clause will be expunged, I beg leave of the Senate to withdraw my Amendment.

*Amendment by leave withdrawn.*

*Clause 8—ordered to stand part of the Bill.*

*Clauses 9-19—ordered to stand part of the Bill.*

*Clause 20—(DEPOSITS)*

**Senator A. E. Ukattah :** I beg to move the Amendment standing in my name, in Clause 20 line 42—*delete* "twenty-five pounds" and *insert*, instead, "one hundred pounds"

I maintain that the sum of £25 as a deposit for nomination is too small. Already in the Eastern Region, the amount is £100. The same also is the case in the West. And here, one has to pay only £25 deposit to contest an election into the highest Legislature of the country! This will only encourage people who are not serious in contesting an election to come forward. I agree that we are all free to vote and be voted for, but why should any person engage in something which he knows he cannot do very well? I think that any person who is actually clever and liked by his constituents will be willing to pay £100 to contest an election. And if his people cannot help him to obtain £100, I wonder what is the meaning of cleverness.

Therefore, one-hundred pounds should be substituted for twenty-five pounds. There is no reason why the Government should not raise it. If it is raised to £100 it will be found that in many constituencies people will be nominated unopposed, and the more we have people nominated unopposed, the less expensive election becomes. If we have three or four constituencies in a Division where people have been nominated unopposed, there will be no need for any ballot box or for any ballot paper; there will be no need for trans-



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port to carry these things to those constituencies; there will be no trouble, and no polling officer. That is why we should consider this point. £25 is too small. If a man has not got £100 and his people want him to stand as a candidate and they are not able collectively to give him £100, why should he go to fight for such a constituency? As I said earlier on, there is nobody who can win an election in Nigeria who is not able to pay £100. If he is not able to pay £100 he can never fight and win an election because he is a poor man.

I beg to move.

**Senator H. O. Abaagu :** I wholeheartedly support the Mover of this Amendment for one or two reasons. Already nearly all the Regions have raised their fees. I know of the Northern Region which has raised its fee to £75. No Region is still accepting £25. Already certain people have been discouraged from contesting Regional elections because the remuneration paid to MPs in the Regional Houses is less than that paid to MPs in the Federal House. A greater number of people contest Federal elections than those who contest the Regional elections because the deposit here is less than that in the Regions. Therefore, if we do not raise ours here, a time will come when we shall have about one hundred people vying for only one seat. For this reason, I think it is the unanimous wish of the Senate that the £25 deposit should be raised to £100 or more.

**Senator Chief J. S. Olayeye :** I support that the fee should be raised to £100. In my area, an election candidate must be popular; he must be a man of good family, a man of substance and one who can entertain people at the bar. We do not have to go to the street and pick people to come and stand for elections. If we want a man to stand for an election, we should look at his standing, his movement, his dealings and how he lives among his people, before he is supported, and such a person must be able to pay £100 deposit. When a man wants to stand for election and he has no house, no family, no financial responsibility, and cannot entertain his visitors, people will not support him. My point is that £100 is not too much at all. If I were the Mover, I would raise it to £150. In order not to waste time, I support the Amendment.

**Senator J. K. Nzerem :** I think it is needless debating this. In fact if the Mover had made it £150, I would still have supported him. I think there is a good case for raising it to £100. The fact that all the Regions have raised theirs—it is £100 in the West, £100 in the East, and £75 in the North—I do not see why it should be £25 in the highest legislature of the land. Every Tom, Dick and Harry is going to contest the next Federal election if we make it £25. Do, by all means, raise it to £100 at least.

**The Minister of Internal Affairs :** I actually appreciate the feelings of the Senators, although they do not contest elections at all. Because of the feeling and the interest they have for the country, I thank them for that.

But this £25 is what is in the existing regulation. As I said earlier on, this Bill does not intend to amend the existing regulations. We are trying to bring all the existing regulations into one body, and when the new elections will be held, I am sure all these points will be gone through by the Council. In fact if Senators say £100, I will oppose it because I feel that it should be more than £100. In the North, I remember, when they raised their deposit to £75 the Northern Government was criticised by the various political parties in this country. The same thing applied to the East when they raised their own to £100, and also to the West. I feel it is really a political issue. If Senators allow me to discuss with the political parties in the country themselves, then I promise that we will go back. I do not want to put a hundred pounds. I will oppose that. I do not know how the other political parties will feel—whether it will be a hundred pounds or a thousand pounds, nobody knows. Therefore I do not want the Senators to put in a hundred pounds. If it is the view of the Senate that the deposit should be raised, I will go back to the Council. I promise that I will do so. But I hope that Senator Ukattah and all the other Senators will agree with me that we are politicians and we all try to win elections, and if we make elections difficult for people who are not entitled, or not eligible, that will be better for all the practising politicians now. I feel that the question of a hundred pounds should be scrapped altogether. The opinion of the Senators is well taken, and I will certainly go into it and come back when the time comes for new elections to be held.



**The Chairman :** Does Senator Ukattah wish to withdraw ?

**Senator J. K. Nzerem :** I want to speak if you will allow me.

**The Chairman :** Yes.

**Senator Nzerem :** What was the reason for bringing this Bill to us if it was not to debate it and make amendments? It would have been put into the pigeon hole and we would know about it. What is the point of bringing it to Parliament if the purpose is to collect the regulations together ?

**Senator Chief Fagbenro-Beyioku :** The hon. Minister has anticipated me. I think we are one and the same as far as this Bill is concerned. I am always guided by the introduction to most of the Bills introduced in this Senaté. That was why yesterday, when I made observations on the Merchant Shipping Bill, I said that I was not going to move amendments. But I made observations which were to be placed on record for the use of the hon. Minister.

In the introduction to this Bill, the Minister said that he was co-ordinating certain existing Acts and presenting them with a view to testing the feelings of the Parliament so as to know what amendments he would make to them. I have not been very voiceful about this introduction because I have read the introduction with the intention that it was to co-ordinate certain existing regulations, or Electoral Acts, with a view to testing the feelings of Parliament so as to know what amendments or changes will be desirable. Since the hon. Minister has said that these points which we have raised are really agreeable and desirable, I feel the mission has been fulfilled.

**The President :** As a matter of correct record, whatever the wishes of the Senators, I want to point out that this is "A Bill for an Act to consolidate and amend—." That is the title of the Bill. Whatever the decision is, I think it is my duty to point out that this is the title of the Bill—"to consolidate and amend—".

Is Senator Ukattah willing to withdraw his Amendment ?

**Senator Ukattah :** No ! No !

**Senator Chief Fagbenro-Beyioku :** I do agree with the President because I have the Electoral Bill here. The explanatory memorandum—

*"The main purpose of this Bill is to embody in statutory form provisions relating to elections which are, at present, for the most part, contained in subsidiary legislation".*

**The President :** Page C373—"A Bill for an Act to consolidate and amend the law as to the conduct of parliamentary elections . . .".

I am not influencing the decision in one way or the other. But it is my duty as the Chairman to correct anybody who says that this is only to consolidate, because it is "to consolidate and amend".

**Senator Chief Fagbenro-Beyioku :** I was going by the Preamble.

**The Minister of Internal Affairs :** You are quite right, Mr Chairman, to say that it is to consolidate and to amend. Well, I agree. But the main purpose is to consolidate. But there are certain amendments proposed by the Government. That is why you see this "amend" there. The amendments proposed by the Government are—

(1) The compilation of the Register of Electors. That is an amendment to this Law. It was not like that before.

(2) The question of fixing the date of an election by writ was not there before.

It is a proposal by the Council of Ministers. There are some minor amendments put in by the Government. But in the main, the regulations are not to amend in any way. They are all consolidating the existing regulations. Nothing is done in this Bill to amend the existing regulations. There are some additions made which can be called amendments. That is all. We have not amended any of the existing regulations at all.

**The Chairman :** I like to point out again that all I did was my duty as the Chairman to say that it is not absolutely true to say that this Bill is only consolidating, because the very title says "to consolidate and amend". This should not influence the decision in one way or the other.



**Senator Chief R. A. Umoh :** I fail to see with the hon. Minister. After all, this is going to be a law. If it is only compilation or anything else, as he is trying to put it, he could have left it in the pigeon holes and we would take it there. This is a Bill: it is to be passed, and we want to pass it. But we feel that it needs an amendment and we are going to amend it. If the Government has anything more to do with it, it can amend it from time to time. After all no law is strictly permanent. Laws are subject to amendment from time to time. This Bill needs an amendment now. The Government can go and make further amendments when they are ready. But I feel that this is a Bill which we should amend. The Minister cannot come to us like that and say that our duty is only to review it and leave it to the hands of the Government. Senators do have power to amend Bills. I therefore support the Mover of this Amendment.

**Senator A. E. Ukattah :** I am standing by my Amendment and I think I have the support of the whole Senate. This is no new law; it is no old law; it is a mixture of both. The Bill has been presented to us here to examine certain suggestions made by the Council of Ministers as put down by the Legal Draftsmen. We the members of the Senate are entitled to make our own suggestions. After all, who is the Government? It is not the Council of Ministers alone that makes up the Government. We are part of the Government and we can suggest amendments where necessary. Therefore, I am saying that since this unsatisfactory situation has all the time existed, the opportunity has now come for that very nasty situation to be rectified. This is an opportunity. If a Bill is brought and we spotlight loopholes, we shall make amendments, thus making things easier for the Government.

**Senator Chief J. S. Olayeye :** We do not come here to be deceived. If the Senate is regarded as rubber stampers of Bills, then I do not think it is necessary for any Bill to be passed to us for our comments. I have often noticed that as soon as a Bill passes the Committee Stage the Chairman will say that the Bill is reported without amendment and passed into law. Why does the Chairman say this always? Senators know that he is an experienced man and a lawyer by profession. Therefore, I do not agree with the Minister that since the Bill has been dealt with in the

Lower House, that we should pass it at all costs. I still maintain my point. During the course of a debate, if we find any anomaly after it had been dealt with in the Lower House, it is our duty to point it out and perhaps to amend it. Therefore, I am hundred per cent supporting the Mover of this Amendment.

*Amendment put.*

**The Chairman :** The *Ayes* have it.

**The Minister of Internal Affairs :** I said before that I was opposing the Amendment because if you put £100 you will find that it is not enough for what the Government is contemplating to do. We do not agree that the amount of money for deposits should be in line with what is being paid in the Eastern Region or the Western Region. I feel that if you put a hundred pounds here you will not be doing justice to the Government.

**The Chairman :** Now, let us adopt the correct procedure. I said the *Ayes* have it—that is, those who want this omitted and £100 taken. I have ruled that they have it. If the other side want a Division they can say “No” and let us count the votes.

**Several Senators :** No! No!

*The Senate divided.*

Ayes—10; Noes—14; Abstention—1

**AYES**

Seat No.	Name of Senator
2	Senator Nwoke
6	Senator Chukwubike
9	Senator Abaagu
15	Senator Chief Olayeye
16	Senator Chief Mrs Esan
18	Senator Nzerem
33	Senator Udoh
34	Senator Eytayo
36	Senator Ukattah
39	Senator Chief Umoh

**NOES**

Seat No.	Name of Senator
1	Senator M. A. Green
4	Senator Chief Fagbenro-Beyioku
8	Senator Alhaji Metteden
11	Senator Chief Ojon
12	Senator Adele II, Oba of Lagos
19	Senator Chief Hunponu-Wusu
21	Senator Alhaji Abubakar Garba
22	Senator Chief Obi
25	Senator Salah Fulani
27	Senator Chief Esangbedo
29	Senator Hassan Rafin Dadi



Seal. No. Name of Senator

- 30 Senator Chief Nakoku  
41 Senator Alhaji Ungogo  
Minister of State,  
Senator Dr E. A. Esin

## ABSTENTIONS

- 3 Senator Asemota

*Amendment negatived.*

*Clause 20—ordered to stand part of the Bill.*

*Clauses 21-167—ordered to stand part of the Bill.*

*First Schedule agreed to.*

*Second Schedule agreed to.*

*Bill reported, without Amendment.*

*Motion made and Question proposed. That the Bill be now read the Third time—(THE MINISTER OF INTERNAL AFFAIRS)*

**Senator H. O. Abaagu :** The main purpose of those of us who said "Aye" was to have the deposit raised. Well, the *Noes* had it, but I would beg the hon. Minister, when he goes back to the Executive Council, as he has already promised, to see that the deposit is raised to one hundred and fifty pounds.

**Senator H. N. Udoh :** There is something happening here. What is the sense in sending us a Bill if we are not to amend it when we think it necessary to do so ?

**The Chairman :** I think I must call Senator Udoh to order. We have adopted the correct procedure. We even pressed for a division. In the division the *Noes* had it and the *Ayes* were negatived. The Senator should, therefore, not complain now against either the Minister or the system. He can only complain against his fellow Senators who voted "No".

**Senator Ukattah :** My point on this is along the lines of what Senator Abaagu said. I have had my own time and the time now is that of the hon. Minister for him to see that he does as he says to ask the Executive Council to consider raising this amount from one hundred pounds as proposed to one hundred and fifty pounds.

*Question put and agreed to.*

*Bill accordingly read the Third time and passed.*

## ADJOURNMENT

*Motion made and Question proposed, That the Senate do now adjourn—(MINISTER OF STATE SENATOR DR THE HON. E. A. ESIN)*

## VISIT OF MR NEHRU TO NIGERIA

**Senator Chief O. A. Fagbenro-Beyioku :** I have only one important point to raise.

We have been reading in the papers that Mr Pandit Nehru, the Prime Minister of India will be visiting Nigeria. He is an international figure, both politically and governmentally, and we feel that when such a person comes to a place like the Federation of Nigeria, the Parliament of this country must be able to accord him an official recognition on the Floor of the House.

We would like to appeal to the hon. Prime Minister to make it possible for all Parliamentarians and Senators to assemble to pay the greatest honour to that greatest son of the world.

**Minister of State (Senator Dr E. A. Esin) :** The Government is having the matter under consideration, and Senators will be informed as soon as possible.

**Senator H. O. Abaagu :** I want to raise a point—

**The President :** Did you submit a notice ?

**Senator Abaagu :** I did.

**The President :** Order. The point in asking Senators to submit notices for matters to raise on the Adjournment is not to make things difficult but to make it possible for a Minister to answer. If a Minister has no notice that a Senator is raising something at the moment of Adjournment he will probably not give a reply to the Senator. That is the point I want to be noted.

**Senator Abaagu :** I gave notice on the 15th of this month, and I renewed it last Tuesday. The notice is with you, Mr President, and with the Clerk of the House.

**The President :** Has the Ministerial Bench got any notice ?



**Minister of State** (Senator Dr E. A. Esin) :  
We have got no notice.

**The President** : The Ministerial Bench  
has no notice, the Clerk has no notice, and  
the President has no notice.

**Senator Chief Fagbenro-Beyioku** : I move  
that the Question be now put.

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

*Original Question put and agreed to.*

*Resolved, That the Senate do now adjourn.*

*Adjourned accordingly at fifteen minutes to  
one o'clock.*



SENATE OF THE FEDERATION  
OF NIGERIA

Friday, 24th August, 1962  
The Senate met at 9 a.m.

PRAYERS

(The President in the Chair)

NOTICE OF MOTION

WATER

**Minister of State** (Senator Dr E. A. Esin) : I beg to move the Motion standing in the name of the Prime Minister "That in pursuance of item 40 of Part I and item 2 of Part III of the Schedule to the Constitution of the Federation it is declared that the river Niger and its affluents are sources of water affecting more than one territory".

As you all know, the River Niger starts from the Futa Jalon Hills in Sierra Leone and runs its course for about two thousand miles and enters Nigeria in the Northern Region. As it flows through Nigeria it touches the Western Region and the Eastern Region, emptying its water finally into the Atlantic Ocean in the Eastern Region. It is very clear, therefore, that this water touches all the Regions of Nigeria and peoples of these different Regions are entitled to use that water without any let or hindrance. It is intended that this Motion should make clear to everyone that the water is more or less a national water. There is not much to say about it, Sir, and I beg to move.

**Minister of State** (Chief H. Omo Osagie) : I beg to second.

**Senator H. O. Abaagu** : The facts stated by the Minister are natural facts and therefore cannot be doubted. I beg to support.

**Senator Salahu Fulani** : I want the Regional Governments to take the view that the River Niger starts from the Futa Jalon Highlands. We agree that the water should be available to all the people in Nigeria but what happens if the Government of the country from where the River starts wishes to dam the water and prevent its flow ?

**Dr Esin** : We had consultations with these countries on this matter before we undertook this enormous project of building the dam, so that if they want to build they will consult us.

*Question put and agreed to.*

*Resolved*, That in pursuance of item 40 of Part I and item 2 of Part III of the Schedule to the Constitution of the Federation, it is declared that the river Niger and its affluents are sources of water affecting more than one territory.

ORDERS OF THE DAY

NIGER DAMS BILL

*Order for Second Reading read.*

**Minister of State** (Senator Dr E. A. Esin) : I rise to move, That a Bill for an Act to establish an Authority to be responsible for the construction and maintenance of Dams and other works on the River Niger and elsewhere, to provide for the use in connection with the works of water power for generating electricity, and of water for the purpose of improving navigation and providing fishery and irrigation, to establish a Niger Dam Authority Council, and for purposes connected with the aforesaid matters, be read a Second time.

As Senators will see, the Bill is a very straightforward and simple one. In the first instance, it provides what is known as the Niger Dams Authority and the commission and the persons who will be appointed to constitute the authority. The Niger Dams Project is one of the biggest projects we have in the Six-Year Development Plan and it is therefore very, very important from the beginning that everything should be done to see that there is no hitch in carrying out this enormous project for which we will have to look for external finance.

If Senators look at the Bill itself, they will find that provision has been made for what the Commission of the Authority shall be, the powers which are conferred on the Authority, and also what is known as the Advisory Council which will from time to time advise the Prime Minister either at his own request or when this Authority finds something which they will have to put before him so as to guide him properly. The Prime Minister will be the Minister responsible entirely for this Authority. The project is very enormous and involves the interests of various Ministries, and this has been taken care of in the Bill.

Recently, we had a Technical Commission of the World Bank which came down to give Government advice as to what should be done so as to achieve this project in the shortest



[SENATOR DR ESIN]

time possible. As you will understand, the building of the Niger Dams is of the utmost importance to the future of this country because the Dams will create a source of cheap power and from this source the whole country, as it were, will have a very cheap source of electricity. From there, also, we will have water, enormous lake from which to establish fishery. From this lake also, we will have to obtain water for irrigation to develop agriculture.

The Bill is simple, and I do not want to take much of your time and therefore, I beg to move.

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

**Senator J. K. Nzerem**: I am particularly happy to see this Bill coming before Parliament. When the enormous sum of money was voted for this project I doubted whether the Government was taking all necessary steps to bring the Niger Dams projects into reality. Now that this Bill is before us it is a matter for great joy and I would like to congratulate the Government, particularly the Prime Minister, for being so energetic to bring this Bill in time.

Anything that would make for cheap power, cheap electric power in Nigeria is very welcome, but I would like to say that we do not expect this cheap electricity to go only to places which are already served—Lagos, Port Harcourt, Ibadan, Kano, Kaduna, Enugu. These places have something already. There are places in Nigeria where people are living in squalid what electricity is. There are places in Nigeria where people are living in squalid conditions. Such people will want to benefit from this Niger Dams project. It cannot be over-emphasised that until you develop the rural areas of this country, Nigeria cannot be said to be fully developed. We must not cut our noses to spite our faces. If we neglect the rural areas which are responsible for producing the food that we eat in the townships, then we are courting disaster. So, I would say that in implementing this Niger Dams project, the needs of the rural areas should be kept in the forefront by the authorities.

I am very glad to see that provision is made for representation of the various Regions in the Advisory Council and I see that members of the Advisory Council will be appointed by the Governor of each Region. That is all well and

good, but I think there is a loophole which must not be allowed. On whose advice is the Governor going to appoint these members? Is it in his absolute discretion or on the advice of the Regional Premier? That is not made explicit and—

**The President**: Order. May I point out to the Senator that whenever the Governor or the Governor-General is mentioned in this context, the Constitution says it is on the advice of his Cabinet.

**Senator Nzerem**: Thank you very much for the information. I do not then see anything to quarrel about in that, but for the purpose of emphasis I wish to repeat that the Niger Dams project and the cheap electricity which it is going to produce should benefit the rural areas as well as the urban areas.

I beg to support.

**Senator Dahlton O. Asemota**: This is a welcome Bill indeed, and I am happy that our Government is alive to its civic responsibilities.

While we were on tour of the United States and Canada not very long ago, we saw a very big dam in Canada. I think that what we are now proposing to construct will be similar to that. We learnt also of the benefits that not only the larger towns are deriving from it but also the smaller and rural towns. It does not necessarily mean, therefore, that such a gigantic scheme will benefit only the big towns in Nigeria as one Senator would want us to believe. I think that both the small and the large towns will benefit equally when the scheme is completed as we will be providing more people with cheap sources of electricity.

I think every Nigerian should be pleased with this Scheme, and I am very proud indeed that our Government is alive to its responsibilities. There is, however, one danger. The Niger banks are filled with small villages inhabited by fishermen and other people. I happened at one time to travel from Leaba on the Niger to Burutu and I observed that there are people living on both sides of the River. When this dam is completed, it will certainly displace all those people, and the Government has not given us the assurance that the people's future is being considered. I trust that the Government will take this point into consideration.



During our last visit to the United States we saw a type of irrigation scheme which I think will be more applicable to our people in the Northern Region. In the Southern parts of Nigeria, we have plenty of rainfall and jungles but the North is not so fortunate. So, when the Niger Dams Project is completed, I think the Government will see to it that the water which will flow over the banks will be made to irrigate many of the places that are at present suffering from lack of rainfall. We saw places that looked like desert in the United States but the United States Government cleverly diverted the dam water through pipes to all the dry places. After all the United States is one of the greatest food producing countries in the world. So we should take a leaf from that country and see that the surplus water which will flow as a result of the Niger dam is distributed in a way that will benefit the peasants of this country and also help to produce more food.

I support the Bill.

**Senator A. E. Ukattah :** This project is the most expensive single scheme that we have in our Six-Year Development Programme. We are all aware of the usefulness of a dam, in fact some of us have heard of the Missouri dam and other dams in the world, and we are all very happy that we are going to have one built in Nigeria.

Another point I would like to touch relates to Clause 5 which says, "For the purposes of this Act, (a) the Land and Native Rights Act shall have effect as if. . . ." I think that whenever and wherever reference is made to a previous Act, it is necessary that the relevant sections of such previous Acts be repeated so that we can read them side by side with the new Bill. When it is said, for instance, that Sections 2, 3 and 4 will be replaced by this or that Section, we will be able to know immediately what we are doing. The present arrangement of substitution by reference is unsatisfactory, it does not make for clarity and comprehension.

I now want to talk on compulsory acquisition. As a Senator has rightly pointed out, so much bad blood has been caused by the agreements reached between the old colonial Administrative Officers and the natives regarding the compulsory acquisition of land. Whenever a piece of land is to be compulsorily acquired it must be done by a process of peaceful

approach to the owners. We do not want the Government to use the big stick. That will cause hostility. We do not also want the Government to be unfriendly.

Another point is on the award of contracts. The Government will from time to time award contracts on aspects of this project. I must warn that while I support the idea of awarding contracts to our indigenous contractors, the awards must be made strictly on merit. We know what we have suffered and are still suffering from the bad state of most of the roads constructed and tarred by our indigenous contractors. I am not saying that all of them are incompetent, some of them are really good but I maintain that the award should be made on merit. Contracts should be given only to suitable and qualified people.

I would like to emphasise the point made by some other Senators about the benefits to be derived from the projects. In distributing the electricity that will be generated from the dam, priority should be given to the rural areas. We want the Government to take this into consideration.

I beg to support.

**Senator Chief Z. C. Obi :** I rise to support this Bill. But I am surprised that much ado is still being made about the commencement of this project. I thought that the project was already in progress, because the construction of a single dam in Nigeria is just like a drop of water in a bucket.

As Senator Asemota stated a short while ago, we observed during our tour of the United States that dams are scattered throughout the length and breadth of the country. That convinced me that until we have so many sources of power from which Nigeria can get cheap electricity, it would be right to imagine that this country has not yet arrived. For Nigeria to be a highly industrialised country, every village and town, I repeat, every village and town, must have electricity and water.

With these few remarks, I support the Bill.

**Senator H. O. Abaagu :** Having envisaged the benefits which will be derived from the building of this dam, I welcome this Bill. I am sure that no amount spent in constructing the dam will be too much. I would like however to raise a point in the form of a question. I understand that as a result of this dam many inhabitants of the villages along



[SENATOR ABAAGU]

the banks of the Niger will be displaced. I understand, also that an alternative settlement has been provided for the inhabitants of one village but nothing has been known about the resettlement of the inhabitants of the other villages. Will the Government please make a categorical statement about this?

**Senator Salahu Fulani :** The point I want to make has already been made by two Senators who spoke earlier, and the point is in connection with land acquisition. I would like to know what Government is planning to do for those whose lands have been acquired. Some of these people are old people who live from hand to mouth. I think that adequate compensation should be paid by the Government for the land which has been taken away from them.

I read in the Papers this morning that the Prime Minister is going to engage people from other parts of the world for this job. Well I do wish that Nigerians should be sent outside Nigeria to understudy the people who know about this work so that in future we will be able to pick up the job.

Another very important point I would like to make is membership of the Advisory Board. I do hope that the people to be so appointed will be people who have the interest of the country at heart.

I support.

**Senator Chief R. A. Umoh :** I rise to support this Bill, and in so doing I have a few things to say. I have seen a number of things going on in the country to-day. For example, in the building of roads, I have seen one fault with the Government, and that is that the Government gives contract to somebody to start work on a road, but does not care a bit to send somebody to do the inspection to see if the work has been properly done. When teachers are employed to teach in schools, Inspectors and Education Officers are set apart to go from school to school to see if the teachers are doing their work properly. This dam is a new business to be done in the country, we have never had a dam here before, and we will not be satisfied with a company, be it expatriate or Nigerian, if experts are not got from other places to carry out constant inspection and criticise the workers and tell the Government where they go wrong. Other-

wise they will do anything they like and as we are quite ignorant of that business we will feel proud that we have got something.

If we go to America and other places, we find that we are quite behind time. We find that we are not moving abreast of the modern world as regards the handling of whatever project we have on hand. So, I put this strictly before the Government. It is one thing to start a business and it is another to do it well. When the buildings, the flats, in which we are living were given out to contractors to build, was any person set apart to do the inspection and see that the floors of these buildings were well made? If you examine these flats you will find that although these buildings cost the same amount of money, some were properly built while others are full of complaints, altogether unsatisfactory. I wonder how they were inspected. So I am warning before time that whatever projects the Government undertakes to execute, specialists should be employed whose work will be to inspect and criticise, so that their report will serve as an eye-opener to the Government.

I beg to support.

**Senator Hassan Rafindadi :** In supporting this Bill I would like to join my other colleagues in congratulating the Government and particularly the Prime Minister himself for the personal interest he has shown in this project which he has been trying to bring about for quite a number of years now. One could remember many years ago that the Prime Minister, as the Minister of Transport, visited the United States of America to see a similar project, the Tennessee Valley Authority,—T.V.A.—and after seeing this project he came back to the country. Since that time he has been doing his best to see that a similar project is developed here on the River Niger which would have a similar effect as the T.V.A. of the United States.

The T.V.A. project transformed the life of the people around the area and made a vast contribution to the economic advancement of those people. Our Niger Dam Authority, N.D.A., I think, is modelled on the same lines and with the same purpose in view. Agriculture, fishing, irrigation, navigation, transportation, apart from cheap electricity that will be developed, will all benefit, and it is our sincere hope that this project will be the backbone of the industrial and agricultural revolution that



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will enhance the economic stability of this country and raise the standard of living of our people.

Sir, I support.

**Senator S. Eytayo :** I rise to support the Bill because it is not contentious. It is a welcome Bill. Only a few months ago we all here passed a huge sum of money for the execution of this project, and we all expressed our views as to whether this lofty aim was not just a mere pious paper plan. But to-day, the Bill has been presented to us and this Bill is for the execution of this lofty plan. That is why I am supporting the Bill.

I would also like to associate myself with the warning given by Senator Nzerem that when this dam is completed and we have our source of power the rural areas whether they be in the North, East or West, should not be forgotten, because we depend upon our people in the rural areas.

I beg to support.

**Minister of State (Senator Dr E. A. Esin) :** On behalf of the Government I must express how grateful we are for the advice that all Senators have given to the Government. This Dam project, as the last speaker but one has pointed out, has received a long period of planning by the Government. It is the Prime Minister's baby and he too is going to superintend over the whole affairs, and Senators can rest assured that he will do everything possible to see that the Dam is properly built.

The first speaker, Senator Asemota warned that when the project is completed, the rural areas, as it were, should receive priority. I am glad the Minister of Mines and Power is here, and I happened to be a member of the Electricity Corporation for some years and I know it is his intention that when the scheme for electricity in the Eastern Region and that of the Niger Dam are completed it will be able to join the whole country, with overhead wires to carry electricity to as many as possible of our villages. The capital cities as it were have got their own electricity. They would only be strengthened as time goes on so that Senators can rest assured that the rural areas will have their own quota of electricity.

Senator Asemota spoke of his experience in the United States of America where he saw the Tennessee Valley Project and said that all the water has been used to irrigate the land

around the area. If you read the Bill you will find that one of the purposes of building this Dam is to have a tremendous reservoir of water from which we could pump enormous amount of water to areas for the irrigation of our farms both in the Northern and Southern Regions of the country.

Senator Ukattah spoke of land acquisition. The Government does not acquire land compulsorily in the sense that once a land has been found to be of use for communal development the Government finally acquires it. Compulsory acquisition does not mean that the owners of the land are ejected. I happen to have had an experience of this. What they do is to take the matter before a Judge of the High Court. The Government will be represented by its own Crown Counsel and the other party will have its own lawyers. These lawyers will argue as to what should be the adequate compensation. Once the Judge says that the compensation should be £1 or £100, that is the end of it. These people are not pushed out compulsorily without being taken care of. In fact, it is when some landlords, become tough that, naturally the Government takes the matter before a Judge of the High Court.

Then he spoke of tenders, that care should be taken to award tenders to firms on their merits, whether they are Nigerian firms or expatriate firms. The Government takes serious note of that. I must point out once again that this matter will have a final sanction of the Prime Minister, and I know the Prime Minister's integrity in such matters. Senators should rest assured that whenever tenders are awarded they will be given to the most competent firm.

Senator Chief Obi made much ado about the Niger Dam—he thought that it should have started long before now. Yes, it should have been started, as a matter of fact, very many years ago. But we have been carrying out repeated surveys; we have had voluminous reports of findings as to whether it is feasible or not; we have had various missions from abroad, and engineers have come to advise the Government on this matter. This is quite a tremendous thing that we cannot just wake up one morning and start to build it. We have got to find out whether this work is going to be feasible both physically and financially. We have got to construct roads and bridges in these places, and before that is done, we have got to have a proper survey.



[CHIEF OMO-OSAGIE]

Turning now to the Supplementary Estimates of Capital Expenditure the appropriations are normally not included in the Appropriation Bill. In considering the Supplementary Budget, however, it is customary to say a word about the implications of the Supplementary Capital Expenditure. Although the projects shown in the Supplementary Capital Estimates are self-explanatory in themselves, with your permission, Sir, I will talk briefly on their effect on the Development Programme.

While it has been possible to extend within the existing Development Programme allocations the projects shown under Head 627 and 630 in these Draft Supplementary Capital Estimates, this has not been possible in the case of any of the projects shown under Heads 624 and 637.

Approval of these Supplementary Capital Estimates will not only increase the appropriations for Capital projects within the current year by some £2,015,760 but will also increase by £3,579,750 the amount to be found by the Federal Government from its own resources, from internal borrowing including the excess capital resources of the Statutory Corporations and from External Aid.

I am confident that the Supplementary Appropriation Bill will be favourably received by Senators. I can assure them that these Estimates have been very carefully considered in my Ministry, and I am satisfied that the expenditure involved cannot in any circumstances be postponed.

I beg to move.

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

**Senator Dahlton O. Asemota** : I think it is time the Government faces facts in their true value and starts to think about accepting genuine suggestions made by Senators. Much as I would certainly feel like supporting the Government which has been working very hard for the benefit of this country, unfortunately we have got no power to interfere seriously with money bills, otherwise, I would have asked that this Bill be returned to the Lower House.

Sometime ago when the Government was launching the Nigerian National Press, I actually raised the point that this newspaper was unnecessary, and I still say that it is

unnecessary. There is no point at all for the Government to try and publish the newspaper as they are doing now. For the first year of operation the press has lost £220,000! The Government has raised duties left and right, and this has increased the price of our food-stuffs and made people to pay increased tax. If you go to the Estimates you will find under "Personal Emoluments" in the Ministry of Information's various headings in connection with Printing Division a sum of £154,000.

If you read the *Morning Post*, the *Daily Times*, the *Express* and the *Pilot*, you will find that practically they all contain one and the same thing. I suggested to the Government that it will be very profitable to them if they refrain from setting up this National Press and advertise Government activities in all the other national papers of this country. If one-eighth of the money used for the Nigerian National Press is spent in this way, Government activities will be better publicised. Why did the Government not develop the *Nigerian Magazine* which is also Government publication to serve the purpose of publicising Government activities? What is the difference between this publication and the *Morning Post*?

When I raised the question at the last Budget Session, the Minister of Finance said that the intention of the Government for setting up the National Press was not only to serve the people of Nigeria but also to serve the people abroad. How many of our publications have been seen abroad? There are some of the Senators who have recently returned from abroad, and they know the situation better. None of the students in any of the Universities in the United States knows what is happening in Nigeria. I repeat, that none of the students in the United States of America and Canada (I am not talking about England where we did not actually watch things closely well) knows what is existing in their country. What then is the use of setting up a publication which is to display Nigeria to the outside world when has never found its way outside Nigeria?

We find that visitors come to this country, but we do not know what is happening in the various Embassies. We do not know what is happening in the Nigerian Embassy in Washington. We do not know what is happening in Kenya and in Katanga, and this newspaper is supposed to be the organ of the

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power to deal with this matter. We cannot recurrent expenditure which would arise from

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know of a small place—I do not want to mention the name.

**A Senator : Okitipupa !**

I have some observations to make on mineral survey. Page 18 of the Draft Estimates deals with the provision of field staff necessary for the survey of mineral resources and the prepara-

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Government ! The Government should be prepared to accept criticism, and they should do away with the National Press. The Government should publicise in these other national newspapers and make their publication more detailed and interesting not only to the people of Nigeria but also to the people of the outside world by devoting their activities to what the Government is doing. They should take a page in each of the national newspapers that we have here and use this medium to publicise Nigeria. The national newspapers will publish it. We have six newspapers which we read every morning here in Nigeria, and all of them appear in the same manner.

I am appealing to the Government that, although we know that there is no business which would not earn a profit or incur a loss, it would be appreciated if losses incurred in this respect are legitimate and very sympathetic ones.

My next item is on the Police. We have just got the Annual Report of the Nigeria Police. Although we cannot be serious on this, I would like to say one or two things. I find that the present strength of the Police is one Policeman to about two or three thousand people. This is obviously inadequate. I think the time has come when the strength of our Police should be increased. I strongly ask the Government to give this their consideration.

Turning to the Police Report further, I shall read an extract on "Housing and Building" from page 23, with your permission, Mr President :—

*"The emphasis has again been upon accommodation for personnel. Some progress has been made in improving the position shown last year but the fact remains that the Force still requires some 2,000 quarters to accommodate the existing Establishment and to replace buildings which are no longer repairable."*

Why should the Government allow this sort of situation to arise at all ? Why should the Government not provide quarters to accommodate the existing establishment ? The Government is spending a lot of money in other places, but Policemen are not adequately quartered. This is astonishing and disgraceful.

I would like to refer to page 33 of the Report —Traffic Offences. Anybody reading this

Report will feel very sorry indeed and will know the job that the Police are doing. This is due to reckless driving and also to the fact that there are not sufficient Police to go round and check these traffic offences. These traffic offences are mounting every day.

It is stated in the Report that traffic offences are due to the fact that the number of vehicles is increasing as well as the number of drivers, many of whom have still to gain experience in driving. Reckless and negligent driving have been the most prevalent type of offences.

I now refer to chapter 44 page 34 under road accidents. In chapter 41 we were given reasons for these accidents, but the contributing factor is that while the amount of accidents on the roads has increased considerably, improvements to roads have not been effected at the same rate. That is a fact—we know what our roads look like. A majority of them are nothing but death traps, and I think it is time that the Government thinks seriously about these roads and consider improving them. They are, in the real sense, not well constructed.

We went to Ghana last month and we found that the roads there are better than what we have in Nigeria. If you travel from Nigeria by road to Ghana or Lome, you will see that their roads are far better and well constructed. Nigeria is supposed to be the country which practically all important African States should be looking up to. I think this is something that we should have in mind when drafting the Estimates so that we can provide money for further improvement of our roads.

Turning to bribery and corruption—this is what is eating into the life of practically everybody in this country. In this case, I am referring to the Police. We know their moral part in this, particularly in traffic offences. What I would suggest in traffic offences is that instead of allowing the Police to go to the scene of accident with paper, pencil and ruler to demarcate the place and come back to report, they should be provided with a camera and a tape. The reason is that if a Policeman goes to demarcate and photograph the place of accident, I think it will not be as easy as to tear the report off which he puts down on a piece of paper. If the place is photographed, they will be prevented from selling the report to people and stopping prosecution.

Another point I would like to talk about is their salaries. I quite agree that there is hardly



[SENATOR CHUKWUBIKE]  
sustained huge losses and some have lost good chances and our Ministers keep silent because they are not affected. Their mails are given the quickest priority. I would appeal to Senators to stop criticising this Ministry.

The last point I would like to make might be regarded as a Regional matter but in so far as Nigeria is one and the Federal Government caters for the overall interest of this Federation, I feel I should ask the Government to make a statement on this irritating matter. Why do the prices of palm oil and palm kernel continue to go down! Are our palm fruits the inferior type? If this is the case how are we going to make them to be the best. In furtherance of our non-alignment foreign policy we should be able to find other markets for these goods if our customers are fed up with our palm products.

I support the Second Reading of First Supplementary Appropriation Bill.

**Senator H. O. Abaagu :** May I start by disagreeing with the last speaker but one who said that the Nigerian National Press is an unnecessary institution. The National Press is not a waste of public revenue. If there has been any loss of money in that press, that is a different story. It is a different matter which should not come into the argument.

The Nigerian National Press is a press which was established to aid the Government at any time the Government is at loggerheads with other newspapers which have already attached themselves to certain interests or political parties. Take for instance papers that belong exclusively to some political parties. We have the *West African Pilot* which belongs to the N.C.N.C.—

**Senator A. O. Fagbenro-Beyioku :** On a point of information, for all I know the *Pilot* does not belong to the N.C.N.C.

**Senator Abaagu :** We know that the *Pilot* gives publicity to activities of the N.C.N.C.; the *Tribune* is exclusively for the Action Group and will not support any measures of the Government; the *Daily Mail* is for the N.P.C. and is only interested in political activities of the N.P.C.—if we pay them £2,000, they will not support any measures of the Government.

**Senator Asemota :** On a point of explanation, I am afraid that the Senator is—

**Senator Chief Fagbenro-Beyioku :** On point of order, the Senator could only give a point of explanation where the other Senator referred to his own speech.

**The President :** The Senator was not here at the beginning. He came late.

**Senator Asemota :** I do not argue with the fact that the National Papers must have been brought up by a certain class of people, whether political or not, but the Government can take up a page or two in any of these papers to advertise whatever measures the Government is undertaking.

**The President :** What Senator Asemota is doing now is to reply to the debate of Senator Abaagu. A point of explanation is meant to explain something in which you are mis-quoted.

**Senator Asemota :** That is what I am doing.

**The President :** What you are doing now is not a point of explanation, so you are out of order.

**Senator Abaagu :** As I was saying, the National Press is our only hope. For instance, we had some sort of misunderstanding with Ghana. Senators would remember the role the *Morning Post* played in the whole show. I disagree entirely with the suggestion that the establishment of the National Press is a waste of public revenue. The question of loss of money there is a different story and I think that the Government, according to a recent announcement, is trying to find a way out of it.

I was surprised that the £11 million we were expecting has now come down to £3 million. In this respect, I will suggest that the Government should tighten up this question of austerity. The Government should devise ways of saving money. There are certain things which we can dispense with, a thing like petrol rebate which is paid to Civil Servants and Parliamentarians. In certain Regions, petrol rebate has been abolished. I see no reason why the Government should continue to pay petrol rebate to certain Parliamentarians and Civil Servants. If we can abolish a thing like that, it would be one way of saving money.

I want to say something about the Police. Everybody who heard what happened in Benue Province, especially in Tiv Division, in

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we would like decisions to be taken because they are of material benefit to Government. We want them to know what our feelings are because we represent many other people. I want the Government to take this Benin-

is that the case is being investigated.

I would like to be personal in this case about the telephone services in Benin City. It is high time we got this straight. I do not



1960, would sympathise with us. We need Police Posts. There has been a promise in the Estimates that certain Police Posts would be opened in Benue Province—about four new Police Posts have been envisaged in the Estimates—but up till now, no single Police Station has been built. I hope that the Government will take note of that. We need Police Stations in Benue Province.

I had wanted to speak on the Ministry of Mines and Power, but it is not in the Estimate. However, a few words will do. I am worried about electricity supply, especially in Makurdi. Electricity is not supplied in the way that the people there expect. The supplies have been done at random. The Local Authorities there were not consulted and, as a result, supplies have been given to people who are not interested in electric light, and where the people are interested, there is no light. In one particular part of the town where I live with two other Parliamentarians, there is no light. We have struggled and have not succeeded. I hope that the Ministry of Mines and Power will come to our aid.

I do not think I have anything more to say than to congratulate the Government and to ask them to be more cautious about spending public money. We do not want to wake up one morning and find that we have no penny in our pockets. A thing like that happened in one of the Regions in Nigeria recently, and the Federal Government had to go to their aid. If it happens to the Federal Government, who will come to our aid?

I beg to support.

**The President :** Before we go on, I want to remind Senators that this is not an opportunity for debating everything about the Government's Estimates. This is not an opportunity for saying the things you forgot to say in April. This is an opportunity to debate what is in this particular Bill. Without infringing upon the rights of Senators to make their contributions, I will remind you that to-day, the House is required to close at 12 o'clock.

**Senator A. E. Ukattah :** This is not the appropriate time for detailed debate on the economic policies of the Federal Government, but the point on which I wish to speak relates to those matters for which so much money has been voted.

Before I go on, I will like to touch on a point which I had had in mind and which has already been mentioned by some Senators. That is about the National Press. It was recently announced that the National Press sustained a loss. I do not think that that need alarm anybody. To make capital out of it does not show the right spirit of enterprise. We do not expect to plant to-day and reap the same day. I can only say that much as we are not happy that money was lost, yet I think that it is too early to criticise the National Press where a very useful work is being done.

The *Morning Post* is one of the papers I am proud of in this country. It started not very long ago and it is making its way in wide circulation. The main point that I will like to touch upon here is the question of publicity. Very recently, so much has been said about that. Overseas writers who write articles on Nigeria do not say exactly what happens because they do not base their articles on facts and figures. They write on what their imagination gives them. This calls for an important instrument of publicity, and that is the National News Agency.

The absence of a National news agency has been responsible for all the wrong notions given to the outside world about Nigeria, so I think this is an opportunity of appealing to the Radio authorities and newspaper proprietors to come together and establish a National news agency. It is absolutely necessary at this time because if we wish to participate in the International News Agency we must first of all have our own National News Agency which would be a source of facts and figures relating to the progress and the people of this country, so that both local writers and overseas writers could always have a source from which they could draw their facts and figures.

In this connection, I want to mention the Association of the Chambers of Commerce. So much good work has been done by that organisation of the Lagos Chambers of Commerce. I think it would be appropriate here to say a few congratulatory words to the Association of Chambers of Commerce. If one reads some of their publications, one finds that there is a very useful journal produced by the Lagos Chamber of Commerce entitled "Commerce in Nigeria". If one goes through it carefully one finds that this journal is devoted exclusively to the facts and figures relating to



[THE PRESIDENT]

April and which we forgot to say but we should not say them now unless they are in this piece of paper here.

**Senator Asemota** : Can I explain a point further ?

**The President** : No.

**Minister of State** : Many Senators have spoken about bad roads. The Government is fully aware that many roads in Nigeria are bad and the Government is taking stringent measures to combat such a position, hence a vote of £14 million is being provided in the Development Plan for 1962-68, so that before the end of that period Senators will see much improvement in our roads.

*Question put and agreed to.*

*Bill accordingly read a Second time and immediately read the Third time and passed.*

MARRIAGES IN WESTERN REGION  
(VALIDATION) BILL

*Order for Second reading read.*

**The Minister of Internal Affairs** (Alhaji the hon. Usman Sarki) : I rise to move "That a Bill for an Act to validate certain marriages in Western Nigeria and for connected matters be read a Second time."

This legislation has become necessary because doubts have arisen as to the validity of some of the marriages proposed in Western Nigeria under the Marriage Ordinance between April 1954, and now, due to administrative changes which took place in Western Nigeria between 1954 and 1959.

The Marriage Act provides for the division of Nigeria into Marriage Districts ; the appointment of Registrar for each district and the establishment of the office of the Registrar for each of those districts. The Act also lays down that one of the two parties applying for a marriage certificate must have been resident in the marriage district concerned. The marriage district was based on administrative divisions that existed in 1954. The Registrar, in most cases, was the Divisional Officer in charge of the Division and his place of office was the Divisional Headquarters. That was the position in 1954.

Since then, there have been various administrative changes in Western Nigeria : Divisional Officers have given way to Divisional Advisers ; the post of Resident has been abolished and so

has the post of the Provincial Adviser. Before 1954, a Divisional Officer was usually in charge of one administrative division but now a Divisional Adviser may be in charge of a group of divisions. For example, before 1954, two parties resident in Lekki, in Epe division could be married by the Divisional Officer Epe, in his divisional headquarters at Epe. As a result of the changes they can now only be married at Ijebu-Ode by the Divisional Adviser, Ijebu-Ode. Neither of the two parties would have been resident at Ijebu-Ode and the office from which the Registrar would have operated and in which he would have celebrated the marriage would not be the office named in the appointment notice.

An opinion has been expressed that a marriage so proposed may not be valid particularly if the two parties were aware of the possibility that the celebration might be irregular and doubtful. Such a situation, in fact, did occur during the early stages of the administrative changes to which I have just referred.

It is the purpose of this Bill to resolve any doubt however slight about the validity of these marriages and so to avoid a great inconvenience which would arise for such persons who now consider themselves legally married who may discover many years after marriage, perhaps in a matrimonial suit that they had never really been married in law and that all these their children were illegitimate.

This legislation is in the nature of a blanket cover of all marriages celebrated under the Marriage Ordinance which would have been valid but for the administrative changes referred to. This legislation will not affect marriages celebrated under Moslem Law or native law and custom.

I beg to move.

**Minister of State** (Senator Nuhu Bamali) : I beg to second.

*Question put and agreed to.*

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

MARRIAGES IN WESTERN REGION (VALIDATION) BILL : CONSIDERED IN COMMITTEE

*Clauses 1 and 2—ordered to stand of the Bill.*

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



LIQUOR LICENSING (FIRE PRECAUTIONS) BILL  
*Order for Second Reading read.*

**The Minister of Lagos Affairs** (Alhaji the hon. Musa Yar'Adua) : I rise to move, That a Bill for an Act to amend the Liquor Licensing Act, 1959, to provide for the refusal of the grant, renewal or transfer of licences for the sale of intoxicating liquor in which the arrangements for securing safety in the case of fire are inadequate, be now read a Second time.

This is a simple Bill. All it seeks to do is to ensure that no person will be granted a licence for the consumption of liquor on premises which have no adequate precaution for the prevention of fire and adequate means of escape should it occur; and further to ensure that during the period of the currency of the licence the facilities provided will be maintained.

I beg to move.

**Minister of State** (M. Nuhu Bamali) : I beg to second.

**Senator Chief A. O. Fagbenro-Beyioku** : I only want to congratulate the Government for bringing this Bill. We all know that liquor spirits are sometimes highly inflammable. If there is any occurrence of fire, most liquor spirits spark like detonators.

I should think there is nothing to discuss about this Bill but to congratulate the Government for bringing the Bill and to express support for it.

*Question put and agreed to.*

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

LIQUOR LICENSING (FIRE PRECAUTIONS) BILL :  
CONSIDERED IN COMMITTEE

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

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

ADJOURNMENT (SINE DIE)

*Motion made and Question proposed, That this House do now adjourn sine die—(Minister of State, (Senator Dr the hon. E. A. Esin)).*

ARMED ROBBERS

**Senator H. O. Abaagu** : The point I want to raise is about armed robbery in Makurdi. These armed robbers or a group of armed robbers known as *Abani di egwu* originate from the East.

**Senator Chief A. Nwoke** : On a point of order, the *Abani di egwu* does not originate from the East.

**The President** : That is not a point of order; you merely spoke in contrast to what the Senator said.

**Senator Abaagu** : As anybody would agree and as the name implies, the name happens to be an Ibo name and Ibo is in the East. In 1956, this group of armed robbers wrote a letter to the Native Authority giving notice that they were coming to burgle the Treasury and they did come on the said day and at the said hour. They were not successful in burgling the Treasury, but they did put the whole town into terror and commotion.

In the same year and exactly in the same month, this group of people wrote a letter again to the Iddah Native Authority. Iddah is a town in Igala Division in Northern Nigeria. In the letter, they said that they were coming to burgle the Treasury there. They did come and they succeeded in burgling the Treasury but, luckily, the police got them round. They were prosecuted and sent to prison, their sentences ranged from seven to fourteen years.

I thought that this group of armed robbers was extinct but to my greater surprise in the first week of this month, we got a letter in Makurdi from these people that they were coming on the 31st of this month. They said in the letter that when they come the people of Makurdi should know where they are. I want to read the last paragraph of their letter.

**The President** : Have you the letter here with you?

**Senator Abaagu** : I have the letter here with me. The letter was pinned to the notice board of the Makurdi Native Authority office. The last paragraph of the letter reads thus :

*“When we arrive on the 31st of August, people of Makurdi will choose between their lives and their property. We shall enter the town at any time.*

*Signed Managing Ring-Leader.”*

We called the attention of the Police to this and showed them the letter. When this notice was received in Makurdi, the whole town and the people were thrown into alarm. People began to remove their property and they struggled desperately to save their property, but they will hardly be successful because in any place they want to go, they have local agents.



[SENATOR ABAAGU]

The local agents are sent to the place in advance to watch the movement and reaction of the people.

We the people of Makurdi are in danger and in confusion. This is why I want to call the attention of the Federal Government and the Police to this dreadful matter and we would like the Government to take immediate action to see that this thing is obviated.

I think it is also high time that we do away with this disgraceful society in Nigeria because it mars the prestige and reputation of this country abroad. I would like to suggest that if the Police happen to get hold of the members of this band of robbers, the best thing that should be done to them should be, on conviction, to send them to life imprisonment or even to the gallows.

**Senator D. O. Asemota :** I would like to take this opportunity to congratulate the Government on the arrangements that they have made for the world Trade Fair that will soon open in Lagos. This is a very good thing indeed and there is no doubt that Nigeria has got a very good name abroad—very good name indeed, as a result of which I think practically every nation in the world will be coming to Lagos next month for the Fair. This is a very good thing, and I congratulate our worthy Prime Minister and the Cabinet for arranging this very worthy Fair. We know what a Fair is. At least some of us who recently returned from the United States will remember what we saw.

There is another thing I would like to say and that is that in some of these functions, the Senators are left behind. After all we are the elders and we are the Upper House. I am asking the President to ask the Government to make it possible for the Senators to be invited to the opening ceremony of this World Trade Fair; not only to be invited, but also to be put in conspicuous places so that we would not have to stand on our toes.

**Senator J. K. Nzerem :** I just want to refer to the Ministry of Education and to congratulate the Minister on the Advanced Teacher Training College which is being opened in the Federal Territory, and to suggest that quotas should be given to all Regions. After all what belongs to all of us should be shared by all of us. I suggest that a quota in proportion to the school population of the

various Regions be given to each Region. I must congratulate the Minister on his go-ahead policy. He is certainly doing what the country requires, and if I were in power, I would make him the Minister of Education as long as he is in Parliament.

I also want to refer to the Ministry of Foreign Affairs and Commonwealth Relations. We have a very dynamic Foreign Minister—hon. Jaja Wachuku. I do not think that it is easy to replace that man if he were to go away from Parliament. He is such a man that all Nigerians must be proud of. The recent controversy between this country and our neighbouring country is a pointer that hon. Jaja Wachuku is the right man in the right place.

I would like to make a suggestion to him about the number of ambassadorial posts he is creating. Look at our neighbouring country like Dahomey. It is only a few miles away from Lagos, and most of the people there are Yorubas, I gather. Why must we have an ambassador there? Why not a Charge d'Affaires? We can speak to him by telephone; we can send a man to him and in a few moments he will be there. I think that instead of creating embassies in all these nearby African States, we could have Charge d'Affaires. I know it is good to have embassies, but we have so much to do with money that we cannot afford to run proper embassies in all these places. Therefore, I am suggesting that, at least for the time being, we should have Charge d'Affaires in many of these places so as to conserve our finances for domestic affairs, which I think are very important.

Lastly, I would like to put in a few words of praise for the Police. Everytime everybody talks here, he talks about the Police in connection with bribery and we all blame them. Now, they have made a wonderful change. A great deal of improvement has taken place. I know many of the younger policemen who will not be corrupt for anything. They will not accept money for anything. I know some of them who are very good. The only thing is that the system of promotion is faulty. The good men are not promoted. I do not believe that paying fantastic salaries will prevent corruption. A corrupt man will be corrupt no matter how much you pay him. I know that the more some people get the more they want to get. Therefore, paying them fantastic salaries is not the answer. What I think should be done is quick



promotion for the right chaps. The Government has got to evolve a system of promotion which will recognise all hard-working men so that there will be something to aim at. In that way they will eschew corruption. I would like to say that my recent experience showed me that the Police are not as bad as they are painted. Some of them are really good. When we discover that someone is good, we should promote him. Thank you, Mr President.

**Minister of State (Senator Nuhu Bamali) :** I just want to give a simple explanation on what Senator Nzerem has just said about opening of foreign missions. I think the Government is doing its best in this respect because this year alone, we are opening missions in at least seven countries of the world. We are opening in Cairo, in Moscow, Dar-es-Salam, Karachi, New Delhi, Dakar and in the Republic of Ireland. We are also opening very soon in Togo, Dahomey, the Niger Republic and in the Chad. I think Senators should understand that it is not an easy matter to open a foreign mission. It is a very expensive affairs because every post that we open with only a skelton staff—First Secretary, Executive Officer, that is about three people—costs us not less than £25,000 *per annum* to maintain. We should appreciate that we have just started and that we are only trying to stand on our feet. We are doing everything possible to be in line with our Foreign Policy and before long, we hope to open missions in practically every country of the world, if we can afford the cost.

**Senator Chief R. A. Umoh :** I want to seize this opportunity to congratulate the Government of the Federation of Nigeria for all they had done, and to congratulate the Government agencies which are assisting the Government to do these things efficiently. It is true that the progress of any country in any part of the world is directly dependent on the efficiency of its Civil Service. Therefore, the Civil Servants should be encouraged by giving them promotions. Any person who comes into this Senate, will not fail to be impressed by the efficiency of our President who is not only a qualified and experienced lawyer but also an outstanding Parliamentarian. I am sure that we shall all be very uneasy if we are to have a President of the Senate who is inexperienced, who is incapable, and who, when a Senator rises an a point of order, is unable to say whether or not the Senator is right.

The same goes for the Clerk of the Senate. He is a very able Clerk and all this has come about by dint of his education and long experience on this job. I think we can all testify to his efficiency in this Senate. Now, if one transfers a person who has been an Education Officer for so many years to the post of Clerk of Parliaments, I am sure, the Education Officer will not be as efficient as he was in his old post. The same applies at the present Clerk of Parliaments who has been found to be very efficient in his present job. If he is transferred, I am sure he will be found wanting in his new appointment. Now I come to the point.

Our Clerk Assistant is being posted away from the Parliament probably because the authorities have some other person in view for the job. I do not know but I do know that the most senior Clerk Assistant is being transferred just at a time when he is almost due for promotion. I am referring to Mr Nsefik who is our most senior Clerk Assistant. He would have been qualified for promotion perhaps after the present Clerk of Parliaments has completed his term of office. I think he would have been the right person to take over from him. Mr Nsefik is a graduate who has been trained for this parliamentary work and just at this time, he is being transferred to the Ministry of Commerce and Industry. I happen to have seen that in the *Gazette*.

**Senator Chief A. O. Fagbenro-Beyioku :** On a point of order ; I think that notice of this matter should have been given to the Minister of Establishments.

**The President :** I am sure that no one has told Senator Fagbenro-Beyioku that no notice was given. And the Senator is not the Minister.

**Senator Umoh :** I would like the Senate to take this up. We are all very sorry to hear of his transfer, in fact, we are all disturbed that somebody who has not got the training, who is a junior Clerk Assistant should take over from a person who has by dint of hard work and high reputation risen to his present post.

This efficient officer is being transferred to the Ministry of Commerce and Industry not on promotion but to an identical scale. One wonders why this should be so. What is the reason for such a transfer ? And why



[SENATOR DR ESIN]

Government. That was why I told Senators that it was under consideration. In fact a decision has been taken some weeks past that he would be received by both Houses of Parliament.

On the second point raised by Senator Chief Beyioku, Senators will be placed in a conspicuous place where they will be able to see Mr Nehru and hear the advice he will give to us. He is a very prominent man. Senators will be invited to the several parties for Mr Nehru.

**Senator Chief Beyioku :** Not just a mere Garden Party !

**Dr Esin :** As for parties in the Prime Minister's house there is just a limited space and people will be invited with this consideration in view. Whatever happens, Senators will be given the recognition that they deserve as elder statesmen of this country.

#### ACCOMMODATION FOR SENATORS

**Senator Abdul Salami Yusifu :** I want to seize this opportunity to express my feelings about the question of accommodation. At present the Victoria Island flats which were intended for Senators are being used by some irresponsible servants, or boys, who accompanied their masters here. Often there have been fights between themselves and their girl friends. The result is that we never have a peaceful night. In any case, I feel that the accommodation for Senators should be better handled than that. Senators have in the past appealed to the Minister of Health several times and he had promised to do something about it. Unfortunately, however, we are still where we were. I hope that this matter will now be looked into.

*Question put and agreed.*

*Resolved :* That the Senate do now adjourn *sine die*.

*Adjourned accordingly at 12 noon.*



## WRITTEN ANSWERS—15th AUGUST, 1962

### ROAD TRANSPORT

**O.9. Senator Dahlton Asemota** asked the Minister of Works and Surveys, whether he is aware that the restrictions applied to the operation of heavy road vehicles as outlined in the reply to my question of 26th March, 1962, are seriously hampering the country's economic development of road transportation and if he will give priority to the review of the various restrictions with a view to easing and standardising them.

**The Minister of Works and Surveys :** I am aware that the restrictions applied to the operation of some classes of road vehicles may cause inconvenience and consequent loss of revenue to some transporters. But it must be borne in mind that the restrictions in force are primarily to protect the investment on the roads and promote maximum safety of road users. Indiscriminate use of over-weight vehicles would rapidly shorten the service or economic life of the roads, and this would in turn affect more adversely the economic development of road transportation. To allow this would result in greater expenditure on

roads, which would mean subsidising the heavy vehicle operators at the expense of the national economy.

The 1962-67 Economic Programme seeks to raise the level of investment on roads, and the review of road regulations, which is engaging my attention already, anticipates the construction of higher type pavements which will facilitate the use of heavy weight vehicles and thereby enhance the economic development of road transportation.

**O.10. Senator Dahlton Asemota** asked the Minister of Works and Surveys, if he will give assurance that the regulations and restrictions applying to the operation of heavy road vehicles will be constantly reviewed and relaxed as road improvements and developments progress.

**The Minister of Works and Surveys :** The regulations applying to the operation of heavy road vehicles will be constantly reviewed as road improvements progress so as to offer to road users maximum service at minimum operating costs and reduced travel hazards.



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Com. = Committee

Q. = Question

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