



FEDERATION OF NIGERIA

PARLIAMENTARY DEBATES

OFFICIAL REPORT

SENATE

Session 1962-63

Comprising Period
10th, 12th—14th December, 1962

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

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SENATE OF THE FEDERATION OF
NIGERIA

Monday, 10th December, 1962

The Senate met at 10 a.m.

PRAYERS

(The President in the Chair)

BUSINESS STATEMENT

Minister of State (Senator Dr E. A. Esin) : I like to make this Statement for the week—

To-day, 10th December, the Business of the House is as it is on the Order Paper.

Tuesday, 11th December, Private Members Day.

Wednesday, 12th December, Committee and Third Reading of the Legal Practitioners Bill and the Flags and Coats of Arms Bill.

Thursday, 13th December, Second Reading and remaining stages of Official Secrets (Amendment) Bill; Weights and Measures Bill; Ibadan University Bill, Second and Third Readings requiring two-thirds majority.

Friday, 14th December, Second Reading and remaining stages of the Customs and Excise Bill.

Saturday, 15th December, Second Reading and remaining stages of the Provincial Commissioners (Northern Nigeria) Bill; Lagos Sports Council Bill; Tafawa Balewa Square (Adjustment of Boundaries) Bill; and the Diplomatic Immunities and Privileges Bill.

ORDERS OF THE DAY

ESCORT OF PRISONERS AND OTHER PERSONS
BILL

Order for Second Reading read.

Minister of State (Senator Dr E. A. Esin) : Mr President, Sir, I have been asked by the Prime Minister to move this Bill on his behalf.

The Bill is for an Act to make provision for members of the Police Force to act as escorts for persons remanded in custody or committed to prison in the Federal Territory and I move that it be read a Second time.

This is a very simple Bill, and the position is clearly stated in the *Explanatory Memorandum*. The Regional Governments have also agreed to pass this Bill, and, as I have said, it is not controversial.

I beg to move.

Minister of State (Chief the hon. H. Omosogie) : I beg to second.

Senator Chief O. A. Fagbenro-Beyioku : The Bill has not come for the First Reading, and we are having the Second Reading.

The President : The Bill has been placed on the Table of the House. Read Standing Order No. 39 (5), page 31. I am prepared to hear you if it does not satisfy you.

Senator Chief Fagbenro-Beyioku : The point is this, I want to refer to 39 (4).

"A bill, whether presented in pursuance of an order of the Senate after leave given or without such order, shall be handed to the Clerk at the Table by the Senator who gave notice of the Bill. The Clerk shall then read aloud the short title of the bill, which shall then be recorded in the Minutes of Proceedings as having been read the first time..."

I think that the normal thing is that the Clerk reads the title and the Minister in charge passes the Bill, and that is the First Reading, and then he gives his indication as to the date or time for the Second Reading.

The President : Your point is well taken. Shall we do that. Will you please hand over to me and let him read out personally.

It seems to me, Senator Beyioku, that there is a difference between a Bill originating in this House and a Bill coming from the other House. It seems to me that 39 (4) is a Bill originating in this House, and 39 (5) is a Bill that comes from the other House. It is not quite clear, I must admit, but it seems so. 39 (4) is for a Bill which originates in this House.

Senator Chief Fagbenro-Beyioku : Well, I do agree, but even in 39 (5) I do not consider that the intention is that automatically any Bill coming from the Lower House indicates that it has passed through the First Reading in this House, otherwise we shall be reading the context of this sub-clause (5) as interpreting that necessarily any Bill coming from the Lower House, inasmuch as it has passed from the Lower House, has automatically passed its first stage of reading here, and it only comes for the second stage. I do not think that that is the intention of this Order, and I still feel to hold to my view.

[SENATOR CHIEF FAGBENRO-BEYIOKU]

The President : Now, (5) reads that "*When a Bill has been brought from the House of Representatives and a Senator has signified to the Clerk his willingness to take charge of the bill, that bill shall be recorded in the Minutes of Proceedings as having been read the First time...*"

Senator Alhaji Abubakar Bale : I am in agreement with Chief Beyioku because it is not the normal procedure in this House. If we are diverting from our normal procedure, I think there should be enough reason for doing so. Bills are always read for the First time, and the Minister is always asked when the Second Reading shall take place, and he says so and so date.

I support Chief Beyioku.

The President : Will the hon. Minister signify his intention.

Minister of State (Senator Dr E. A. Esin) : I like to present this Bill for its First Reading.

The President : Second Reading when ?

Minister of State (Senator Dr E. A. Esin) : Now, Sir.

Order for Second Reading read again.

Senator J. K. Nzerem : I am surprised to find this Bill coming before the Senate. I had always thought that policemen had the legal right to escort prisoners, because I have seen them doing it more often than not, at least, in the provinces (I do not know what obtains in Lagos.) and nobody has ever questioned it. A policeman in uniform, I think, should have as much right as a prison warden to escort a man remanded in prison from the jail house to the court and back to the jail house. I am really surprised that the Government had been breaking the law by allowing unauthorised people to escort prisoners. For us, people in the districts, it does not seem strange to see policemen escorting prisoners remanded in custody to the court and back again. I do not think anybody will question the Government's intention to legalise it. I did not know that it was illegal before, and some people might have challenged it in court if they had known that it was an illegal practice on the part of the Government. I am very glad that they are trying to legalise it now, and I do not think that anybody has anything to quarrel with in the Bill.

The President : May I remind the Senator that this Bill applies to the Federal Territory. I think his experience may be only in respect of the Eastern Region, and it may not be the same law for the two places.

Senator Chief O. A. Fagbenro-Beyioku : This Bill is welcome because under normal circumstances a man who is not convicted yet is not a prisoner, he is still in the hands of the law for trial whether he is remanded in custody or he is on bail, and it has a lot of psychological effect on the man if, before his conviction, he finds himself being paraded up and down by Warders. In short, the principle of the law will have been defeated if before the man is convicted he has already been treated as a prisoner. I feel this was a wrong thing and it was something drawn out of the old colonial practice where most of these things have their effect.

We have to thank the Government for trying to remedy the situation now by making a man feel that until he is convicted, he is still a free man ; never mind he is remanded in custody or otherwise, he is still a free man and cannot be subjected to the humiliaties of a prisoner until he has actually been declared guilty and convicted.

The Bill is welcome.

Senator A. E. Ukattah : May I ask two questions ? Firstly, does this Bill apply to people who are sent to Remand Homes, and does it mean that these people are to be remanded—

The President : Let us get it straight. It is not people who are sent to Remand Homes. It is people remanded in custody. They are two different things.

Senator Ukattah : Thank you, Sir. Well the people remanded in custody, until they have been convicted, do we call them prisoners ? I want to get it straight from the Attorney-General. Secondly, I would like to know why this Bill should apply to the Federal territory alone. I think it is something that should have a wider application to cover the whole Federation. Why is it that it is going to apply to the Federal territory alone ? These are the questions I want answered.

Senator Alhaji Abubakar Bale, Madawakin Bida : I only have a few observations to make about the Bill. I thank the Minister of Justice for his timely Bill. We are moving now with the times and we have the thought of developing our country always. It is for us to think of what will be good for our people. I think the hon. Minister has done nobly in forwarding this Bill, because a prisoner is a prisoner and a man remanded is not a prisoner.

I do not know why this thing is just being introduced in the Federal territory. But as the last speaker has said that it should be extended to other Regions, well I think it is the practice in the North. If a man is remanded in prison, he is escorted by a police officer who is attached to the court. Every morning that police officer brings him to court until his case is disposed of. That is the normal procedure. It has already been introduced in the North, but I do not know what is happening in the other Regions.

Senator T. Olamijulo : Why is the Government now trying to back-date the issue? Why can they not leave it to have effect from the time the law is passed? I do not know why it should be back-dated. That is my only question.

Senator Chief Z. C. Obi : I entirely agree with the Minister that this Bill is non-controversial, and I support it. (*Hear, hear.*)

Senator Abdul Salami Yusifu : I fully support the Bill. But the only point which I would like to be clear of is about the condition of people who are remanded in custody. This sort of thing happens everywhere throughout the Federation. I hope that both the Police and the Warders should be reminded that people who are remanded in custody under trial are not convicted persons. Normally when they are under custody, they are refused certain privileges which in effect they should have, especially in the way of feeding. In many cases, I had seen where people who had been remanded in custody had been deprived of their private feeding. Each time their relatives went to give them food, warders chased them back. I think that until a man is convicted, he is still not a prisoner. I hope this matter should be looked into.

With these few remarks, I support the Bill.

Senator Chief (Mrs) Wuraola A. Esan : I would like to support the Senator who spoke before me. As other Senators have said, those remanded in custody are, to a certain extent, free; they are not yet convicted. People remanded in custody are even allowed to have visitors and the visiting hours are being changed continually. But now, although they are free, it is very hard for their friends and relatives to see them. Their relatives are given limited time within which they can bring food to them. Other visitors who would just like to say "How do you do" should be given a certain time to visit them. This time should be kept open so that anybody who wants to say "How do you do" can just come in for at least a few minutes.

My experience was that when I got there, I was rough-handed and pushed out of the prison yard. As a responsible woman, I could not say anything because they were obeying orders.

I think this is a good Bill and we all welcome it. But when we consider that those remanded in custody are not yet prisoners, I think better arrangements should be made for them.

Senator Chief P. I. Acholonu : This Bill is not a controversial one. It is a Bill that would give a suspect or an accused person every privilege of remaining a free person while his case has not been tried.

I would like to know from the Attorney-General and Minister of Justice whether there would be special provision for a suspect or an accused person who is remanded in custody to be given a special accommodation. When a person is remanded in custody and put together with a prisoner in one room, the Police who is in charge of escorting him to the prison yard may not be there to interpret this law, that he has been given the privilege of not being treated as a convicted person. For example, in Owerri Province where I come from, if somebody is remanded in custody and put in the prison yard, before one can visit him, one is asked by the Police to fill in certain forms. One has to sign about two other books before one can see the suspect or accused person. The Government should make special provision or arrangement for such persons to be given a different treatment from the prisoners. People visiting them do not know whom they should approach.

[SENATOR CHIEF ACHOLONU]

If they go to the Police, they are referred to the prison yard. If special quarters in the prison yard are provided by the Government and there is an entrance with a notice stating that the people there are accused persons, I think this will be fairer to them. If they know the time they can go and meet their people it will be easier.

There are certain criminals whom the Police or Warders refuse to be visited by their relatives—

The President : Point of order, Senator Fulani.

Senator Salihu Fulani : I think we are dealing with Escort of Prisoners. I do not think the House should waste its time in listening to arguments over and over again. I think it is high time the question was put.

The President : Senator Chief Acholonu, you should wind up now.

Senator Chief Acholonu : My own duty is to bring all these to the notice of the Government. While we are legislating for escorts, we should also legislate what will benefit the visitors, the police and also the warders.

With these remarks, I support the Bill.

Senator Chief T. A. Odutola : I think this Bill, as other Members have said, is welcome. I think it is an opportunity for Members to be able to speak their minds about what has been happening in the prison yards. I do not think it will help this House to say that we are only here to say whether this Bill is welcome or not and then sit down. It will not be possible for the President and the Government as such to understand what is going on unless we come here and tell them what people feel about the Government and about what is going on in certain Government departments.

I support what the last two speakers have said about what is going on in the prison yards. I think necessary arrangements should be made to see that people who have not been convicted are given better treatment. We receive complaints from time to time that people who have not been convicted are locked up in the same room with prisoners and are being beaten. I do not think that this sort of thing would help.

If a man has not been convicted and he is considered still to be free, I think he should be given all possible chance that a freeman should have.

Mr President, I support the Bill.

Senator M. G. Ejaife : I just want to endorse the views expressed by Senators because I would not like to repeat what they have said. But there is one little point in connection with the title of the Bill, that is "in the Federal territory." I think we Nigerians say that already the various Regional Governments have enough cake, but that the Federal Government has too little. The more we want the unity of the country the more we should allow the Federal Government to legislate. Already we know that "Prison" is a Federal subject and I should have thought that a Bill like this should cover the whole country. I have no intention of proposing an Amendment, but I do hope that when the Minister in charge of this Bill makes a reply, he would probably explain to us why it is limited to the Federal territory rather than make it of general application.

Senator Chief R. A. Umoh : I rise to support this Bill. In the light of my understanding, I have to say that it is true that those remanded in custody are given different treatment. They wear national dresses and it is good that this provision is being made. Some of these people have nobody to care for them or to bring them food. Therefore, of necessity, the Warders have to look after these people in the way of giving them food and attending to their needs. This Bill is, therefore, welcome and everything made as regards it is welcome.

I beg to support.

Minister of State (Senator Dr E. A. Esin) : I am happy that I have the opportunity to reply to the various comments made by Senators. The fact that hitherto warders have been escorting prisoners from the cell to the court is the old hang-over of the colonial constipation which we are trying to purge ourselves of. It has a psychological effect on the man who has been accused. If he is seen with warders, people may think that he is a prisoner. Therefore, the Government is now making attempts to change the situation.

Somebody asked whether they should be called prisoners. I have been informed by the Attorney-General that they are prisoners at the bar.

Somebody also asked why the Bill should be back-dated. Some amendments were made on the 1st of June last on the original substantial Bill.

Senator (Mrs) Wuraola Esan took this opportunity to talk about how visitors are treated when they visit accused persons in the prisons and she wants better arrangements to be made. You will agree with me that within the short period of two years we cannot change all the Bills whose intention was to show us as a subject people. It is a matter of time. I agree that better provisions should be made for those who have not been legally found guilty yet. Provision will be made for them to see their visitors.

I am very grateful indeed for all the suggestions which Senators have made.

Question put and agreed to.

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

INTERPRETATION OF STANDING ORDERS

The President : Before we go on, I want to give a final ruling on the point raised by Senator Chief Beyioku. If you read your Standing Order 39 (5) you will find that it is clear. When a Bill comes from the Lower House, it is different from when it originates from here. You should not forget that these Standing Orders are new and different from the old ones. In other words, what this Standing Order requires is that a Senator should go to the Clerk of the Parliaments, even in his office, and hand over the Bill to him and tell him that he would take charge of the Bill in the Senate. The Clerk puts it down in the Minutes of Proceedings and causes it to be printed in the Order Paper. The First Reading is then taken for granted. That is what this Standing Order says. When you come here you either proceed forthwith or, on a day fixed, take the Second Reading. Please take that as a final ruling.

Senator Chief O. A. Fagbenro-Beyioku : I would like to speak on that ruling on the Motion of Adjournment, Sir.

The President : Please study Standing Order 39 (5) very well, because whilst you were debating I studied it very well and it is quite clear. I agree that it is different from what we used to know, but it is there.

VEHICLE LICENCES BILL

Order for Second Reading read.

Minister of State (Chief the hon. Omosagie) : I rise to move—

That a Bill for an Act to provide, as respects Lagos, for the issue of licences in respect of motor vehicles and trailers for periods of twelve months and three months from the beginning of the month of issue in the place of licences expiring at the end of the calendar year or quarter in which they were issued ; and for purposes connected with the matters aforesaid, be read a Second time.

This is a non-controversial Bill, and Senators will be aware that according to the present provision of the Road Traffic Act, vehicle licences expire at the end of a quarter or of a calendar year, that is on the 31st of March, the 30th of June, the 30th of September or the 31st of December, as the case may be. The result is that on or around these days there is a rush in motor licensing offices to have licences renewed. Long queues are formed and many people are unable to obtain licences, in some cases until after days of waiting. This situation is unsatisfactory for the public and also for the motor licensing offices themselves—in the former case because of the inconvenience involved, and in the latter case because licensing offices are overburdened with work at peak period only to relax into relative inactivity when the rush is over.

This Bill seeks to alter the period of validity of vehicle licences from the calendar year or quarter to twelve or three months, as the case may be, from the first day of the month in which the licence is issued. Thus, a person taking out a twelve months' licence in May 1963 will not have to renew it until May 1964. Similarly, if he took out a three months' licence in May 1963 it would be due for renewal in August of the same year. I hope that Senators will agree that apart from spreading the work evenly over the year in motor licensing offices, the new system will prove very convenient to the public, although I must point out that it will be several years before its full benefit will be felt and appreciated.

[CHIEF OMO-OSAGIE]

These measures have been taken in consultation with the Regions, and the North and the East have in fact already amended their laws in a similar manner. It had been hoped that the change could come into operation on the same day—the 1st of January, 1963, throughout the Federation. This Government and the Government of Eastern Nigeria have been able to keep to this schedule, but the Government of Northern Nigeria will be unable to introduce the changes until a later date. The Western Region will not be able to amend the Act by the 1st of January, so, their own change too will necessarily be postponed for a little while.

These Amendments have altered the basic rate of vehicle licence fees, the fees for twelve and three months licences being exactly the same as those now applying to a full year and a full quarter. The schedule of fees will, however, be amended to eliminate the fees for licences valid only for one month or for two months since such provision will cease to be necessary.

Finally, I think it will interest Senators to know that the vehicle licence discs are being re-designed so that the month of expiry is very prominently displayed. Also, licences which would expire in 1963 are being printed in colour different from licences which would expire in 1964. For example, a twelve-month licence issued in May 1963 will not expire until May 1964; such a licence and all others expiring in 1964 will be printed in a colour different from licences expiring in 1963. The aim is to introduce quick visual colour in checking to assist the police in their work.

As I said earlier, this is a non-controversial Bill and I commend it to Senators for their blessing.

I beg to move.

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

Senator A. E. Ukattah : No Bill is ever controversial to any Minister, I agree. Even where the Bill is very controversial, it is non-controversial to the Minister. This is a non-controversial Bill, I agree with him—indeed a boon to the general public of this country.

Whatever the Government can do to minimise the inconvenience that people experience when they go to pay obeisance to the law of the

land, must be done at all costs. This is one of the ways the Government is trying to help the people of this country. When you think of what happens at the licensing offices throughout the Federation you will come to think that owning a car or a vehicle is a crime.

All over the country, the vehicle licensing offices and officers regard the end of the year as their period of plenty and this is due to the old system by which vehicles are licensed. At the end of the year these offices are congested to the extent that people queue up for days before they can get the attention of the licensing officers, and, of course, if you queue up for two or three days and you get tired, you ought to look for something to untie yourself from the pole. And what do you do? You are compelled to the new practice of “playing your card” well. And even if you stand in the queue for 20 years or for a century, you can never get the officer to look at you, no matter what happens. You should stand there even while standing the risk of losing your licensing fees to robbers hanging about. Further, you come to think of something extra—a perquisite, or “shake hand”, as the palm oil ruffians of the dark ages of the commercial life of this country called it. You should give that before you can ever think of getting your licence.

The Government has come to the aid of the people. Such a very wise measure should really be accepted and I have my congratulations to offer to the Government on being able to think about the convenience of the people who have not committed any crime by buying vehicles, but rather these people have thought of something to help themselves. Any measure of this nature must be welcomed, and because of this I support the Bill wholeheartedly.

But now, coming to the question of discs: whatever may be the device which the Government may introduce, if they have not the co-operation of the Police, the red disc, the blue disc, the yellow disc, all these discs will not yield anything. I know of people who since January have been plying their vehicles on the highways of this country without licences. Therefore, what the Government has to do now is to try to get the Police to co-operate.

Senator E. A. Lagunju : I quite agree with the Senator who has just spoken. This is a welcome Bill.

The Minister who moved it mentioned the question of work in the licensing offices and said that the Bill is coming into operation in January next year. I am afraid the work will still be cumbersome because most licences will expire by that time and I do not know how that section of it will apply.

I have thought of the difficulties confronting the Police about the application of the Bill because the Minister has mentioned this question of different colours. I am thinking of this question in terms of tax evasion. Licences fees are a form of taxation and when we have them operating in different months there is the possibility of people evading the renewal of licences in one way or the other. But now that the Minister has brought in the question of colour, I think that problem is solved.

But I have always thought that the Government at one time or the other will do something to reduce the fees. It is rather unfortunate that the Minister mentioned that there is no intention of reducing the fees charged on vehicles. Invariably, with the exception of owners of cars, the incidence of this form of taxation paid by lorry owners or owners of "Kia-kia" buses fall on the poor man in the street. The lorry owner raises the charges; he tells the users, "You have to pay so much". So, I thought that the Minister was going to say that something would be done about the possibility of reducing the fees. It is true that we need a lot of money for our development, and we advocate more savings. But if you want the poor man to save, then you have to make the way possible for him to do so. These owners of vehicles are in the habit of charging more money every time and then saying, "Well, licences have gone up; therefore we have to do this and that". Where will the poor man get the money to save if he has to pay more on his journey from this place to Ibadan; pay more for his lodging; pay more for his food and everything? That is the only aspect of this Bill on which I have quarrel. However, I only hope that this is a progressive piece of legislation and I support it.

Senator Chief Ezeogo Ugwuocha, Uka of Edda : I welcome this Bill. But I have to make a few observations. When a Bill of this nature comes up in this House it is always

referring to the Federal Territory only. I would say that Bills of this kind should be extended to cover all the Regions.—

The President : I think the Minister explained that. He said that it would apply in the whole of Nigeria when the Regions would be ready.

Senator Chief Ugwuocha : Thank you, Mr President.

I will go further by saying that last speaker but one made a point. He said that we always face hardship from the Police who give the licences. I would say that on the many occasions that I went to license my car it was very difficult for me to get the licence because the Police began to molest me every now and again because I did not give them money. Therefore, I will like the hon. Minister to ask the Police to co-operate.

Senator J. K. Nzerem : On a point of correction, I do not think it is fair to say that about the Police. Licences are no longer issued by the Police.

The President : The point of correction is well taken. I was thinking of that myself. The Police do not issue licences any more; it is now the responsibility of local authorities.

Senator Chief Ugwuocha : Although that may now be the responsibility of the local authorities, but they do that with the help of the Police in the Regions.

Several Senators : No ! No !

Senator Chief Ugwuocha : Then if that is the point, the order is well taken. I support the Bill.

Senator Alhaji Abubakar Garba : This is a very welcome Bill for it seeks to assist lorry and car owners.

I would ask the indulgence of the Chair to digress a little. We know that we need every penny in order to finance our development projects. We also know that it is the duty of the Minister of Finance to collect revenue and everyone knows that he will do all he can to see that every penny is collected. But there is something which is always passing in my mind. When a new teacher gets his certificate for teaching he will never be asked to renew it. Similarly, a doctor, an engineer, an agriculturist or a lawyer will never be

[SENATOR ALHAJI ABUBAKAR GARBA] called upon to renew his degrees every year. So, I cannot see the purpose of asking motor drivers to renew their driving licences every year. Why should this be so?

Senator M. G. Ejaife : On a point of order, I wonder if we are talking about driving licences or vehicle licences?

The President : In the Senate here we usually allow a lot of latitude. It is only because the Senator has been absent for some time now.

Senator Alhaji Garba : But I did ask the indulgence of the Chair to digress a little.

I suggest that when a new driver is tested and passed as a qualified driver there should be no more *wahala*. I think that the Minister of Finance may give me a lame excuse that that is the practice all over the world. Well, it will not be a dangerous thing if we practise a different system here in Nigeria.

Now, I appeal to the Federal Government, in consultation with the Regional Governments, to approve that vehicle driving licences should be given for life.

I support the Bill.

Senator Alhaji Abubakar Bale : To answer part of the question of the last speaker before I retire to my contributions, I think the matter of the issue of licences is a world-wide matter, not confined to Nigeria alone. Vehicles are manufactured overseas and are imported to Nigeria. In England and other manufacturing countries I think the same system is adopted as far as licensing of vehicles is concerned. Whatever the reasons are, I think as we are not the manufacturers ourselves, in this matter we are to copy the way the manufacturers act. I think this will be one of the reasons which the Senator might be given by the hon. Minister of State (Finance) apart from finance matters which he has also spoken about. And there is yet another reason, that the cars and lorries must be seen at least once a year. Why? Because of the safety of the people.

This work must be done by people and the people must be paid. Therefore, money must be sought from all possible ways to pay these

people. These are some of the reasons for which I think the vehicle licences should be renewed every year.

To come to my own view of this Bill, I support it wholeheartedly. But if it is for the congestion which occurs yearly, which hinders people from getting their licences easily when they go to licensing officers that these two periods—yearly and quarterly—are being introduced, I do not think that this problem will be solved. And I think if a third period is added perhaps it will be better. The licensing period should be quarterly, half-yearly, and yearly—three periods a year. This, I think, will ease the congestion which we are talking about. I see no reason why licences should not be given half-yearly. Is there any device to prevent evasion? I would suggest to the Minister and to the Government to take what I have said into consideration.

The other thing I have to say is this. This Bill has been introduced for the welfare of our people. But there is one thing which in this respect should be looked into. That is what happens to lorry owners about road worthiness, discs and so on. This must be considered. A lorry owner receives a quarter licence of about £50, and during that period he has to send his car for test for roadworthiness say, from the beginning of the second month. He goes to the Police office and the Police Officer on duty says, "I am very busy, come again next week, preferably on Friday." When the lorry owner reaches the Police office the following Friday, he finds a new officer who says, "I am a new man here, I have just taken over, I have to look at my handing over notes and the office procedure. I am sorry I cannot test the car now. Come again next week." Half a month is gone out of the month for which licence has been paid at the rate of about ten shilling a day. This, I submit, is nothing but punishment. The poor lorry owner is being made to suffer unnecessarily because the Police cannot do their work. It is this type of complaint that we have to bring to the notice of the Government and I earnestly hope that the position will be remedied. We would like the Government to look seriously into this.

With these few remarks, I support the Bill.

Senator Chief P. C. Ndu : This is a welcome Bill and I take this opportunity to congratulate the Government on attempting to eliminate

some of the congestion that usually occurs at the end of the year as a result of this Bill.

A sizable number of lorry owners find it impossible to license their cars during the early months of the year and cases are not rare of people who for two consecutive months, January and February, are not able to license their vehicles because of congestion. This Bill, I think, will eliminate this.

Another point I would like to mention is about the certificate of roadworthiness. On many occasions, a vehicle owner suffers much more than the person who hires the vehicle. The vehicle owner, after getting his vehicle repaired according to the conditions set down, takes it to the police for testing, but the police still declare it unfit for the road. The lorry owner then approaches the car agent again in order to get the vehicle properly repaired, and in addition pays another ten shillings for testing. During this period, the vehicle which has been licensed has an "off the road" label affixed to it and so cannot go on the road. This process of testing and repairing continues until the owner has greased the palms of the police. Not until then will a certificate of roadworthiness be issued by the police. I think it will be worthwhile for the Government to look into this aspect of this matter.

With these few remarks, I support the Bill.

Senator Chief J. S. Olayeye : I have very little to say. In fact, most of the Senators have said a lot about this Bill. The only point I would like to raise is to ask the Minister to enlighten us as to why licences should not be given every six months. The Minister said that licences could be obtained yearly or quarterly. Why not include also in this Bill a six-monthly interval?

I support the Bill.

Senator H. O. Abaagu : I have not got much to say about this Bill. But I would like to support Senator Alhaji Abubakar Bale who said that there should be more periods of licensing. I would like to suggest that a system of monthly licensing should be introduced for the following reasons. Firstly, more money will flow into the coffers of the Government because it is obvious that when one obtains a year's licence one pays less, and when one obtains a quarter licence or half-year licence, one pays a sort of extra fee. Therefore, if the

Government introduces this system whereby a licence could be obtained at either monthly, quarterly, half-yearly or yearly intervals, and leaves it to the car-owner to choose the period he desires, undoubtedly, more money will accrue to the Government.

Secondly, car-owners suffer immensely as a result of certain things. For example, if one obtains a full year's licence and unfortunately the car is smashed only a month or two after the licensing, the car automatically leaves the road and the money is lost. These are some of the points which have led me to make my earlier suggestion.

But there is still another point. I see no reason why private car-owners should pay the same licence fee as commercial vehicle owners. Let us take the case of somebody who owns an Opel Capitan and pays about £35 to license it, and another person who owns the same type of car pays the same licensing fee and uses the car as a taxi. The latter uses the road more, gets more by way of fares, but does not pay an extra farthing. I would suggest that the Government should consider the possibility of reducing licence fee in the case of a person who uses his car for private purposes. These are the points I would like the Government to look into. It is not very fair at all that commercial vehicle owners should pay exactly the same fee as private vehicle owners.

Senator M. G. Ejaife : I am lucky that I do not have to speak about driving licence because in so far as driving licences are concerned, the principle of the present Bill is applicable. Anyone can take out a licence any time, except that one has to take it annually. I very heartily welcome the new Bill because it is going to introduce some element of convenience to many people.

In the past if anyone bought a car, it does not matter when he bought it, he must take out a licence for a whole three months or a whole year. In that way, such a person is bound to lose if he does not use the licence for the whole of the period covered. At present, if a man buys a car, say, in March, he can take a licence at the end of March or at any time in the year and can therefore carry over his licence throughout the calendar year. I think that is very convenient and equitable and I commend that side of the Bill very much.

[SENATOR EJAIFE]

I also commend that part of it relating to the relieving of congestion which I think is the main purpose of the new Bill. But I cannot help feeling that the Government should do a little more than that. It has been pointed out by a Senator here that the Government is out to collect revenue by all means through the Minister of Finance, and the Minister is doing very well in trying to track down smugglers and tax evaders. I think we should do something to track down licence evaders also. Not much is being done in this respect.

It may be true, since most of us are car owners, that we should like to protect ourselves by trying to do things that are convenient to ourselves, but I would suggest that the Government should adopt a measure to track down licence evaders. This can be done by keeping a firm register (in fact every car is registered) at every licensing office. This register should be up-to-date and from time to time the local authorities should find out whether owners of cars have renewed their licences. Local Authorities who collect fees for sheds and all sorts of things are able to know when anyone is in default and when anyone fails to pay for water rate and so on. I cannot therefore see why, if such a system is adopted, we should not be able to find out people who have failed to renew their licences. It is true that at present anybody is free to take his licence anywhere. For that reason, I think many people who belong to certain regions, if they find it more convenient to do so, go to another region to obtain their licences. But that should not prevent us from getting an up-to-date list irrespective of where a car is registered. I think the office here should keep an up-to-date register and send out enquiry forms or make enquiries as to whether a particular car owner has taken his licence. If it has not been taken, the owner should be asked why; and when it is taken it should be written against his name. This is going to be very intricate, but the gain from it will certainly outweigh the loss to be sustained by the inconvenience.

At the moment, there are far too many evaders of licence but I do not know whether it is with or without the co-operation of the police. After all, the police are not all mighty and there is a limit to how they can address people. At the same time, the police do not

want to hurt the feelings of some V.I.Ps. When they meet people who ought to have taken their licences, they treat them with respect and as a result no further check is carried out. One effective way of apprehending these people is this system of register. If this is done, it will ensure that when a person has taken his licence the fact will be recorded against him, and when he has not done so he will be queried. I would like the Minister to take this into advisement.

With these few remarks, I support the Bill.

Senator M. B. Chukwubike : I never intended to speak on this Bill. It is easy and straightforward, but there is one point that I want to clear.

It seems that everytime a Member of this Senate stands up to speak, he condemns the work of our policemen. Most of us levy blame on the police and we always fail to realise the good work that the police are doing throughout the country. I think we are not doing ourselves justice. In my opinion the police of this country are doing all they can. It is the people who give them money that are to be warned.

A Senator : I think the Bill before this House is Vehicle Licences Bill, and I think what the Senator is saying is irrelevant.

The President : I think he is quite relevant.

Senator Chukwubike : Thank you, Mr President. What I am saying is that we are elder statesmen of the nation. It is not good for us always to come here and condemn the work of the policemen. Most of us who spoke this morning I think about five have spoken condemning the work of the police, and—

A Senator : We have been told by the President that your debate is irrelevant.

The President : I did not say so. I said the Senator is quite relevant.

Senator Chukwubike : So, I would like to see hon. Senators speak in favour of the police. I would like to add one thing, and that is that I would like to associate myself with the views expressed by Senator Garuba. In this respect I would like the Minister to enlighten us as to why if I am passed this year as a qualified driver, next year I will go to renew?

Senator D. O. Asemota : I am happy to be asked to contribute to the debate on this important Bill

First of all, I would like to congratulate the Government on introducing this Bill. This is a welcome Bill indeed and there must have been some long years of thought about it. I am happy they have introduced this Bill which will undoubtedly relieve the congestion and hardship some of our people are put to. But we must agree that a Bill of this nature will be followed by temptations. I am sorry to digress from the actual text of the Bill, and with your permission, Mr President, I would like to say one or two things which do not actually refer to the Licensing Authorities but very closely connected with the same thing, and that is that the time has come for the Government to consider how to combat the accidents which happen on the roads every day. If I may inform you, a few days ago when I was travelling from my town to this place, not less than twelve lorries and cars were all broken down on the roads in various accidents. These things happen day in day out. It is not a new thing just come to light. What is the Government doing about accidents?

The Government must have been thinking about the congestion in issuing licences for some time past before introducing this Bill. What I am saying is this that the time has come also to start to take into very serious consideration effective ways of combating accidents which occur from day to day in this country. I suggest, to start with, that the issue of driving licences should be tightened up. In my view, I think some of the drivers employ other assistants who are not as qualified as they are to assist them in driving, and some of these drivers, when they go to rest in the night, hand over to these less competent drivers who drive recklessly and thereby cause accidents.

I know of a case where a vehicle owner went and borrowed tyres and all sorts of things to fit to his vehicle to enable the vehicle to be passed as roadworthy, and immediately that was done, he returned these things to the original owner. This, I am sorry to say, is a situation the Government is aware of and I think the time has come for the Government to take into consideration the best means of combating these accidents which occur from day to day. There is no doubt that our roads are bad. That is an accepted fact. Our Ministers have travelled outside the country; they have travelled wide throughout the whole world and they have seen the state of roads in other parts of the world compared with the

type of roads we have in this country. The roads are inadequate; the drivers are not good enough. I think the time has come when the Government should sit down and think about this question seriously.

Police Reports which show the number of accidents do not come out until after two years. I raised that point here some time ago. We are not safe. We do not know what the Government is doing about it. I would suggest to the Government to arrange some sort of panels of committees in each of the Regions. They should arrange a sort of committee that will examine the accidents which occur within that area from time to time either once a quarter or half-yearly. They should write reports and then submit to the Government the best ways that they think they will be able to combat them. I do hope that the Government will think about this and devise some means whereby these accidents will be reduced.

I support the Bill.

Senator Chief S. T. Hunponu-Wusu : I welcome this Bill, but I have a few observations to make. The hon. Minister is now telling us that the question of congestion in the licencing offices is important. We all realise that. The Government needs more money, and I would like to make these few observations.

Lagos, as we are all aware, is growing bigger and bigger: the congestion that we see every day in traffic can tell us that. The only Licensing Office that we have in Lagos is the Lagos Town Council, and it is inadequate at the moment to cope with the number of vehicles in Lagos. I would suggest, humbly, through the President to the Minister, that the time has now come when one or two centres should be created in order to solve this congestion at the end of the year when the question of issuing out new licences arises. I will go further to explain, according to some of our Senators who have just spoken.

Every time you go there you see people who have been queueing for days, not that they do not have money to get the licences, but because most of them are responsible citizens who want to renew their licences in time in order not to get into police trouble. Even if one sends one's driver or clerk to get the licence, he queues endlessly for days without getting it. If that is the position, then why does the Government not think it necessary

[SENATOR CHIEF HUNPONU-WUSU]

now to create one or two more centres, particularly at the end of the year in big towns like Lagos, Ibadan, Kano, Enugu, Onitsha, Warri, in order to solve the congestion of issuing licences? We want money to come to the purse of the Government, and I am sure if that could be done at the end of the year it will help considerably to ease the congestion.

I remember, this year, a friend of mine was out at the beginning of the year to get his licence, but he was unable to get it until February. He had the form with him, filled it and was carrying the money with him until he was arrested by the police. He showed the form and the money to the police. He said, "Here you are, let us to go the Town Council, there is no space. I cannot get admission. They do not attend to me and I cannot sit down at home. I am a businessman I must carry out my business."

Mr President, I think the Minister of Finance or whoever is responsible should look into this. You can see what the congestion looks like even at the close of work. People from Apapa get their licences from the Lagos Town Council, as well as people from Ikoyi and Surulere. The same thing happens in other big towns like Ibadan, Warri, Kano, Enugu and Kaduna. Therefore, Mr President, I am advising that the time has now come when one or two more centres should be created at the end of the year to help ease the congestion so that the question of greasing the palm will not come in. We say we do not want the police to rough-handle us.

In addition to this, I would suggest that a Road Safety Committee be appointed as soon as possible. Nigeria is growing very much as far as our traffic is concerned, and our people have not been well educated. There are accidents all over the country. Some years ago in Lagos when there were not many people as there are now, people were taught by the police to keep to their left. To-day, you see men and women, boys and girls dancing anyhow in the streets. They are not aware of keeping to the left. I think it is the duty of the whole of us to educate our people, not only the police, and I will appeal to the Government that such notices should be given to the public. I think the time has also come when zebra crossings, according to one of the Senators, should be introduced in Lagos. The congestion in Lagos is getting very much; the question of

creating more centres for the licensing officers should be looked into so as to avoid the practice of greasing of the palms of other people.

With these few remarks, I beg to support.

Minister of State (Chief the hon. H. Omo-Osagie): It has often been said by some people that when you come to the Senate you come to the 'house of wisdom'. (*Hear, hear*). From the debate that has ensued this morning, I observe that Senators are really matured people, the fathers of the Federation of Nigeria.

The President: I would like to remind the Minister that we are not just fathers, we are fathers and mothers.

Chief Omo-Osagie: Thank you, Mr President. Some Senators have asked me if I would like to come to the Senate. I would like to tell them that I am very young!

I think I had better start from the bottom. Senator Hunponu-Wusu suggested the creation of more licensing posts at the beginning of every year. I think it is a very good suggestion because as we know, licensing offices are congested at the beginning of every year. But we have suggested the means to avoid such congestion, and that is by taking out licences periodically from time to time: three months, six months, and so on. As I have said before, we might not now be able to appreciate the arrangement that Government has made, but I think as time goes on the congestion will be diminishing.

Senator Asemota talked about accidents on the roads. This is of very great concern to the Government of the Federation. He also appealed to the Government to try and find one way or the other by which accidents could be avoided. It is the wish of everybody that there should be no accidents at all, but here you are: bad roads, bad drivers. And some of the car owners would say, "Oh, driver, you go and manage this week, next week I will repair." Before he goes one or two miles he has had an accident. Well, if all these things could be looked into by individuals, I think less accidents will occur. Not that accidents will be avoided entirely. Even in our rooms we do have accidents. Sometimes when one gets up from the bed one gets accident. I read of somebody who got up from his bed and broke his thigh: that was an accident. But then a motor accident is a bit different from that, and I think that we should all be very careful and try to avoid accidents on the road.

I would tell you this, of course. The Federal Government and the Regional Governments have put up efforts. On the television. (I am talking of people in Lagos and Ibadan or those places where there is television) you will find that nearly every night there are things screened directing the public on what to do on the road and advising the parents of small children to keep their children out of the road. That is an effort in a way.

Now, Senator Chukwubike talked about the good work of the Police. Well, I agree with him entirely. We are fathers and mothers here. I think it will be our duty to encourage the Police. Nobody who knows the work the Police do in this country, not only in the Federal Territory of Lagos but throughout the Federation, will have anything but praises and congratulations for them. They are working very hard. At any rate, even among members of a family one finds some black sheep. There may be one or two black ones, but it does not mean that we have to condemn the Police because of this.

Senator Ejaife talked about licence evaders. If he had followed the theme of my speech when introducing this Bill, he would have noticed that I stressed and emphasised the importance of colours. That is a way to get hold of the evaders. A distinctive colour on a car will help the Police to spot out evaders. When the Police see any licence without the colour of the current period, they will be obliged to stop that car, whether the owner is a V.I.P. or whatever he may be. I think that will solve that, and so, that has been aptly provided for.

Senator Abaagu suggested monthly licensing. I think that is a thing that we have got to put up later. Perhaps, consideration may be given to such a procedure later. He talked again about commercial vehicles like Opel—Mr 'A' having an Opel and putting it on the road as a taxi and getting money every day, and the other gentleman, Mr 'B' who has an Opel but does not get money from it at all but simply uses it for his pleasure and so on, and they all pay £35 yearly, according to him. Well, this is a matter that has got to be looked into sometime.

Senator Chief Olayeye talked about half yearly licence. Well, if he really heard what I said earlier on, he will know that one can take a licence every quarter, one can take his licence half-yearly, and one can take for a full

year if the one so desires. There is nothing stopping me if I want to take my licence from 1st of January to the 30th of June. I do not think I shall be prevented. I think that portion of his speech has been answered.

Now, Senators Ndu and Abubakar Bale spoke about roadworthiness. I sympathise with vehicle owners who had experienced such difficulties as have been expressed to this Senate. Well, I think many people know that such hardship exists, but I would say this. Most of the vehicle owners, according to one Senator, cause all this inconvenience. When they get to the licensing offices they want to be attended to in time, and they go by the back-door, they get the Testing Officer and give him twenty or sixty pounds in order to attend to them in time. But they have just come, some people have been there two or three days earlier, and they want quick attention as well. Such people cause untold harm to Nigeria by going through the back-door and giving something to the officer in order that he might attend to them in time.

Senator Abubakar Garba said that there would be no need for drivers to renew licences every year because lawyers, doctors and engineers take their licences once for all. Well, I sympathise with the Senator because I think he has not followed their professions. Lawyers, doctors and engineers, as you know, have honourable professions, and we cannot put the drivers in the same category with them. I do not think I will put them in the same category. I do not say that drivers are not good citizens; they are very good citizens, but I do not think they will rank with lawyers. For instance, we are guided here by lawyers and so on. I do not think we can accede to that request at the moment.

Senator Chief T. A. Odotola : On a point of information, is it what obtains here in this country that obtains all over the world?

Chief Omo-Osagie : That is what I am going to say. I think, in England you will find that taxi drivers take their licences every year. In America the same thing is happening. In Western Germany or even anywhere in the world you will find the same thing. I do not know why in Nigeria this should be treated separately.

[CHIEF OMO-OSAGIE]

Now, Senator Chief Ugwuocha talked about the tormenting of people by the police, but fortunately, he has been corrected and told that the police do not issue licences now. If one is tormented it is by the Council and not by the police. All that the police is asked to do is to see that the vehicle is good enough to be on the road. As soon as the police give you that certificate, you will go to your own licensing office, which is your own Council, to licence your own car or vehicle. Therefore, anybody who is tormented there should please appeal to the Chairman of the Council.

Senator Lagunju talked about the colour of the licence and the reduction of the fee. Well, I have dealt with the colour. If a vivid colour like red is chosen and we are all asked to wear it, we shall all be spotted from afar. That is the position of the colour. Anyone of us who has not got that colour will simply be made out.

Now, on the reduction of fee, I do not know what the Senator meant by that. We all say we want progress. If we want progress, we must want fine things, and we must pay for them. Since I want to dress in white clothes I have to pay for them. Some people talk about the fees being too high.

Senator E. A. Lagunju : On a point of information, when I spoke on reduction I made it clear. I am not speaking of private cars, which I regard as luxury. I am speaking about lorries and omnibuses which are bought for commercial purposes, and where the incidence of taxation will fall on the ordinary man in the street. That is what I am driving at. As regards cars, they are a luxury.

Chief Omo-Osagie : That is what I am trying to answer. We know that we have to pay for all these things. In the olden days (of course, we cannot live in the old now) if a man wanted to go to Ibadan from here he would carry his own load on his own head, and he would trek from here to Ibadan and it would take him some four or five days to get there. Now nobody does that. I want to leave here and get there in two hours. I must have to pay for that. Senators, I think the fees are all right at the moment. When it is time to review it, if Government consider it necessary to reduce the fees they will do so.

Now, hon. Ukattah and some other Senators spoke about fees. I think I have spoken about that.

Now, this Bill will settle everything either the licensing fees or the evasion of licensing fees.

Question put and agreed to.

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

ADMIRALTY JURISDICTION BILL

Order for Second Reading read.

The Attorney-General and Minister of Justice (Dr T. O. Elias) : I rise to move, That a Bill for an Act to confer jurisdiction in admiralty matters on the High Courts of the Regions and Lagos and to abolish the original jurisdiction in admiralty matters of the Federal Supreme Court, be read a Second time.

The reason for the introduction of this Bill is to make the work of the Federal Supreme Court a little less onerous than it is at the moment. Under the existing law all admiralty cases, for example, cases of collision between two ships at sea or salvage, must be taken in the Federal Supreme Court as a court of instance. Senators would remember recently the case of a Liberian ship that became the subject of controversy in the Federal Supreme Court when, as a result of the inadequacy of the evidence produced before the Supreme Court, a decision was reached which the Supreme Court was obliged a few weeks later in the light of further evidence to reject and substitute another decision.

I think that sort of situation should not be allowed to continue, and that after the first case had been heard in a Regional High Court, such as the High Court of Lagos, it would have been possible for an appeal to be taken in the normal course to the Federal Supreme Court to get this judgment reviewed in the normal way.

Senators will know that the Federal Supreme Court has appellate jurisdiction not only in constitutional matters but also in criminal, commercial and other private cases. It is only in admiralty cases that this jurisdiction has been taken away from the Regional High Courts and given to the Federal Supreme Court. This Bill is merely to make it possible that in future cases occurring, whether in

Lagos or in any part of our coast, in Port Harcourt or in Warri, that is one the other Regions of the Federation, it should be possible for plaintiffs and defendants to go to the regional High Court of the area and not necessarily come to Lagos or to the Federal Supreme Court.

Mr President, I beg to move.

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

Senator Chief O. A. Fagbenro-Beyioku : We cannot necessarily say *aye* every now and then. The question of admiralty by itself is one of great importance, because admiralty in law embodies a law particularly when it comes to a question of maritime importance—accident at sea, matters relating to float, matters relating to collision or matters relating to the fleet of the country. Now as a principle, I feel we must be able to exercise every degree of our freedom.

The normal thing is, there is what is established as Admiralty Court. When the Federal Supreme Court was vested with such power, it was not, to the best of my knowledge, vested with such power as such. But it came to a stage whether it constituted itself into some sort of Admiralty Court, because matters relating to Navy or Admiralty are all over the world matters which are given certain prominence and certain importance. They are dealt with possibly at the highest possible level. If the High Courts of Lagos and of the Regions should have to deal with Admiralty matters, let us for a moment forget something about the last shipping incident—it may be matters which will affect the collision of our own miscellaneous fleet, apart from mercantile fleet and it is an international practice.

If now we want to say we institute an Admiralty Court by itself and the Admiralty Court by itself will be subordinate to the Federal Supreme Court, perhaps I could understand that. But now if we say we take this power of Admiralty cases from the Federal Supreme Court as the Admiralty Court as such (because when the case comes, the Federal Supreme Court is constituted into an Admiralty Court) does the Attorney-General say that the High Courts will now listen to these cases as High Courts as such and not as an Admiralty Court?

I welcome the intention of the Government to make room for an appeal to lie somewhere

because if the Federal Supreme Court at the moment is constituted into an Admiralty Court, there is no higher authority to which an appeal can lie. If it is the intention of the Government that the Federal Supreme Court will not be the outlet for the appeal, well I think that is understandable.

The President : That is what the Minister said.

Senator Beyioku : I want to be clear, Sir. These High Courts, are they going to be vested with the power of a High Court? I am not a lawyer, but I happen to know most of these things. When they are vested with the powers of a High Court they are different from when they are vested with the power of an Admiralty Court. That is what I want to get clear. By delegating the power to the High Courts, we are quite sure that sufficient importance and sufficient significance will be given to maritime matters as reflected in the Admiralty Courts. That is just what I want to get clear.

Senator M. G. Ejaife : I think the Bill is quite welcome because it underlines the fact that we do repose high confidence in our Courts. I think every lover of Nigeria, man and woman of good will, must affirm and reaffirm confidence in our courts.

I think also, in assigning this job to the High Courts of this country, whether they be in Northern, Eastern or Western Nigeria, as well as the Federal territory of Lagos, I think we are affirming that faith in the competence of the various courts we have in this country. It is enough that this assignment does not go to the Magistrates' Courts but to the High Courts of the various Regions. If a piece of job is assigned to the High Courts, it does not preclude the highest court of this country from taking it up at the appellate level. The only amendment that has been made is to the effect that from the passing of this Bill, the Federal Supreme Court will cease to have original jurisdiction: it will still have appellate jurisdiction. In any matter relating to, shall I say, Admiralty or Maritime shipping, should one have any cause to be dissatisfied with the judgment of the High Court concerned, the one can take the appeal to the Federal Supreme Court.

I very much heartily support the Bill.

The Attorney-General and Minister of Justice : Mr President, the points raised by Senator Beyioku may be answered shortly by

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my giving him the assurance that the jurisdiction now conferred upon the Regional High Court will be exercised as part of its normal jurisdiction in all matters coming within its competence. When it sits, the Court does not declare itself to be sitting as a Court of Admiralty, but the matter of course with which the Court happens to be dealing may be an Admiralty matter. Just as when the Court sits over commercial cases, the Court does not declare itself to be a commercial court or to be a criminal court when it sits over criminal cases.

The importance of the Bill is that from now on the jurisdiction which the High Court has is now being conferred upon all of them, and I think it is quite straightforward.

As for the matter which I could sense was latent in the Senator's observations, I think we have already taken care of that under the Merchants Shipping Act which we passed in August. Special courts will be constituted to deal with those matters and the Chief Justice of the Federation will be the Chairman of those Courts.

Question put and agreed to.

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

LEGAL PRACTITIONERS BILL

Order for Second Reading read.

The Attorney-General and Minister of Justice (Dr T. O. Elias) : I rise to move that a Bill for an Act to regulate the legal profession ; and for matters connected therewith, be read a Second time.

This Bill completes the arrangements which we began when we passed the Legal Education Act last August in this House. I promised at that time that another Bill would be brought to deal with the legal practitioners side of the profession. This is the Bill and I would like to draw the attention of Senators to certain important aspects which I think would be of considerable interest.

The first part of the Bill is contained in section 1, subsection (2) from which you will see the composition of the new body which will govern the whole of the profession throughout the Federation—the General Council of the Bar. You will notice from the composition that the Federal Attorney-General will be the

Chairman of this new statutory body and all the Regional Attorneys-General will be ex-officio members of this Council and the Bar Association will be represented by as many as 20 members.

The second aspect of the Bill to which I think I ought to draw the attention of Senators, concerns the new machinery we are trying to set up for the discipline of the members of the profession. The machinery consists of two parts. The first part is what we have called the Legal Practitioners Investigating Panel which will replace the second committee over which I preside in my Ministry, and will enquire into complaints against lawyers in handling of their clients' business, whether in court or out of it. This investigating panel will then be able to make a recommendation to another committee, a larger one, called the Legal Practitioners Tribunal.

This Tribunal will have power to recommend, in certain cases, that a legal practitioner that has been found guilty of infamous conduct in a professional respect can either be directed to be struck off the roll of barristers by the Registrar of the Federal Supreme Court or be suspended from practice for a stated period, or he may merely be reprimanded. The word we use here is 'admonish'. These powers, we have taken care to guard by saying that only the Federal Chief Justice will be able to suspend in such a case until the Federal Supreme Court could investigate the matter further before coming to the conclusion on the subject. As at present any single judge of the Supreme Court could suspend a practitioner pending the final determination of the complaint against him.

The third aspect of the Bill to which I think we may usefully advert is the Committee on Remuneration—the Legal Practitioners Remuneration Committee, on which the Bar Association will be fairly represented and both the Federal and Regional Attorneys-General will also take an active part. The object of this Committee will be to try to establish a tariff of charges which in certain classes of cases lawyers will be allowed to charge. This charge will be established by this Committee as soon as it is constituted so that the complaints of members of our profession that they are being restricted can be taken off by their representatives on this Committee who will certainly bring their point of view to bear

upon whatever recommendation the Committee will be making before the new tariff is put into force. And if Senators will look at the particular section—Section 10, subsection (3)—carefully they will discover that what we have laid down is merely a formula. We are not legislating certain maximum charges here to govern lawyers. I think, in this connection, a point must be made quite clear which is often obscured by some members of the profession in their criticism of this aspect of the Bill, and that is that here in Nigeria, as indeed throughout the Commonwealth, except in Ceylon, we have a unified bar and lawyers practice both as Barristers and as Solicitors, even though they have had no training in the Solicitor's side of the work at all.

The new Law is intended to supply the need of both sides of the profession for future guidance. In England, the Solicitors Act of 1932 and the new Solicitors Act of 1957 have also regulated the fees that those who practise as Solicitors are bound to charge. Members of our profession in Nigeria, I think, must be prepared to follow that example because it was the kind of practice in which several engaged even in the United Kingdom before this Act was passed that led to those enacted to protect the ordinary people, and I think it is right that as early as possible in our adventure into the future and into democracy we start right now by trying to curb the excesses of some members of the profession who by their act generally give a bad name to lawyers generally, and it is this aspect of the matter to which I would like to draw your special attention. From the drafting charges—the drawing of Wills or Deed of Lease, or Sale are not left in the United Kingdom or elsewhere to lawyers to charge whatever they like, and it is matters of this kind that this particular provisions of the Bill are intended to regulate.

The next aspect of the matter under this Legal Practitioners Remuneration Committee is the new arrangement we have made again for lawyers to submit bills of charges to their clients showing under each heading how much they have to charge for what particular aspect of the whole transaction. So that if you do not lump everything together the client himself will be able to appreciate the fairness or otherwise of the fees you are charging, and in case the client feels that charges are exorbitant we are giving him a new right

whereby he can refer the matter to the court and have the whole thing taxed as they do in England or elsewhere. The taxation, of course, means that the Judge will go through the items, and, in the light of his experience of court work and of Barristers' trouble, he will be able to see whether the various items charged for have been reasonably charged for; and there are provisions for penalty for infringement of these various rules that we are about to establish.

The fifth aspect of this Bill deals with section 15, headed "Safeguards for Clients and others". Here, there are two new provisions. The first is that in future all legal practitioners will be under a duty to open separate client's account in recognised banks and it will become an offence for any of them to mix up client's money with their own. Day by day, I receive series of complaints under this particular heading, and I think it is right that, as in England and other places, we should make it compulsory for lawyers not to bank client's money with their own.

Secondly, we are putting a new obligation on legal practitioners to ensure that client's property in their care are well looked after—that files do not get thrown about, that vital documents of the clients are not easily lost, as happens in some cases at the moment.

Finally, I would draw the attention of Senators again to the provision in section 5 which deals with the liability of practitioners on the ground of calculable negligence. It is intended here to make it impossible for lawyers to get away in the future with any damage that may be done in money or kind to the interests of their clients as a result of their negligence in a case. This may happen in court or it may happen outside it. I need not go into the details here of what will constitute negligence because a long line of cases in the Common Law which is part of our Law has laid this down in no uncertain terms. It is the principle of what we call "*Nocton v. Ashburton*" where even giving negligent advice to a client will make the lawyer to be responsible for any loss to that client. The client approaches a lawyer for legal opinion on some matter which he contemplates doing, and without checking his laws of making sure that the advice he is offering is good, the lawyer gives him an advice which leads him into ruin, he will be

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liable to reimburse him. Again, a lawyer handles his client's case in a court and because of insufficient interest taken to prepare his case—it does not matter whether he wins or loses the important thing is to prove to both the court and his client that he has put up his best. He must have studied the case; he must have taken sufficient interest in the matter and he must have presented the matter as best as he could. Where we feel that a Law Court is sitting over a matter concerning the negligence of a Barrister and that Law Court finds that Barrister negligent in a professional respect, then the Barrister should be made liable to the client.

The final part of the Bill to which I would like to refer Senators' attention is section 3 (5) which makes it clear that all those expatriate lawyers who are at present on our books as having been enrolled to practise before our courts will be deemed from the day this Bill comes into force to be no longer so registered. In other words, they will cease to be entitled as of right to appear before our courts.

I want to assure Senators that that particular provision had had to be inserted after nearly two years of continuous debate and discussion not only with the Nigerian Bar Association but also with all the Judges in the Federation.

The Bill represents the best that could be achieved as a result of all these consultations, and I want to assure Senators that members of the Bar in particular would have even wanted me to go further than we have gone in this Bill as of course indeed on a number of other matters which for the good name of the country we have tried to limit to what you now have in this Bill. It is not perhaps perfect, but I think that it is the best that can be provided in the circumstances.

One small point I would like to refer to in the Schedule before I finish is the fury that has raged round the insertion of item 4 of the first Schedule to the Bill. I hope that Senators would accept my explanation in the way that I think Members of the Lower House accepted it after a long debate, that the purpose of Item 4 is merely to preserve those decencies in the running of our public affairs which are essential to any dignified administration of justice. We have provided there the order of precedence, and it is important that this should not be mixed up with seniority at the Bar. Lawyers

take seniority in order of their registration on the Barristers' Roll. What we have sought in item 4 to do is to enable certain high Government law officers to enjoy a right of precedence on those occasions on which they appear in a court to transact Government business. When and if they cease to belong to any particular Ministry of any of the Governments of the Federation, they automatically lose that right and take their place in the queue. But when a Solicitor-General or a Director of Public Prosecutions who is not a Q.C. appears in court to handle Government business, we think that it is right and proper that he should be entitled to have some measure of priority over other lawyers below the rank of Q.Cs. and below the rank of the Attorneys-General throughout the Federation.

I beg to move.

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

Senator E. A. Lagunju: We realise that this is a progressive piece of legislation. Often times we have mentioned that perhaps some of our lawyers fall into professional misconduct. We are very happy that effort is being made in this Bill to enhance the prestige of our lawyers and promote professional ethics. What is more, it is interesting to note as the Attorney-General has pointed out that safeguards are provided for clients. This is really a welcome Bill.

But I wonder if section 10, subsection (3) where in it is stated,

"The committee shall have power to make orders regulating generally the charges of legal practitioners and, without prejudice to the generality of that power, any such order may include provision as to all or any of the following matters, that is to say—

(a) the maximum charges which may be made in respect of any transaction, . . ."

Well, I think in a free world and with idea of the open market or competitive market, I do not know how far that is in the interest of clients. It may be in the interest of the legal profession, I quite agree. But I am convinced that the more lawyers we have in the country and when we think of the question of pickling and tickling it will be in the position of the clients where somebody is able to pay thirty guineas and some other person may pay ten

guineas. But as it stands now they are going to regulate the maximum and I do not think any lawyer who is worthy of that name will go below the maximum. Therefore, I do not know how a client is protected in that. I do realise that every effort will be made to discipline lawyers and to make them be professionally minded, and the idea of disciplinary tribunal is welcome. It is a wise move in the right direction. But my quarrel with this Bill is this question of maximum charge, that is under section 10, subsection (3). I think the client is free to bargain as he likes. It is true probably at present that we have a few lawyers. But time will soon come when the Legal Education Bill comes into force and we set up the Lagos Law School and we shall get more lawyers coming out and of course clients will be in a better position. But once this is regulated the hands of the clients will be tied because no lawyer will go below the maximum.

With these remarks, I beg to support.

Senator Chief O. A. Fagbenro-Beyioku : We have to thank the hon. Attorney-General and Federal Minister of Justice for this job. The legal profession itself is an honourable profession and we have all regarded it as honourable particularly in this country where lawyers have enjoyed a status all by itself. Nevertheless, we are all aware of the fact that there are lawyers who have not played the game and by that have brought into disrepute the great honour of that honourable profession.

But there are several points to examine in this Bill. Our anxiety to have something to regulate the situation should not drive us into accepting the Bill as it is without giving it the necessary examination.

Now, there is a section of the Bill which says that certain decisions should not be questioned even if people who are not entitled to be at that meeting where a decision was taken attend that meeting and participate. I am referring to section 7 (2) under Tribunal—

“The tribunal may, if it thinks fit, defer or further defer its decision as to the giving of a direction under the foregoing subsection until a subsequent meeting of the tribunal; but no person shall be a member of the tribunal for the purposes of reaching a decision which has been deferred or further deferred unless he was present as a member of the tribunal when the decision was deferred”.

But if we go back to Clause 1, subsection 4, towards the end, we will find, “...or by the fact that any person took part in the proceedings who was not entitled to do so”.—

The Minister of Justice : General Council of the Bar.

Senator Chief Fagbenro-Beyioku : Yes, General Council of the Bar. Well, I am thinking of the main principle. This one deals with the Tribunal while the other one deals with the General Council of the Bar. I just want to know how far one can relate to the other. Perhaps, when he wants to reply, the Attorney-General will clear my anxiety.

And then again on the question of a man who is judged by the Tribunal to be guilty of infamous conduct in any professional respect, or convicted by a court, or fraudulently enrolled himself. Now, in the penalty prescribed, it went further to say that his name could be struck out; he could be suspended or admonished. Now, do I get to understand that a man who gets his name fraudulently enrolled can only go by admonishment? Or a man who had been convicted for a very serious offence to go away by that? I feel that has got to be cleared.

Now, on the matter of Tribunal or the Panel—they are two different bodies. There is the Tribunal and there is the Panel. Supposing a member of the Tribunal or a member of the Panel gets himself involved and he becomes the subject of discussions at a meeting of the Tribunal or a meeting of the Panel? The Bill has not prescribed what should happen to that man during that period of investigation or during that period of examination. Would he still continue to enjoy his position as a member of the tribunal even though he may not be sitting on the very panel to judge himself, or would he enjoy his status still as a member of the Panel? I feel the Bill is silent on this and I feel it is a very serious one.

And then there is another question which appeals to me. The Attorney-General of the Federation and the Attorneys-General of the Regions will be members of the Tribunal and at the same time they will be members of the Panel. In fact there is a subsection which says that if a man sits on a panel he may not necessarily sit on a tribunal. But would that affect the Attorneys-General, perhaps one of them who in normal circumstances will be the Chairman of either the tribunal or the panel?

[SENATOR CHIEF FAGBENRO-BEYIOKU]

And then the other point is that even in Clause 5 which the Attorney-General has enumerated, I would like him to clear subsection (1). And perhaps it would have been a good idea if under subsection (3) of Clause 5 what he referred to as "rule of law exempting the barristers" could have been made a sort of schedule attached to this. To me it appears that subsection (1) lays down that the person should not be immuned, but it appears to me further that subsection (3) is trying to defend him and make it possible for him to get out of the provision of subsection (1). Subsection (3) says, "*Nothing in subsection (1) of this section shall affect the application to a legal practitioner of the rule of law exempting barristers from the liability aforesaid...*", so that as a layman, I feel that I am not quite clear about that. I cannot reconcile the two subsections.

In the matter of remuneration, I share the anxiety of the Government because there have been unscrupulous legal practitioners, people who have enriched themselves. There is a small case; you have got to bring the title deed for your father's land; you have got to bring the conveyance for your house and you have got to bring anything. And then after a short time these things are reconveyed to the legal practitioner as his fees even though perhaps you have paid him something which he considers not enough. This is a very wise move to protect the members of the public. At the same time I should think that we have to approach that with the greatest caution. We must have to satisfy ourselves that with the introduction of that provision the members of the public will still be in a position to get good services. If a man who is an experienced lawyer can get only £20 for a case and then another man who is not all that experienced can also get £20, I wonder whether by that we shall be encouraging efficiency and proficiency in the legal profession. I would like to be clear about that.

Then there is another section in the Bill which refers to the preparation of documents. Of course, people may not prepare documents unless they are lawyers, or something like that. It will be a very good thing because there will be other members of the public, (I do not mean people who are lawyers, or lawyers who are out of court) who perhaps

through their own calling in life or their own profession or something like that have to deal with preparation of documents. I want to see to what extent those people will be affected.

Now, I come to the First Schedule attached to the Bill. The hon. Attorney-General and Federal Minister of Justice has made explanations. But I have filed a notice with you, Mr President, that at the Committee Stage I would move for the removal of section 4. I am still not convinced that simply because a man arrives in this country to-day and he happens to be appointed a Crown Counsel or he happens to be appointed a Solicitor in the Ministry of Agriculture or a Solicitor in the Ministry of Finance, that he should be given precedence over a more experienced lawyer. I am not referring to seniority. I am referring to the order of precedence. For instance, we all know our President to be a legal practitioner of long years standing; if for one reason or the other he resigns his post now—of course we all know that the next step for him will be that of the Governor-General—(*Hear, hear*) and he decides to go into the legal profession, and when he goes to the Courts one young man who arrived last year, simply because that young man is a Crown Counsel, is given first consideration by the Judge over a man who has been in profession for over twenty or thirty years and who is well known to be an adept, that will be most unbecoming. The same thing may apply to our Attorney-General if at anytime he feels like leaving these Legislative Chambers to concentrate on further studies—we know that by that time he would be in the Law School.

Senator Dahlton O. Asemota : But the Attorney-General is a Q.C.!

Senator Chief Fagbenro-Beyioku : Yes, when a man becomes a Q.C. he does not necessarily become the most senior of all enrolled barristers. When he gets to the courts where a Government business is being transacted and a young Crown Counsel is appearing for the Government—

A Senator : The Q.C. takes precedence.

Senator Chief Fagbenro-Beyioku : The Q.C. takes precedence simply because he is a Q.C. I agree. That is very honourable, but at the same time I cannot agree that a small boy

who has just come, simply because he is appointed a Solicitor in one of the Ministries, should be given precedence over his seniors when he gets to the courts.

In the old colonial days most of the Crown Counsel were expatriates, and if this clause is retained it will be a relic of what we have inherited from our colonial masters. Our colonial masters made sure that any time an expatriate lawyer went to court, he would take precedence over the people like Sir Adeyemo Alakija and others who were then our legal luminaries in those days. But our people did not care because they could not do anything. Now that the country is independent, we must have to do things in our own way and according to our own background. Everything must be fashioned according to our background, and in this we make certain concessions to people who are senior or superior to us. We must forget everything about the colonial set-up.

Therefore, I will move at the Committee Stage that section 4 of the Schedule be left out and that after the Attorney-General (who is a law maker), any other lawyer, be he a Crown Counsel or anything, must have to take precedence in Court in the order of his seniority.

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

Senator A. Nwoke : I congratulate the hon. Attorney-General who has presented this Bill. Although the Bill is too wide, yet it covers quite essential points

I do not want to criticise any particular section as such, but I am pleased to say that a section of it which deals with discipline is most appropriate. We all have had complaints about lawyers and their clients, and it will be a great pleasure for the general public to hear that lawyers who keep on annoying them when hired to defend them have brought in book in this way.

In the case of expatriates who are living in this country and who register to practice in Nigeria, I have no complaint. But when these expatriates set out to register and practice in Nigeria, I raise a very serious objection. I am saying this from the view point of nationalism. We have fought and won our independence from the British Raja and we must maintain it at all costs. It is our greatest pride to keep our things African and we have to confer the highest recognition to

the law profession by awarding some really good lawyers the title of Q.C. But if an accused person feels that a local Q.C. cannot defend him satisfactorily, he should be free to call in a *Q.E.* or *Q.E.D.* as the case may be, but it is just proper that a Q.C. should be able to defend a person satisfactorily. We must be very proud about things African.

If again we look at it from the view point of our national economy, we will realise that the man from overseas coming to this country to plead our cause, will take away our money from this country to his home. Every effort has been made by the Government, even in the case of pool betting, to prevent outside stakers from coming to take our money away. The same thing should apply to legal practitioners coming from overseas. These people just come to this country to confuse us and go away. It will be a pride for anyone who feels that he will have more cases in Nigeria to come and settle in Nigeria. Then we will be sure that he will pay his tax here, buy his food from us, employ local staff in his office and that his stewards and cooks will also be from among our own people. If this is done, the money he is making will as far as possible be retained in this country.

I would like again to look at this matter from the point of preserving our national entity. If we continue to bring in foreigners to practise in this country, we might bring some who might take steps to upset certain sections of our Constitution in which we have the greatest pride. It is not impossible that some of these foreigners who would be called in to practise have inherited an unwritten constitution and a lot of this unwritten constitutions have flaws here and there and most of the citizens of these foreign places will be very unwilling to tamper with them. They want to keep what they have inherited and with that type of mind, when they come here, they will attempt as much as possible to destroy our existence. On the face of this, I give my full assent to that particular Clause 3 section (5). I endorse it.

In the case of fees paid by certain categories of lawyers, I think that some junior lawyers who have not practised for five years should be made to pay not more than a guinea. It will be very unfair to make them pay more. We should encourage them as our own young ones who are just starting. Quite a lot of parents

[SENATOR NWOKE]
had had the experience of housing their own newly enrolled barristers. It would be to the credit of the country if these junior barristers were made to feel that the nation has sympathy for them and is trying to encourage them to have a good start in life.

In the case of seniority in the courts, as far as the Government officials or persons acting on their behalf are concerned, I have got no quarrel. I feel that it is just proper because a lawyer standing before a judge on behalf of the Crown is not doing so in his own colours. I think such a person has to be given special recognition because he is acting for somebody in a superior capacity. Anyone who has been to the Magistrate Courts will find that most of the lawyers at times become very rough and sometimes order one another to sit down in rough language. This is very improper and unfair and I think recognition must be given to any lawyer however young he is when he is representing the Crown. I endorse what the hon. Attorney-General has put down in this Bill.

As I have said before, this Bill is most welcome. It is very difficult for anyone to go through every sentence of it and I have just chosen the very essential points.

With these few remarks, I have the greatest pleasure in according the Bill a pass.

Senator J. K. Nzerem : The Legal Practitioners Bill is timely. In the past a lot of complaints have been made by members of the public against legal practitioners. Some of these complaints are well founded, others, of course, are frivolous and this Bill has come at a time when a number of Nigerians are particularly preparing themselves for the lives of a legal practitioner. Most of them who are now overseas are complaining about the condition of legal practice in this country.

A Bill was passed a short time ago making it compulsory for those who are going to qualify in future to undergo another training in this country before they are registered. When that law was being passed, a promise was made that regulations would be made and that when the regulations were being made consideration would be given to those who are already overseas trying to become lawyers. It has not come to my notice that these regulations have been made, and now we are passing

another law. I think it is necessary to pass this law but we must give consideration to those who are already trying to become lawyers. The sooner these regulations are brought to the notice of Members for criticism the better it will be for all concerned.

There are certain other aspects of this law which I think we have to be very careful about. One is about the scale of charges. I agree entirely that here we should allow the law of supply and demand to operate. One should not say that a lawyer should be paid so much for such and such a job. Some lawyers are more experienced than others. Some of them specialise in certain aspects of the law. Well, how can I leave such a man and engage a man who has just come yesterday and be obliged to pay the same fee? Naturally, everybody will like to get someone who has better chance of representing him more capably. Therefore, I do not think that laying down a scale of charges will be to the interests of both the practitioner himself and the clients. I think we should leave it to them to bargain. It is a question of something between one man and another man. If a lawyer is very good, he should be allowed to charge a very high fee. If a lawyer is only a second-rate or third-rate, then the client has the opportunity of beating down his charges to a few pounds. I think that the law of supply and demand is very essential there and trying to regulate it by law is not to the best interests of either the clients or the lawyers.

There is another part of the Bill I like very much, and that is the part dealing with discipline. Every true lover of this country will rejoice that the Government has at last come to the rescue of those who have cause to go to the courts. People suffer very much in the hands of unscrupulous legal practitioners, although I know that a good many lawyers in this country are very good. Their standard of integrity is very high, but these unscrupulous ones are dragging them to the mud. These regulations are very welcome to protect the good name of those lawyers who have personal integrity. Therefore, I do not think that anybody will quarrel with any part of those disciplinary safeguards.

Mr President, I am afraid I have lost touch with—

The President : I must point out that this is not really the stage at which you refer clause by clause although I have allowed the latitude. This is just a stage when you talk generally about the Bill and when we come to the Committee Stage you can pin-point individual clauses. Perhaps that will help you.

Senator Nzerem : Thank you, Mr President. On the whole I think this Bill is acceptable, but I would like the Attorney-General and Minister of Justice to make it possible for us to see the regulations which he promised, and in making those regulations, I would advise him to be very sympathetic with the law students who are already overseas, because when they were going away they had the mind that they were going to study in England and to come back home to practise without having to do extra time.

There is another omission which I think should have been put in this Bill, and that is the legal practitioner's dress. Our lawyers still have to put on black suit in the heat of the sun! Why should we not have a native attire for use when practising in our native courts?

The President : The lawyer's dress is not a matter of an Act of Parliament.

Senator Nzerem : Who then is responsible for their putting on this black dress? Some of them do not like it, and I know of cases where lawyers have been told in courts to be properly dressed. I do not see anything more dignifying than our native dresses. Therefore, I think that should be written into this law so that people going to Magistrates' Courts will be at liberty to dress in the way they like. It is something in conformity with the tradition of the country. I think that should be a part of this Bill.

The President : Is the Senator objecting to the dress of the President of the Senate? (*Laughter*).

Senator Alhaji Abubakar Garba : This Bill should have come before this Parliament immediately after the first day of October, 1960. It is a very welcome Bill. The Bill also seeks to protect the general public from being overcharged by some "get-rich-quick" lawyers. Nowadays, our lawyers are in the habit of charging their clients exorbitantly.

Section 4 of this Bill affects the Sharia Court of Appeal or the Court of Resolution of Northern Nigeria or any native or customary court in Nigeria, but when the Bill is passed the very section, according to my understanding, would not come into operation until after the first day of July, 1963. I cannot understand the wisdom of the delay.

I would like to say at once that under the provision of section 3 subsection (5) Nigeria is a hospitable country and her doors are wide open to all. We certainly need foreign capital for our industrial and economic developments. We also need, for the time being, technical know-how for the implementation of our programmes of development. But, with big *but*, we do not at all need foreign lawyers. Nigeria can now boast of producing efficient and brilliant lawyers capable of competing with any of their counter-parts anywhere in the world. Furthermore, a Nigerian lawyer, in defending clients, has the advantage of knowing our customs, our traditional way of life, better than his foreign counterpart. Mr President, we have been unduly slighted by some people abroad and even by some of our so-called die-hard nationalists who give the impression that everything African is inferior. It is now a well-known fact that the black, given the same opportunity, is as good as, if not better than, any white, red or yellow counterpart.

Sir, I beg to support.

Senator Chief (Mrs) W. A. Esan : This Bill is welcome, but I have a few observations to make. I am sorry that the Attorney-General is not here to take down my points because I would like him to be able to answer me.

The President : Senator Dr Esin will take down the points.

Senator (Mrs) Esan : First of all, in the first paragraph about the Bar Council, it is stated that twenty people will represent the Bar Association. I would like to know if these twenty will be for the whole of the country and will be sufficiently representative of the whole of the Federation of Nigeria. I make this point because about a few weeks ago, we heard a Commissioner making a ruling in the Mid-West and the West trying to say something against the ruling and then the

[SENATOR (MRS) ESAN]

Secretary of the West Bar Association answering that there is no Mid-West Bar Association. Such a thing should not happen in this case. If we want to form a council, it should be sufficiently representative so that nobody will come forward to antagonise or to say anything contrary to what has been said about the Bar Association and about the Bar Council as a whole. If these twenty people would be for the whole of the country, it should be done in such a way that the North, the East, the West and the Mid-West and the Middle Belt should have equal chance and would not be antagonising themselves.

The other thing is that I would want to support Senator Nzerem about this regulation concerning legal fees. When the Bill was brought to us here, we made certain recommendations and suggestions and then the Minister promised wholeheartedly to look into it and bring the regulation back to us so that we would be in a position to see whether every point we made had been looked into carefully. I personally do not know much about law, I am not a lawyer, and lawyers are clever people. As I have continually said here, when they coin their words they may mean something else and in another minute they would come back to say "We did not say that, it is this that we have said". A legal phrase may mean ten things and only lawyers can interpret it. Therefore, if they want to give us something they had better make it in such a way as we will understand so that we shall be able to defend the action of the Government.

Another thing I want to say is about the maximum and minimum charges. As somebody said, lawyers should be left to bargain because at this state we cannot say we have the best of lawyers in the world. If we continue as we are doing, unless we leave these lawyers to use their talents and not discourage them by stating certain professional fees that they should charge, we will be encouraging the hard workers among them, because not all lawyers pay very good attention to their duties. Some lawyers are just lawyers and others are very good. Those good lawyers should be given every encouragement by allowing them to bargain. Bargaining power is very good both for the client and for the lawyers themselves.

If I am going to sell good cloth to a person and that cloth is to cost £10 and an inferior one is also to cost £10, there is no need for me to waste my time going to the market to buy good cloth to sell in Nigeria. If I know they want cheap things, I will give them cheap things and in the long run we shall not have brilliant lawyers.

On this question of brilliant lawyers I would like to say that although I do agree with lawyers that it is time we encouraged our own lawyers to do big cases, at the same time we do not have treason cases or things like that often. Any time we have that and anyone feels that these lawyers are good but have not been proved—

The President : Sorry. We should leave that question.

Senator (Mrs) Esan : I am sorry to bring this in because somebody said that we should not allow foreign lawyers to come to Nigeria. I disagree with that.

There are tribunals and panels. As someone said before, what will happen to anybody in the panel who has committed an offence and who is a member of the tribunal? If he is removed from the panel, is he to be automatically removed from the tribunal, or apart from the Attorney-General and people mentioned specifically in this Bill, what will qualify others to be at the same time members of the tribunal and members of the panel?

I have this to say about the safeguarding of clients. The Bill that deals with discipline is a very welcome one to every one in Nigeria. Ordinary people who go to these lawyers do not know about law and several people have suffered untold hardships by the actions of certain lawyers, and it is time that the Bar Association itself forms a discipline committee to discipline these lawyers. Those of us who are not lawyers sincerely and heartily welcome this Bill that will set out proper action to be taken against lawyers. I welcome this Bill.

Sitting suspended : 1 p.m.

Sitting resumed : 3 p.m.

Senator P. A. Ogundipe : The Legal Practitioners Bill has many points to commend it because of the several provisions which were inserted to safeguard the interests of the community or the laymen of whom I am one.

But that aspect of it which gives the legal practitioners all the hints and says what to do with the law is very dangerous to the laymen. All the same, we who are laymen have now to consider its implications from our fellow laymen's point of view.

The Bill has amended itself in many aspects to the layman in that it certifies that everyone who claims to be a barrister should have the necessary qualification for what he professes to be, and there is going to be a Bar Council which will verify that the claimant has that requisite qualification. Although in this country to-day there have not been many cases of quack lawyers (I do not often hear of this, as, there are more cases of quack doctors and teachers professing to have B.Sc. or B.A. degree in one field or the other) it is very good that right from the beginning of our Independence such a Legal Practitioners Bill provides against quack lawyers who may in future claim qualifications which are not possessed by them. In this respect, I heartily congratulate the Minister of Justice and Attorney-General of the Federation on this Bill.

Secondly, the Legal Practitioners Bill certifies that this country should have lawyers of good character. This is very important indeed. In the past there had been some people who had escaped from this country after they had made away with the money belonging to their employers, and they had gone overseas in order to qualify and return as lawyers or barristers-at-law. The result is that when they return their employers are so frightened by the title "lawyer" just as they will fear the name "Force", that even these employers whose money they had made away with are often afraid to come out and protest or take legal action against them. With this provision in our Legal Practitioners Bill, people of such a character will be very careful, because they will feel that there is a clause in the law of our country which, if properly handled, may still bring them to book when they return, and as a result they will be very careful, and will not feel that once they become lawyers or barristers-at-law they are safe, whatever their past careers might be.

Another point for favourable comment is the Legal Practitioners Disciplinary Tribunal. This is very important in view of the fear it will instil in lawyers. By this the Bar Council is doing everything to make that profession a

worthy and enviable one because the common man will be sure that if any lawyer or barrister-at-law in any way has overstepped his boundary that this body will defend his case and bring before the law the lawyer who has probably cheated him or has tried to play upon his ignorance. For this, again, I congratulate the Minister of Justice and Attorney-General of the Federation.

And, finally, the first point in favour of the Legal Practitioners Bill is the provision made for client's account to be kept separately from that of the solicitor. Of course, there is hardly any need for further comment on this. We know what had happened in the past when such a provision did not exist, especially when a lawyer or a barrister-at-law, somebody who has the law in his hand, as we laymen think, deals with a client who is a layman and who has no other means of defence except through the lawyer. Therefore, this provision for client's account to be kept separately from that of the lawyer is a very important and welcome safeguard.

There is one clause, Clause 10, which has to do with remuneration of practitioners which I am sure does not appeal to several Members of this House, particularly when it gives the legal practitioners the right to fix the maximum charge of their work. In fact, it would have been somewhat reasonable if there is a minimum as well as a maximum charge.

The President : Do you, Senators, realise that the idea is to protect the layman, to protect the people of Nigeria against lawyers who want to over-charge them? I want you to bear this in mind, because I have been listening to these debates since morning, and people seem to misunderstand what is happening there. The law attempts to put a ceiling beyond which no lawyer can charge a litigant. Inside that ceiling the lawyer can do what he likes, he can charge twenty guineas, thirty guineas, but he must not charge beyond, say a hundred guineas. That is all what that thing says.

Senator Ogundipe : Thank you very much, Mr. President. The explanation is very welcome, and, I think, it enlightens me on what I was trying to say. It is because I am a layman that I cannot interpret the Bill in the same way as the President, but, now, if that is so, if that is the assumed maximum charge—

The President : Order ! Let the Attorney-General do something, it may save our repeating this thing.

The Attorney-General and Minister of Justice : I am sorry that what was intended as a protection to the general public should have been made now the platform for attacking the very aspect to help the people. I know that the people in the profession have been very busy, but do Senators think that if these particular provisions are really to protect the lawyers they will be going round lobbying Members to oppose those provisions? If they had jumped up in the House and praised me, you should have suspected whatever I brought before you that they praised me so much ! This thing is intended to regulate that aspect of their work which is the subject of similar regulation in England and anywhere else. This means that, for instance, if you want to sell your house, the people who will help you sell it—the Estate Agents—at the moment some charge you 10 *per cent* of the total cost, you sell a house for £2,000 they take 10 *per cent* of £2,000, at the moment some take even 50 *per cent* ; whereas in England these things are regulated on a percentage basis—2½ *per cent*, 3 *per cent*, 5 *per cent*, where we pay up to 20 *per cent*, in some cases, 30 *per cent*. This is what we want to regulate. It does not affect the right of a lawyer to say "I want to defend you in an important criminal case and I want to see whether I can get you out of the technicality". The lawyer may take advantage of your position if you are a rich man and say, "Pay me £5,000 or I will not appear for you." If you are a poor man and he has sympathy for you, he can say, "Pay me £5 and I will defend you."

This Bill does not affect that at all, but certain categories of legal transaction like conveyancing, selling property, things that are known and will be the subject of table in the process of which lawyers will participate. This Bill is not fixing any maximum. Before, you were not allowed to see the points, they were playing a trick on you.

The President : I hope the Senator has now seen the point.

Senator P. A. Ogundipe : I am grateful both to the President for his prior explanation and now to the Attorney-General of the

Federation for his further explanation over the matter and I know several Senators are grateful for this.

As we say, we are laymen and can never understand the wording of legal bills. It is so put that one could have thought that it has to do with every case that a client has to bring before a legal practitioner. I think the explanation that has been given would actually shorten the debate because, personally, I am now quite satisfied.

I support the Bill.

Senator Chief J. S. Olayeye : I have a very short thing to say. I thank the President for making the Bill to be more explicit to us. The Attorney-General and Minister of Justice did not make it explicit to us. But now we understand the whole thing.

I have made up my mind to worry the Attorney-General and Minister of Justice about the Bill. I have some materials with which to worry him. Supposing I send my son to England to study law and he comes back with an LL.B. degree, like our worthy President, so the Attorney-General will sit down in his office to regulate the professional fees which my son will receive ?

I have been trying to praise him and I have to say that we congratulate the Federal Government and to say *eku ise*.

I support the Bill.

Senator H. N. Udoh : Mr President, Sir, this Bill is welcome and I support it. (*Hear, hear*).

Senator Dahlton O. Asemota : I have very little to say about this important Bill. First of all, I would like to associate myself with the Senators who have expressed their opinion in appreciating the very good work the Attorney-General has done.

This is a welcome legislation and indeed I wholeheartedly support it. But there is one thing that I feel very uneasy about. Although in his speech the Attorney-General said something about fixing the maximum fee, if I am right.—

The President : Order ! The Attorney-General has not fixed anything in this Bill. All he says is that a Committee can be formed which can fix.

The Minister of Justice : And this Committee will consist of both the Attorney-General, representatives of the Bar Association and the Judges. We will sit down together and we will arrange the whole thing.

The President : Nobody has fixed anything.

Senator Asemota : Thank you very much. Anyway, what I want to say is this. The time has come for the hon. Attorney-General to examine the fees that are collected by some of these junior lawyers who have just come back from England. The legal profession to-day is growing. Boys are going to England and coming back. But if you know what the young lawyers are doing in the provinces you will be startled. Some of them receive money from both the plaintiffs and defendants. They receive from the accused and prosecutors, and all that sort of things.

The reason for that is a very simple one. When they come back from England, instead of trying to associate themselves with an older legal practitioner to acquire experience, the first thing they think of is about getting cars, big houses and so on. As a result they have not got the knowledge that will enable them to stand against the experienced lawyers. Well, that is degrading to the profession. If a lawyer is going to charge any fees at all, he should charge reasonable fees in accordance with the profession. But some of the lawyers to-day are charging one guinea for a case which an eminent lawyer will charge about ten guineas. I do not think that will help the profession. That is one aspect. The reason for that is that they refuse to start from the bottom of the ladder.

Mr President, you will remember rightly that we saw lawyers doing other jobs when we travelled to America. They work in offices. I saw one in Montreal who is the head porter in a railway station. Although it is a dirty job, but he is earning his means of livelihood. Our people are not like that. The first thing they think about is cars and other luxuries. I do hope that the Attorney-General will make a note of that and perhaps do something about it.

Another thing is that the definition and the work of Q.C.'s are not specified. In England Q.C.'s do not generally go to every court.

They get their juniors to do cases for them in lower courts. But our Q.C.s here can even go to the Customary Courts and appear for somebody.

The President : Point of order, the Minister of Justice.

The Minister of Justice : I think the situation is now regulated. We have a Q.C. Act which we are now repealing through this Bill and which will be replaced by regulations to be made under section 2 (2) of this Bill. These regulations are almost nearing completion and they will be taken along with the regulations of the Legal Education Bill. You will see them in due course.

Senator Asemota : Thank you very much. That will place our Q.C.s in the same category with Q.C.s all over the world.

The other point is about enrolment—Section 3, subsection (5). Here it is clearly defined that :

"If, on the date when this subsection comes into force, the name of any person (other than a citizen of Nigeria) is on or deemed to be included in the roll and that person is on that date not ordinarily resident in Nigeria, his name shall by virtue of this subsection cease to be enrolled ; and the registrar shall amend the roll accordingly."

What about the expatriate lawyers that are appointed by firms in this country ? There are lots of expatriate lawyers already in the employ of mercantile firms in this country. They remain with the firms for years and they go on leave. By the time they come back from leave, this regulation will be in force. What will happen to them ? Will it be necessary for them again to be re-enrolled and registered or will they automatically be wiped out ?

The Minister of Justice : These people remain on the roll if they are ordinarily resident in Nigeria, and that includes going on leave.

Senator Asemota : That is not specified here, but it is understood.

The President : Ordinarily resident, you can go to America and come back.

The Minister of Justice : You can spend many months there. If your home and everything is in Nigeria, you are ordinarily resident in Nigeria.

Senator Asemota : They may not be Nigerians, but they are appointed here to do that specific job.

The Minister of Justice : Those who have been appointed will remain. But I can assure you that other steps have been taken to make certain that no new registration will be taken without some difficulty in future. No expatriate will find it easy now. Those who are already on the book, I would not like to commit myself, but pressure was brought upon me not only to remove those who do not reside here and who come in occasionally to take few cases and go with large sums of money, but they want us to ban all those who are practising already here and who reside here. That would not be nice for a number of reasons into which I do not think we need go now. I believe that if we adopt this present expedient, it will be possible for us gradually with the years to get them out. As you finish or you retire you are not replaced.

Senator Asemota : I am happy, Mr President, about that. I am struggling against bringing expatriate lawyers to this country, but not against those who are already resident here.

Lastly, what I want to say is this. I do not know whether the Attorney-General has taken note of the retainers' fee. In this country, we have several lawyers who are retained by companies. Some of them have a fixed amount of salary that is paid them for general legal work—they appear in courts for the companies, they prepare deeds, and so on. I hope the Attorney-General will take note of that when the time comes for him to fix an amount for that sort of job:

The Minister of Justice : May I answer that briefly. It is not intended to control retainers. If the trading companies in this country are willing to pay a million pounds to a lawyer for their business, I think it should be their own affairs. We are interested in the ordinary people—people who are, through circumstances, compelled to go to court to defend their rights, that they should be well protected and the lawyers should have a sort of social conscience in helping these unfortunate people over their difficulties. But in the case of trading firms that make profits here, if they agree to pay somebody £10,000 a year and another £500, they should be left to do so, they have equal bargaining power.

Senator Asemota : With that, Sir, I support.

Senator M. B. Chukwubike : I must first of all congratulate the Attorney-General and Minister of Justice for introducing this Bill. This Bill goes far to save the poor people from the hands of some unscrupulous lawyers. Legal profession is a noble one and any step to sustain it is welcome. I agree that most of our lawyers are honest and professionally minded. At the same time, I must say that some of them are not only money-minded but dubious.

This Bill is a check to this evil which, if not checked, would demoralise this noble profession. The lawyers themselves should be very grateful to the Government for introducing this Bill. It is not easy for a layman like myself to comment on a draft made by a lawyer, more especially this one drafted by an international law-maker, Dr Elias.

But I have a point to make, which, perhaps did not occur to the Minister when he was drafting this Bill. There is what some lawyers call petrol charges: I am speaking out of experience. Some lawyers, after taking their normal fees, I know some of them who charge their clients five to ten pounds a day for going to the court and they call this petrol charge. If the case is adjourned for three or four days, these lawyers will be making a very huge sum of money in addition to the normal sum charged. I would like the Minister to take this into consideration. If he does not know this, I have pointed it out to him.

I quite agree with the Minister that we have lawyers of all grades in this country. There is no need importing lawyers into the country.

I beg to support.

Senator A. S. Yesufu : I partially support this Legal Practitioners' Bill. I have not been able to study the whole issue and therefore I would like to comment on the little I have studied. I think that this Bill is incomplete since it does not seek to regulate the charges that these Legal practitioners—

The President : Order, order. I want to point out that it is not usual to put charges in Acts of Parliament; it is usual to put them in the regulations made under the Act and the Minister has already pointed out that under Clause 2 they are going to make this regulation. We have to finish this Bill to-day.

Senator Yesufu : That being so—

Several Senators : You support ?

Senator Yesufu : No, I do not support.

The second point which I think Senators have spoken about is the way in which this legal practitioners are dealing with their clients. In fact some of them (although I am not prepared to accuse them here) receive money from both sides. In fact, they are punishing the clients and cheating the laymen who do not understand what is the actual background of the business. I notice, especially in the areas where we have not got enough of these barristers to take up cases, that the clients have no choice but to pay whatever the lawyer charges. For instance, in a small case of a land of say 10' x 12' or 15' x 30' they charge about two hundred or three hundred pounds, which is rather exorbitant. The tribunal which will be set up should look into this sort of affair. In fact it was of recent that I understood that even though we have lawyers of all categories some are meant for criminal cases and some for general practice and that one can find some of these lawyers who actually have no relative idea about a particular kind of case pretending that they know about it.

The President : Order, order. Anybody who is a barrister-at-law knows the criminal law.

Senator Yesufu : Mr President, I do not think this is my fault. It is what I have been hearing from people. As far as I know, I think something ought to be done and am I sure that as time goes on this Bill will be amended again to deal with such situations whereby negligence will be detected and people protected from being cheated by these legal practitioners.

With these few remarks, I beg to support.

Senator Chief P. I. Acholonu : Mr President, the Bill as it stands is a progressive one, as my Colleagues have said, and I am not here to go contrary to their views. I congratulate the Attorney-General and Minister of Justice on his foresight in introducing this Bill, but the observation which I am going to make is about what each and everyone of us has spoken of during the last Budget Session.

When the Legal Education Bill was brought up in this House, so many of us spoke about our youths in England who had already been there with enough money estimated by their parents that when they go there and remain for about four or five years and come back home that will be the end of it and they will start to practise on their own. But it is now very unfortunate that the question of Legal Education Bill came up to change the issue. Well, since the Legal Education Bill was brought here—

The President : I would not like to interrupt Senators unnecessarily. This is not Legal Education Act and the Minister gave assurance that a regulation will be made under that Act, and under that Act the regulation will be placed before you. Do not let us mix two things ; it has got nothing to do with this Bill.

Senator Chief Acholonu : I am not bringing it again to be debated, but I am saying that the promise was made so that Senators can remember that the argument lasted for about two or three days and certain promises were made, but up till to-day we do not know how it was amended. That is why I am making reference. I am only—

The President : The correct thing would have been for Senator Acholonu to file a Motion which would have been debated tomorrow, Private Members' Day, asking the Government to hasten this thing about Legal Education, and not to bring it irrelevantly in another Bill.

Senator Chief Acholonu : My other Friends have covered the other aspects of the Bill which I would have liked to comment upon. Therefore, I support the Bill.

Senator Chief P. C. Ndu : Mr President, I rise to say that this is a welcome Bill. It is the most progressive Bill that has ever been introduced on the Floor of this House.

There is one aspect of it which I would like to point out which, I think, is of interest to the community. The Government has been wise enough to introduce this Bill at the appropriate time. There are many people in this country who have lost their cases and lost money because of the carelessness of some lawyers. Some documents are lost. I remember a certain case where a woman was claiming for some landed property. The whole thing was

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lost and lawyers could not account for them. I therefore congratulate the Government for introducing this law and I think the community will be very, very pleased to hear this because it has been introduced at the appropriate time.

I support the Bill.

Senator Chief Ezeogo Ugwuocha : This is a straight forward Bill that has the support of the whole House. This is a Bill which seeks protection of lawyers, and I would like the Minister to still give further protection to lawyers by adding something which I am now going to say.

For instance, a community may take action against another community, and, after reasoning out that the action is not good, will come together and agree to settle the case out of court. The lawyer has already charged his fees and this has already been paid to him. Then the lawyer is approached and he asks them to see the Magistrate or whoever is in charge of the case. When they go there the Judge will be lenient enough and will advise them to take the case home and settle it. Now, after settling it at home the money already paid to the lawyer is forfeited and he will never give it back to the client. Therefore, I would like the Minister to go further on that and protect the laymen because there are so many people who go to the court without knowing anything and who have no money to hire lawyers but are only forced by circumstances to give the lawyer what he has charged.

This Bill is welcome because it seeks the interest of a layman. I support the Bill.

The Attorney-General and Minister of Justice : I am sorry for the interruptions which I made in the course of one or two Senators' speeches, but I was anxious to get some points cleared so that we may go into the Bill in a more straight forward manner.

I am told that when I went away in the afternoon someone raised the point whether the General Council of the Bar that we are setting up under Clause 1 is for the whole country or not. I think it is quite clear from what I said in the morning and from the provision of this particular Clause of the Bill that the General Council of the Bar is for the whole of the Federation. I said that our Bar remains a unified Bar; I think it is important for us to emphasise that.

The President : I think what the Senator who spoke in the morning said was that if it is for the whole country, the number of twenty representatives is small.

The Minister of Justice : I am grateful to you, Mr President. I was working on the information passed on to me. The figure twenty might be regarded by some as making the Bar Association a bit over-represented on this Council, and this particular figure was fixed by the Bar Association itself. I think it will interest the questioner to know that. The General Council of the Bar exists for the whole country and there are branches in all the Regions of the Federation, local branches of the same Bar Association, and they all contribute to this General Council, and in the selection of members all the Regions of the Federation will be represented on a fairly adequate basis.

The next point I understand was made concerns the question of maximum and minimum fees which I think we have disposed of. Also the question of foreign lawyers, I understand that somebody took objection to the arrangement whereby expatriate lawyers will not any longer be allowed to come here to take up some cases. I think that the House would be glad to know that only this morning, at about 9.50 a.m. the judgment was handed over by a Lagos High Court saying that the Constitution does not guarantee any right for anybody to bring any lawyer into Nigeria. And if you care to look at what obtains in other Commonwealth countries and outside it, you will appreciate that this is not at all a Bill that has been borne of chauvinism of any type. It stems from an acknowledgment of reality. It will interest many Senators to know that in the United States, for example, the oldest federation in the West so far, you cannot for instance be enrolled at the Bar of New York and work straight into California to practise. You cannot do it from one State to another. There are only seven States that will allow certain people called to the Bar of other 43 States to enrol subject to certain conditions in their area of jurisdiction. Throughout the whole of the United States all the 50 legal systems there have different Bar and people have to take special qualification and satisfy certain requirements before they are allowed to appear before the courts of those areas, not to talk of foreigners. A Q.C. from

England, for example, cannot appear in a local New York Bar or a California Bar. It is not just heard of.

So, this is no more than trying to inculcate in our people a sense of nationhood and also a desire to give adequate opportunities to our lawyers to prove their mettle. It is only by handling this so-called difficult cases that they will acquire proficiency. After all, Rome was not built in a day. The British Bar perhaps, I have the utmost respect for it, has worked through over six centuries to be what it is to-day. And we must make a start somewhere. But in doing so, in calling upon the general public to have more confidence in our lawyers to give them a chance to prove their mettle, I also feel that it is necessary to discipline them, to make them aware of their own social obligation to their community, to take their work more seriously, not to milk their community so that they themselves now can really bring out the best that is in the profession, to show that although a few have been trying to mar the good name of the lawyers, the majority are prepared to uphold the dignity and honour of that profession. This is the whole purport of this Bill. I am sure that if Senators will give us a chance to try it out and later if we come across difficulties in the actual practice of what we have provided here—of course that is what this House exists for: both our Legislatures exist for this precise purpose of looking at our legislation, trying it out in practice, finding some difficulties, bringing it back and amending it. Only the laws of the so-called Medes and the Persians that are not alterable. But this is not the law of the Medes and the Persians. This is a law made to govern human beings and as long as this House continues to exist, there will be opportunities from time to time to look at difficulties experienced in any of the Bills we bring and for necessary alterations to be made from time to time.

Mr President, I commend the Bill to the House.

Question put and agreed.

Bill read a Second time and immediately considered in Committee.

LEGAL PRACTITIONERS BILL—

CONSIDERED IN COMMITTEE

Clauses 1-20 ordered to stand part of the Bill.

Schedule 1.

Senator Chief Fagbenro-Beyioku : Unfortunately it was announced this morning that we should have the Committee stage of this Bill on Wednesday. For this reason I have not brought this paper so as to present the Amendment.

Senator Dahlton O. Asemota : I can give the Senator mine.

Senator Chief Fagbenro-Beyioku : I mean the paper for the Amendment. I have not even got my glasses.

I am only trying to put across that section 4 of that First Schedule be left out because it provides that the people who are Crown Counsel or Solicitors in any Ministry or anybody appointed by the Attorney-General of the Federation or any of the Attorneys-General will take precedence over other Barristers practising in a court. To me I feel that it is an injustice and I think that it will not be fair enough that simply because a man happens to be appointed a Crown Counsel or a Solicitor in any Ministry, he should take precedence over people who are senior to him at the Bar. We are law makers; we are not people who interpret the laws. In order to make this law, we must try to apply human feelings, and in everything we do we must know very well that human feelings being what they are, if there is room left for discontentment and if this discontentment germinates and is allowed to grow, it will produce complete dissatisfaction. It might not have occurred to the Attorney-General that such a situation might be unwelcome. In my opinion, as I said this morning, it was something which was borne from the old colonial set-up. To the best of my knowledge, in those days all the Crown Counsel and Solicitors in departments were all expatriates, and in order to be able to give them advantage over Nigerian practitioners that order of precedence was laid down. Now that we are going to Nigerianise the whole place, we must have to view things from our own background. It will be but wise that barristers in any court, apart from the Attorney-General of the Federation or the Attorneys-General of the Regions and of course, the Queen's Counsel, others should take precedence in order of their seniority. In fact, it has been established when he said that preference has been given to some

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Queen's Counsel because when they appear in court they stand against the Attorney-General or hold brief against the Crown. The mere fact that they are holding brief for the Crown does not make them to be lower in status. I do not know what the feeling of the Attorney-General is on this particular question.

The Minister of Justice : As I explained before, this point was not well taken. The ordinary practitioners who gave us most trouble on this issue in the Lower House and before that time and who had contributed really to the delay of this Bill for two years in which we have been trying to get an agreement, were people who had not played as active a part as they ought to have played in the work of the Nigeria Bar Association. As a matter of fact, I was pleased to watch the spectacle of one or two active members on the Floor of the House getting up and disowning their lawyer Colleagues in the Lower House, saying that, "You people have not come to our meeting; that was not the view of our Association. The view of our Association has been properly presented in this Bill." This went on on one or two issues. I am sure if that hon. Member had been more candid, he would also have admitted that many of the issues that were being raised by those who were in revolt against the Association, so to speak, were at least the people who did not know what the Association had accepted. Even the actual draft and suggestions that the Association made to me they started attacking on the Floor of the House, and I could have quoted this in their faces. I said in this particular regard, and I think Senators will remember that I said, that the reason we worded it in this way was to enable the various Attorneys-General and the General Council of the Bar to propose that the Solicitors-General as well as the Directors of Public Prosecutions who are not of Her Majesty's Counsel, that is who are not Q.Cs., should be given precedence when appearing in court to present a Government case. That is the whole purpose of the exercise. But, you know, lawyers have a way of over-arguing their points when they want to carry the laymen with them.

I made it clear that these people, because of the special positions they occupy in any

country, a Solicitor-General as a representative of Her Majesty, as the representative of the Attorney-General in a case, even in Britain, no matter whether he is a Q.C. or not, that man will have automatic right of dignity and preference in the handling of the case. Over and above the question of dignity or prestige, there is the overriding consideration that in many cases these Government lawyers, the Solicitors-General and D.P.P., are busy men. They may have one or two Government cases in two different courts. When the thing has been scheduled, as soon as a Judge sees a senior man like that handling a Government case, he would definitely say, "Well, if I have two cases in my list to-day, let me get so so and so because he may have to dash round and do some other work for the Government". That is what we are requiring this for. No one is being superseded as a result of what we put here.

We said that those who will be entitled to enjoy this privilege would be those two. The Bar Association did not want it spelt out. They said, "We do not want to have their names; do not mind the Attorney-General." But both the Solicitor-General and Director of Public Prosecutions as you know under our Constitution are given special status, and they even earn more than the ordinary Permanent Secretary. In view of this special status and the responsibilities they carry and the duties they discharge in the ordinary conduct of the public affairs of the Federation, it is not the case of whether they are appearing for this or that, or between one private litigant and another private litigant.

It is the ordinary practitioners' belief that these people somehow are inferior to them. They feel that they would have been better only that the country did not think just to have selected them rather than those who are occupying this post. I think we must respect certain decency if our public affairs are to be carried on in an atmosphere of claim and dignity.

Senator Chief Fagbenro-Beyioku : I am happy that I have been able to provoke a comprehensive explanation on this matter. If this matter had been directly stated as affecting the Solicitor-General and the Director of Public Prosecutions, I could not have worried myself.

I want this House and the Attorney-General to be assured that when I approach any Bill in this House, I do so not because I have been long on the thing but because I feel I have a duty, this Senate has a duty, to the nation, and it is our own duty to see that any Bill passing through this Senate has been properly scrutinised and given the fullest attention we can ever give it.

I want the hon. Attorney-General to be assured that we, in this Senate, do not support lobbying at all. We do everything in order to that we discharge our obligations to the country.

In view of the explanation which the hon. Attorney-General has offered and which so far will go on record, I am satisfied and I withdraw the Amendment.

Amendment by leave withdrawn.

The Chairman : The second Amendment is consequential on the first. Is Senator Fagbenro-Beyioku still willing to move the Amendment?

Senator Chief Fagbenro-Beyioku : I beg to withdraw it, Sir.

Amendment by leave withdrawn.

First Schedule agreed to.

Second and Third Schedule agreed to.

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

ADJOURNMENT

Motion made and Question proposed, That the Senate do now adjourn until Wednesday the 12th December, 1962—(The Attorney-General and Minister of Justice).

Senator E. A. Lagunju : I am rather surprised to hear that the Senate at its rising to-day will not meet until Wednesday, because something was read to us about the Private Members Motions coming up tomorrow and these Motions are there on Paper standing in the name of Senator Fagbenro-Beyioku. I do not know whether these Motions have been cleverly withdrawn or whether there has been some lobbying, to use the current language. I shall be pleased if the President can give the Senate some explanation.

The President : It is part of our Standing Orders that Senators should not impute motives. If the Senator uses the word "cleverly", then there is an innuendo.

Senator Lagunju : I am sorry then, Mr President, and I withdraw the word "cleverly".

The President : It will be a simple question if the Senator wants to know whether or not the Motion has been withdrawn, but if he uses the word "cleverly", there is an innuendo and he will therefore be imputing motive.

Senator Lagunju : I am not imputing motives, Sir. My simple question is: may I know whether these Motions have been cancelled or withdrawn?

Senator Ukattah rose—

The President : Is the Senator raising a related point?

Senator A. E. Ukattah : No, Mr President, I want to ask a question. Usually in some of the documents and letters I receive I see that the Senior Clerk of the Parliaments generally writes "Clerk of the Parliaments". I am wondering whether we have more than one Parliament here—whether the Senate is a Parliament and the House of Representatives is another Parliament. I thought that the two Houses constituted a Parliament. Why is it that the letters bear "Clerk of the Parliaments". I would like to know whether the Clerk is also in charge of the Regional Houses as well.

The President : Has Senator Fagbenro-Beyioku anything to say to what Senator Lagunju has said?

Senator Chief A. O. Fagbenro-Beyioku : On my arrival this afternoon, I understood that the Prime Minister had made a statement on the Census issue and I happened to have got the information about the statement. With this information, I am satisfied and it has actually fulfilled the object of the Motion which I filed. Therefore, as far as that is concerned, it is my pleasure to withdraw the Motion.

In respect of the Motion relating to Trade Union Organisations, I am told that the hon. Minister of Labour is not available and the matter being a very important one, nobody acting on his behalf would like to handle it. We all know that the Trade Union situation is very delicate at the moment, and that being so, I will be able to stand down until the Minister is available, or if we continue till next Tuesday, I will have to wait till then.

On the Wages structure, I am advised that the Government has taken cognizance of the issue and at the moment it appears that all the

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Governments of the Federation are in consultation and very soon a comprehensive document will be presented to Parliament which will afford us a full debate on this problem. Actually that was the object of my Motion, and since that has been fulfilled, I feel satisfied and I take pleasure in withdrawing the Motion.

The President : Senator Lagunju, I hope the "cleverness" has been taken away?

Senator Lagunju : Yes, Mr President.

The President : I do not know if the hon. Attorney-General will want to answer that question about the Clerk of the Parliament?

The Minister of Justice : We have only one Parliament—the Nigerian Parliament—but the practice of saying "Parliaments" has grown over years in the United Kingdom. It is the practice for the Clerk to be described as "the Clerk of the Parliaments," meaning the two Houses of Parliament. There is no legal difference about that.

The President : Thank you, Mr Attorney-General. And if I may add that the Parliament may be the House or may be a meeting of

the House; so that if the Parliament meets to-day and meets tomorrow and meets the day after tomorrow, it is then Parliaments. That is another interpretation.

Senator Dahlton O. Asemota : Now that there will be no Private Members' Motions tomorrow, will it not be appropriate for Bills which have passed through the other House to be brought here tomorrow so that we can sit down and debate them?

The President : As the Senator knows, tomorrow is Private Members Day, and unless the Government has already put down something, it cannot begin to do that now that is after 4 o'clock.

Private Members Day is your own day but Senators do not file enough Motions and so we have nothing to do tomorrow.

Question put and agreed to.

Resolved, That this House do now adjourn until Wednesday the 12th December, at 10 a.m.

Adjourned accordingly at ten minutes past four o'clock.

SENATE OF THE FEDERATION OF
NIGERIA*Wednesday, 12th December, 1962**The Senate met at 10 a.m.*

PRAYERS

The President in the Chair

ORDER OF THE DAY

INCOME TAX (AMENDMENT) BILL

Order for Second Reading read.

Minister of State (Chief the hon. H. Omo-Osagie): I beg to move, That a Bill for an Act to be known as the Income Tax Act, 1962, be read a Second time.

The purpose of the Bill is to amend the Income Tax Management Act, 1961, the Companies Income Tax Act, 1961, and the Personal Income Tax (Lagos) Act, 1961, so as to make provision for some minor matters which were inadvertently omitted when the above laws were enacted and to make improvements dictated by the subsequent administration thereof.

Clause 1 (a) extends tax relief in respect of sums withdrawn or received from approved pension or provident funds on Nigerianisation of an employment with a public body. In a case where in order to enable Government to pursue one of its policies the employment of a person who is not a citizen of Nigeria is brought to an end within five years of commencement and the employee is consequently forced to retire or leave that employment because of the Nigerianisation of his post, the benefit received from such pension or provident fund will be exempt from income tax.

Clause 1 (b) empowers the relevant tax authority to exempt from tax any portion of any sums received from an approved pension or provident fund by an employee who is not a citizen of Nigeria, in cases not falling within clause 1 (a) but which, in the opinion of the tax authority, merit special treatment.

Clause 2 deals with the apportionment of rent in advance included in Company profits. Before the Income Tax Legislation 1961 came into force, it was departmental practice, where rent was received in advance, to allow the recipient the concession of spreading the rent over the period to which it related subject to a limit of seven years; but if the recipient objected

to that treatment (such an objection could arise where the rent so paid in advance covered the period in excess of 7 years) the concession was withdrawn and the strict legal position, which was to treat all the rent as income of the year in which it was actually received, adhered to. The concession had since received limited statutory recognition in that the Income Tax Management Act, 1961, (*vide* subsection 2 (c) of section 4) now provides that rent received in advance by individuals will be regarded as accruing from day to day over the period in respect of which it is stated to be paid subject to a limit of five years where that period exceeds five years.

Although it was clearly intended to make this rule apply also to rents received in advance by companies, the provision was inadvertently omitted from section 17 of the Companies Income Tax Act, 1961. The proposed Amendment to section 17 of the Companies Income Tax Act, 1961, seeks to rectify this omission.

Clause 3: Under section 35 (1) of the Companies Income Tax Act, 1961, provision is made for set-off and repayment of tax deducted from dividends. Such set-off and repayment is limited to a Nigerian company, although this was not intended. A Company other than a Nigerian company may also be in receipt of dividends and be entitled to similar set-off or repayment, hence the proposed Amendment.

Clause 4 extends the tax relief allowable under paragraph (a) of section 19 of the Personal Income Tax (Lagos) Act, 1961, to cases of separated spouses.

Clause 5: It has been stated that this clause seeks to tax dead persons, but such is not really the case. People's debts do not die with them, so what is owing by the deceased persons has to be recovered from the estates of those persons. This clause, therefore, provides the machinery for collecting from the executors or administrators of deceased persons tax which would have been properly due on any income which arose to the deceased persons prior to the date of their death. There is nothing new in this provision as it was provided for under section 44 of the Income Tax Ordinance (Cap. 85), but inadvertently omitted from the new Laws of 1961.

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In recommending this Bill, I must emphasise that no radical changes are being brought about, and that the Bill does not impose any new tax but merely makes provisions for matters inadvertently omitted when the Income Tax Act, 1961, was enacted, and makes improvements dictated by the subsequent administration of those Acts.

The Bill, therefore, is non-controversial, it is straight-forward and I trust that Senators will give it their unanimous support.

I beg to move.

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

Senator Chief A. O. Fagbenro-Beyioku: The Bill as it is a very good one, but I cannot just understand why there should be any discrimination as to the class of people who should enjoy any form of exemption in the matter of gratuity earned by them when their offices become abolished or for any other reason before five years. There are citizens of Nigeria also who come within this category.

I must say now that as a result of very progressive measures undertaken throughout the country, we have what were formerly Government departments turning into public corporations; we also have some other companies winding up, and then we have people's offices being abolished and, because of the abolition, somebody is given some sort of bulk sum or some sort of gratuity. Does it mean that the other man, simply because he is an expatriate or a non-citizen of Nigeria, should be exempted when he earns this money? In most cases he would earn more than people who may be citizens of this country. When he earns this money, he is exempted from taxation, whereas if a Nigerian earns this money as a result of the abolition of office or termination of contract or causes other than his own within a period of less than five years, he has to pay tax on whatever he earns. I want to be quite clear on this matter.

Then the other point is in respect of one having to pay after his death. I think we have something like death duty on the estate of a deceased person—that is, before the man administering his estate has complete control over the estate, he has got to pay some sort of

death duty or something else (I do not know what the lawyers call it). For instance, if his own estate has been worked together with his gratuity or any money due him, and they all come to about £500, and whereas he has an income tax of about £20 to pay, does he pay this £20 before the estate is assessed and also pay death duty on the estate? I want to be quite clear on that, otherwise the whole thing looks very confused.

Senator Chief Ezeogo Ugwuocha: This is a welcome Bill, but I have to make some observations. In 1961 we passed a similar Bill in this House. I thought that this Bill before us this morning would have a section of the law empowering the Senators and Members of the House of Representatives to pay their taxes in Lagos, because we are all paid in Lagos. Now, in 1961 we were asked to pay our taxes to the Regions from which each Senator or Member of the House of Representatives comes. When we started operating the law we thought it was a very good one, not knowing that we were implicating ourselves. The implication is that in the Regions each and everyone of us is given a declaration form in which we have to state the number of wives we have and the number of children in secondary schools, but tax is assessed without considering any deduction. I thought this Bill would include a section to allow all Senators who come to Lagos and who earn their salaries in Lagos to pay their taxes in Lagos.

With that suggestion, I support the Bill.

Senator P. A. Ogundipe: I do support the Bill with one or two remarks. In the first place, I really wholeheartedly support the idea of deceased people being made to pay tax which they had evaded during their life time. We all know that if a deceased person had some debts to claim it would be the duty of his children or those who administer his estate to see that the debts are recovered from the debtors. Nobody will say that because he is deceased, the debts owed to him should be overlooked. Therefore, I think we should certainly levy some charges on the deceased's estate after his death for the tax which he ought to pay but which he has evaded. For this reason, the Bill is very welcome.

This again reminds me of several tax evaders in this country: I think, the Federal Territory has its own proportion of these people. Of recent we heard of some eminent

people earning huge incomes, probably varying from seven to ten thousand pounds a year, and evading taxes, not having paid taxes for two or three years. It is the duty of the tax authority in this country to see that as much money as is due to the State is collected. It is just a sorry thing that the people who earn most are the people who try to evade paying taxes, and it beats the imagination of the poor man, the labourer who is probably earning £36 to £72 a year, to hear that somebody earning nine to ten thousand pounds a year cannot give an account of his tax for the past two or three years. We pray our Ministers of Finance to be very vigilant in the matter; also the tax authority concerned should be very vigilant in the matter of collecting taxes, especially from the big men. We know the big men are the people who are very difficult to track down, they are so big that the tax collectors are afraid to challenge them, and they continue to evade their taxes. This is a serious matter which, I think, the tax authority should consider.

With these, I support the Bill.

Senator Chief (Mrs) Wuraola Esan : I rise to support this special Bill, as Clause 4 has made it a duty to take good care of women. But, at the same time, I would like to remind you that last time when we were passing an Income Tax Bill, it was mentioned that all the women earning income should pay tax. Well, I support that when one earns income one must help the Government to maintain the country as it should be maintained. But nowadays we find so many women who are asked to pay income tax but who are not earning any income which is worth taxing. That has not been mentioned here still. I think, whenever Income Tax Amendment Bill is to be placed before us, the tax officers should take care to review the condition or the position of women, as a majority of them are not employed by the Governments of this country. All they do is petty trading. Trading these days is somewhat bad, and yet these women are being (I would say persecuted) compelled to declare an income which they do not earn. Therefore, I would like the tax authorities, when considering another amendment in future, to put down categories of women who are to pay tax. By saying this I am not suggesting that women should not pay tax. Women who earn income should pay, and the higher the income the higher the tax. We all welcome it.

Before I sit down, I want to make a correction, with your indulgence, Mr President. One newspaper reported me as being warned by the President—

Senator A. E. Ukattah : On a point of order; the point being referred to by the Senator has nothing to do with the Bill being considered, and I think it is a matter to come during Motion on Adjournment.

Senator Chief (Mrs) Esan : I have asked the indulgence of the President.

The President : The order is well taken. Although Mrs Wuraola Esan has asked for indulgence, I think she can best do it on Motion on Adjournment when she will have a longer time and be within her own right instead of craving my indulgence.

Senator Chief (Mrs) Esan : Another point I would like to make is about expatriates. I do not think at this time that we should exempt expatriates from paying tax on moneys which are given them as bonus here, because even when we go to conferences in foreign countries—I can remember when I went to America where the American women gave us certain sums of money to help us through, do you know that we were taxed before we left the country on the money given us to maintain ourselves in America, because they thought we earned it somehow, inasmuch as we came to the teachers' conference that we had to do a bit of talking either to say something we know about our countries or to give lectures. When we got to the airport they asked us how much we brought from our countries and how much we were given in America. Apart from this, why should we allow people to take our money and go away freely? If we should consider things accordingly and are going to tax the indigenous people of Nigeria who earn such moneys, we should also tax the expatriates as well. I do not think they will feel offended because they have been taxed. This is the point that I really want to make.

With these few remarks, I beg to support.

Senator Chief S. O. Esangbedo : I rise to support this non-controversial Bill. I have

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only one observation to make on a section of the Minister's speech. The section reads as follows :

"Clause 5 now provides the machinery for collecting from the Executors/Administrators of deceased persons, tax which would have been properly due on any income which arose to the deceased prior to the date of his death. There is nothing new in this provision as it existed in the old laws but was inadvertently omitted from the new ones of 1961."

My point is that the next-of-kin should not be responsible for the tax of deceased persons, because once a person is dead his income also is dead.

With these few remarks, I support the Bill.

Senator H. O. Abaagu : I just want to make a point here which relates to the uniformity of income tax assessment in the whole of the Federation. When we passed the 1961 Income Tax Bill, which was too big, too voluminous, some of us could not read through it, and the whole thing was confusing. As a result, nobody in the Federal Capital Territory is now displeased because certain parts of their salaries are tax free—they have allowances for wife, children, and dependent relatives. In the Regions it is a different thing. I am not trying to shirk the responsibility of paying tax or helping my Region financially, but the way the Regions are trying to collect tax from the whole people is very unfair. One scarcely has anything exempted from tax. Every penny of one's salary is taxed. I see no reason why there should be difference in the method of assessment of taxes in the same country. Nigeria being one, there is no reason why there should be different methods for collecting or assessing taxes. It is high time the Government should do something about it. I would only sound a note of warning to all the Governments to use the same method in their assessment and collection of taxes. We Senators will be compelled to ask the Federal Government to collect tax from us here in Lagos, as one Senator has mentioned.

The other point I want to make is this question of people paying tax for the dead. I think the main purpose of somebody being asked to pay tax is for his personal benefit, individually and collectively. As somebody has mentioned, when a person dies, his income

also dies. There is no reason why he should be asked to pay tax from grave when he is not earning income again. I think this practice of asking people to pay tax from the grave should stop.

I support the Bill.

Senator H. N. Udoh : This question of income tax is a very serious matter and we should look into every aspect of it. There are very many classes of people concerned in the payment of income tax. Some people purposely and wilfully evade tax; they should be compelled to pay their tax because of their wilful intention. When some people are dead, their relatives are compelled to see to their burial. Under such condition, therefore, I do not think it is worthwhile for the deceased to pay tax.

On the other hand, many Senators have mentioned the payment of income tax as far as we are concerned. I do not know whether it will amount to criticism of the Region, but if it is, I am sorry. The Regions give no consideration or exemption of any kind. There is a huge difference between the tax we paid in 1961 and the one we paid in 1962. The Minister of Finance should be vigilant over this so that we can have relief, because we are very severely and unsympathetically treated. I do not know whether they have a formula in the provinces. In one Region, the assessment differs from one province to another for the same declaration.

I would say that the Government should spare no pains in seeing that taxes are collected.

Another point, although it does not come within the scope of this Bill, but at the same time it concerns the people who are collecting taxes. The collectors fail to demand the payment of tax by certain people because of their respect for those people, and in this the country is losing much. I remember in one of the provinces, they decided that people's properties should be attached and sold in order to recover the tax the owners of the properties owed. But yet, I do not think that that decision has been carried out.

Those who read our newspapers, will find that we are responsible for not getting enough money to carry on our Six-Year Development Plan. Those who know how they can get out of the country by the backdoor, would not pay tax, whereas poor rate-payers are pursued with all vigour. They chase them in the bush, they chase them in any corner of the country.

The Minister of Finance should do the best he can to devise ways and means of collecting income tax.

I support the Bill.

The President : May I remind Senators before they go on that taxes in the provinces, come within the competence of the Regional Governments and that the Federal Government has nothing to do with them. Please do not talk about the province.

Senator T. Olamijulo : That is exactly what I want to talk about.

The President : Taxes in the provinces are not within the competence of the Federal Government.

Senator Chief R. A. Umoh : I welcome and support this Bill wholeheartedly. I would call upon the Government to take note of what the Senators are trying to put forward. We get our income from this place, therefore we should be taxed from here. The Regions are quite correct to take any measure they like as regards the collection of taxes. They have limited sources for implementing the Development Plan we have in hand.

I would also add that if a man earns, say a thousand pounds a year and if he is dead, he should not be taxed on the thousand pounds a year. If he has got £50, he should be taxed on that amount, not on the whole of his income. His tax should be commensurate with the amount he has actually received. If people are taxed like that, nobody would grumble. But if you base it on his former declaration, his dependants will have to suffer and they will grumble.

The Government should be more vigilant on those who are earning high salaries to see that they pay their tax, because it is only the mediocres that suffer in the country. The Government should also pay attention to non-Nigerians who are working in this country and getting fabulous remuneration. They should be taxed accordingly. We all buy from the same market. Most of us are used to European diet and we spend much on it. Therefore, there is no reason why they should not be taxed.

I beg to support.

Senator Chief P. C. Ndu : I should say that this is a welcome Bill, but I have a few observations to make. I think it is serious for a dead person to be taxed. When a person

dies and his property is valued and it is found that the value of his liabilities is higher than his assets, such tax as may be due to him should be cancelled by the Government, because the poor children he had left behind would have no money to pay the tax.

I would like this serious observation to be taken into consideration, and I support the Bill.

Senator Alhaji Abubakar Bale : I rise to support the Bill. But before doing so, I want to bring many things to the notice of the Government.

We have before us our Six-Year Development Plan for which we want to use every available penny we have. I have just noticed that we are allowing some people to go away with our money. I do not think that that is wise enough. We should not allow non-Nigerians to go with our money without their being taxed. This is a point which I think should be considered by the Government. We have just heard from one of the Senators that even allowances paid them elsewhere overseas were taxed before they left the country. We should likewise tax non-Nigerians who want to go away with our money. I think this should be taken note of by the Minister of Finance.

Again, the matter of recovering arrears of tax from a dead person is not taxing the dead at all. There is something in tax which is called "year of assessment". You are taxed on money you have already earned since last year. If a man died this year, money he earned last year is the money on which he is paying tax now. It means that he is indebted to the Government. The only thing which should be done, I think, is that this debt should be recorded as official debt and it should be collected. This matter should have wide publicity for people to understand, otherwise they will say we are taxing dead people in Parliament.

With these observations, I support the Bill.

Minister of State (Chief the hon. H. Omo-Osagie) : Once again, I would ask you to permit me to pay a very glowing tribute to the Senators in the way they have debated this Bill. The debates, I would say, confirm what I have said previously, that when we want wisdom we should come to the Senate to get it (*Hear, hear*) because Senators are matured

[CHIEF OMO-OSAGIE] people of the world and they have seen many things. I have to thank them for the generous support given to this Bill.

There are one or two points which some Senators had raised.

Senator Chief Fagbenro-Beyioku talked about a dead person paying tax. He made two points actually, but I think I will leave the other one. I want to deal with this question of a dead man paying tax. I am happy too that many Senators had replied in the appropriate text. The Government has not asked a dead man to pay tax. As the Senators have said, a man that owed a tax from 1st of April to 30th September, or 1st of October, if he died thereafter, having owed his tax for six months the Government will collect this amount owed for that period. Whatever his estate may yield after that, it is not the concern of the hon. Minister of Finance—there is another department that takes care of the estates of deceased persons. But if it is thought that he had owed for six months or two months or three months or for whatever time before his death, the Minister of Finance will see to it that the tax due is collected.

Some Senators talked about people evading the payment of tax. Well, it is true that some people are trying to evade their responsibility and their civic duties to the State. Such people are not out to help the Federation of Nigeria and particularly the Development Plan. I would appeal to Senators, as the elders of the Federation of Nigeria, to bring to the notice of the hon. Minister of Finance anybody who tries to evade tax and the Government will go after him.

I am grateful to Senator (Mrs) Wuraola Esan who said that women who earn something should pay tax. But she tried to draw a line. The Government has never at any time said that women who do not earn income should pay tax. Senator Esan will agree with me that some women in this Federation of Nigeria, not only in the Federal territory, are far richer than many of us here. These women, I think, should be taxed.

I now turn to the complaints of some Senators, that no relief is given in the Regions as is the case in the Federal territory. All I can say about that is that it is a result of the Constitution. The Federal Government has way of imposing its own tax and the Regional

Governments too have a way of collecting their own tax. There is one thing that must be made plain, however—where one lives one has to pay one's tax there. For instance, some people live in Mushin, which is part of the Western Region, but they work in Lagos. The Regional Government collect their taxes at Mushin. I live in Lagos, I pay my taxes here. Whatever is due to me in Benin by way of pensions I pay it here.

A Senator : Are you a pensioner ?

Chief Omo-Osagie : Oh, yes. I worked for the Government without blemish for thirty years and six months.

I thank the Senators for the reception given to this Bill. Thank you.

Question put and agreed to.

Bill read a Second time and immediately considered in Committee.

INCOME TAX (AMENDMENT) BILL :
CONSIDERED IN COMMITTEE

Clause 1—(EXTENSION OF TAX RELIEF FOR GRATUITIES PAID ON NIGERIANISATION, ETC., OF EMPLOYMENTS WITH PUBLIC BODIES).

Senator Chief O. A. Fagbenro-Beyioku : I still want to know why it should be necessary to discriminate against natives of Nigeria in the matter of gratuities and lump sum payment on the occasion of abolition of office or termination of contract within a period less than five years. To me it is very important and I do not want it left out.

Chief Omo-Osagie : Well, the answer is that there is no discrimination at all.

Senator Dahlton O. Asemota : I am afraid, there is discrimination there. There are two sets involved in this case: one set gets away with a lump sum without any taxes, while the other set again gets away with money and is asked to pay tax. Therefore, there is discrimination there. We want to know from the Government why the expatriates should receive a lump sum and go without payment of tax and why Nigerians placed in the same position should be asked to pay tax when they get their lump sum compensation? I want an explanation for that.

Senator Chief P. I. Acholonu : If you look clearly you will see that there is a big

discrimination in this Clause. The expatriates sometimes receive between eight and nine thousand pounds. I have never been to England, but stories have it that if one buys a bottle of Gordon Gin in England one will have to pay tax on it. If that is so, there is a great tendency on the part of these expatriates to cheat us by taking away their lump sum compensations tax-free. I agree with what the other Senators have said, that there is nothing that justifies such a situation, if it is so, and the Government should try to avoid any disparity between expatriates and Nigerians on retirement.

Senator Salihu Fulani : I seem to support whole-heartedly the various speakers on this issue. When these expatriates leave this country they are paid lump sum compensation of nine thousand pounds tax-free, but Nigerians who get the same compensation are taxed. The Government should explain why such a state of affairs should exist.

Senator J. K. Nzerem : This is one of the reasons why Nigeria is said to be too pro-British. Most of the expatriates who draw the compensation are Britishers.—

A Senator : There are Indians too.

Senator Nzerem : There may be few Indians. I do not think we should let go in a matter of this kind. We want money and I am sure our friends from Britain will not complain if they are asked to pay tax on their lump sum compensation. They will pay it willingly because they know that it is the normal practice in every country. Why should one set of people be given such a relief? I do not see any reason for it at all. We should make our objection to these things be felt by stopping this Bill until the Government amends it.

Senator T. Olamijulo : It is not good for us to allow this section of the Bill to pass as it is. There is no reason why our children should be discriminated against. I would like to know either from the Minister or the President what will be done to it. We are not satisfied with the Clause.

Senator Chief S. T. Hunponu-Wusu : There are even cases where the expatriate does not leave this country after having been paid the gratuity and lump sum compensation. After having retired, some of them are re-

engaged by the Government to do some assignments. That is after taking their gratuity without paying anything. Why should they go away with the whole sum of money without paying anything to the country? If our own women who went to America just on invitation are asked to pay tax before leaving America, there is no reason why anybody of whatever nationality—British or America or German—who has served the Government here must not pay some tax here before he leaves Nigeria.

Senator M. G. Ejaife : I would not like to be quoted as holding brief of any kind for expatriates. But I suppose that on appointment they generally enter into some kind of agreement. If these expatriates go away with some bulk sum tax-free, it is probably in accordance with the contract signed with the Federal Government, and I think it will be an act of bad faith to impose tax on them contrary to the terms of the agreement.

Senator Chief P. I. Acholonu : On a point of order, that is the point I suppose the Minister still has to throw light upon. If it is part of the agreement between the expatriates and the Government, that they could carry away all their money tax-free, then it will be an act of bad faith to go back from the terms of the agreement entered into at the time of appointment. I am quite open to correction.

Senator M. B. Chukwubike : It can easily be seen that the general opinion of the Senate is that this Bill be stopped and let the Minister explain. If he gives us a satisfactory explanation, we can proceed with the Bill. But in absence of a satisfactory explanation, it should be referred back to the Lower House.

Senator Hassan Rafiu Dadi : I agree in principle with much of what the previous speakers have said. But I do not think that this situation can be called discrimination, but rather an anomaly which should be looked into and amended.

Senator Chief S. O. Esangbedo : I agree with the speech just made. I think there is no reason why these expatriates should come here and work and go away with our money without paying tax with which we run our Government. I have not seen any man who has been to England and worked there and was exempted

[SENATOR CHIEF ESANGBEDO]

from paying tax there. Therefore, there is no reason why we should allow these people to go away without paying tax here, whether they stay one month or two months in Nigeria.

Senator H. O. Abaagu : It will be seen that the whole Senate is unanimous on this point. I think it did not occur to us early, otherwise one of us could have filed a Motion to amend this particular Clause. In any case, since we are unanimous, I think it is advisable that the Minister should look into it. I would advise that this Bill be deferred and discussed, say, tomorrow or the day after because it is a very important matter which needs thorough examination. For a long time these people have not been paying tax in Nigeria, while our people in their country pay tax to their own government.

As I said, I think it is very advisable that the Minister should look into this matter.

Minister of State (Chief the hon. H. Omo-Osagie) : I am rather sorry that many of us might not have understood the position, or rather that we are misinformed. There is no non-Nigerian in the service of the Federal Government here, or for that matter, in the whole of the Federation of Nigeria who does not pay tax. Now, Senators talked of lump sum compensation, that they go away with it. Nobody goes away with lump sum compensation without paying tax on it. Well, many Senators have spoken but not one has given an instance that this or that man took his lump sum compensation and did not pay tax.

Now, I am going to tell Senators that we have only one instance and that is the Deputy Governor of the Central Bank who had not completed his contract and it was necessary to replace him with a Nigerian. Therefore, he had to be paid his lump sum compensation, or the balance of the contract, and he went away. That is the only man, no other man, no other white man or black man who is a non-Nigerian and who has not paid his tax. Therefore, we should not misunderstand these things. Senators said that when a lump sum compensation is paid to somebody he carries it away. It does not work out like that. We collect taxes on them.

That is the explanation, Mr Chairman.

Senator Dahlton O. Asemota : I want to know, first of all, what the object of this Clause 1 is. With your permission, Mr Chairman, I will read it.

The Chairman : You can read it. This is Committee Stage and every Senator is free to quote any part of the Bill, or say what he likes.

Senator Asemota :

“Paragraph 6 of the Fourth Schedule to the Income Tax Management Act, 1961 (which provides that, in the case of an employee whose employment ceases after a period of less than five years, any gratuity or similar payment made to him from an approved pension or provident fund in respect of the employment shall be treated as income in so far as it exceeds a payment at the rate of one hundred and fifty pounds a year for that period) shall, as respects a person who is not a citizen of Nigeria and who ceases to be employed by such a body corporate or unincorporate as is mentioned in that paragraph, have effect subject to the following provisions of this section, that is to say—

(a) if the relevant tax authority within the meaning of the Act aforesaid is satisfied that the employment in question ceased with a view to the employment of a citizen of Nigeria in the place of that person, the provisions of the said paragraph 6 shall not apply in relation to that employment ;”

“Shall not”—well, I do not know what that means.

The Chairman : It means he shall not pay tax.

Senator Asemota : He shall not pay tax ? I would like to say that it is getting too much of our Government these days to discriminate against the Nigerian citizens as against the expatriates. I have been advocating a great deal for expatriates to remain in the country as long as they like, so long as they are useful to us. But we should not misunderstand that to mean that they should be given that sort of extraordinary treatment over and above an African who is also qualified to discharge his duties and who, in effect, has been holding that office very creditably indeed, and who is entitled to every consideration that the expatriates have been enjoying. Why should an African be discriminated against in a case like this one ? I want the Government to clarify that, with your permission, Mr Chairman.

Senator Alhaji Abubakar Bale : I only want to refer to the last but one sentence of Clause 1. It says, among other things,

"shall not". Well, in that case I think that that Clause should not be allowed to remain there. If it stands as it is now, it means that these people will go with our money—a thing which we will not do. That word, "not" should not be there, Mr Chairman.

Senator Chief Fagbenro-Beyioku : If the hon. Minister of Finance had come to this Senate with a Bill seeking to exempt the Deputy Governor of the Central Bank on certain conditions, I think we are magnanimous enough, and if we are satisfied that he has contributed on a very large scale to improve banking in this country, this Senate can pass such an exemption. But as it is now, it is generalised and it can apply wherever the tax authority is satisfied and any expatriate can be exempted under this Bill if it becomes an Act of this country. That is why we want the explanation as to why that should arise. If it had been stated that anybody who loses his job as a result of abolition of contract, or abolition of post, within a period less than five years, which makes him suffer, or if the Government thinks that he suffers hardship, such a person can be exempted from taxation, if it is general—whether he is a Nigerian or a non-Nigerian. That is understandable. But as it is now, it is restricted and that is why we want an explanation.

Senator Malachias Bawa : We would like the Minister to give us a full detail as to whether this Bill is seeking to exempt expatriates, as it was previously said that expatriates have been paying income tax even out of their lump sum compensation. If the Bill is seeking that as from hence, if this Bill receives the approval of this Senate, they should be exempted, then I think that this Senate is right in saying "No".

Senator E. A. Lagunju : I agree with most Senators who have spoken particularly on Clause 1 (a). If, for instance, somebody has come out on contract for five years and he takes the contract on the understanding that in course of five years we cannot get a capable Nigerian to take his place, well he has to serve for five years and not more. Then at the end of the period his appointment automatically comes to an end, and a Nigerian can step into his shoes. But if simply because a Nigerian has taken his place he should be exempted from tax, that makes a mockery of the whole

thing. If, before the contract comes to an end, he is given a special consideration and his appointment is terminated, if that is made clear we all will understand it. What I am saying is that if, for instance, he came out to serve for five years and at the end of two to three years, for instance, we got a capable Nigerian and we said to him "Look, you are to go home because we have got somebody to take your place", then that Clause may apply. But this is not clearly stated here. There is no indication that termination of appointment is involved. If he has completed his contract and is going away because we have got a Nigerian in the course of the five years, and if he has got any lump sum compensation he can take the whole thing. Unless it is made clear that this clause applies only where his appointment is suddenly terminated before the contract expires and a Nigerian takes his place, there will be quarrel. The position should be made more explicit so that there will be no quarrel, otherwise this Clause 1 (a) is very dubious.

Senator A. E. Ukattah : I think that what we disagree with in this Clause is the discriminatory nature of it between the expatriate employee on the one side and the indigenous employee on the other. The Government should give us an assurance that whatever measure is going to be taken, it should be meted out strictly on merit, and that the Government is going to use its discretion to say whether a person will be subject to taxation or not, whether the employee is an expatriate or a Nigerian. That will satisfy us. But to come and draw a line of discrimination and ask us to pass it, it is really too much and we cannot bear that. Let us be told that there is not going to be any discrimination; that the Government is going to use its discretion to say that any particular person is going to be exempted or not, be he a white man or a black man. That will satisfy us.

Senator M. G. Ejaike : I have seen a new light in the matter. In the first instance, the term of five years is stipulated. It will appear that the expatriate that we have in mind must have been appointed for a term not less than five years. Although it is not so stated here, but I think the "five years" there seems to point to a suggestion that the appointment in the first instance should last not less than five years. Therefore, to force him to cease to

[SENATOR EJAIFE]

continue his appointment in less than five years will break down the arrangement.

In the second case, we have here under Clause 1 (a), with your permission, Mr Chairman, I quote—

“If the relevant tax authority within the meaning of the Act aforesaid is satisfied that the employment in question ceased with a view to the employment of a citizen of Nigeria.”

So that his appointment will depend upon our wish to appoint a Nigerian in his place. That is my understanding of this Clause. It is when we want an expatriate (who was probably appointed for a period not less than five years) to stop so that we may appoint a Nigerian in his place that this Clause will apply. That is my understanding of it. Therefore, if we are going to do that, I think the expatriate is entitled to compensation. Many Senators have said that if that were the case then this Bill should be passed. But if we are talking about discrimination, it is a two-way thing. We discriminate against a Nigerian on the ground that if his appointment ceases and he is going away we do not give him special exemption or relief. But we are also discriminating against the expatriate in that before the period stipulated for his contract expires, he is being asked to go away so that he will be replaced by a Nigerian. That is the sense in which I look at it.

The Chairman : I think this is a convenient time for our usual break. Sitting is suspended until a quarter to twelve o'clock.

Sitting suspended : 11.15 a.m.

Sitting resumed : 11.45 a.m.

The Minister of Finance (Chief the hon. F. S. Okotie-Eboh) : I am happy to have the opportunity to come to the Senate and take part in the debate. It has always been a pleasure and honour to come here. I have not been able to come before now because I have been very busy in the other House, but this is a grand opportunity for me to come again and hear our respected elderly statesmen say a word or two. It is indeed a privilege and I am serious about that.

I am always particularly happy to see that Bills that have passed through the other House and are sent to this Senate, are not just rubber-stamped. It is a pleasure to find

that our Senators are alive to their responsibility to scrutinise Bills already passed and make constructive criticisms.

From all I have gathered, the criticisms on Clause 1 of this Bill are very sound and I think it is only necessary for me to clear the doubts in the minds of Senators. It would be a bad law if it is discriminatory, but I assure Senators that discrimination is not the intention of that particular section of the Bill. The Bill is to keep the good name of Nigeria, that is, if people work for us and we want to send them away, we have to do everything possible to make them happy and content because man is a citizen of the world. The expatriates that have worked in this country, before and now, are our friends. They have worked for the development of this country and we should do everything possible to assist them. When we want them to retire before the date scheduled for their retirement, we should do every thing possible for them to be happy and content because if a man signs a contract for five years with us and before the expiration of five years, if we have our own son who has just been out of the University and we desire to replace the expatriate with our own son, it is the Nigerian custom not only to pay such a man his dues but even to give him some present in appreciation. Is that not so ?

Several Senators : It is so.

The Minister of Finance : That is exactly what we want to do under this Clause. The section says that if an expatriate is to work for five years, and if the period is not complete before we want him to go, we pay him his salary and we also dash him his tax by saying, “Look, do not pay any tax, collect your money and go because we now have a Nigerian to take your place”. It is only in this circumstance that this Clause 1 will apply, but in any other circumstances, it does not apply.

Thank you, Sir.

Senator Chief A. O. Fagbenro-Beyioku : I have to thank the hon. Minister of Finance for the explanation. In fact, if we had received this explanation earlier perhaps by now we could have finished with the business of the day.

I want to assure the hon. Minister of Finance and the Government for that matter, that when we stay-put on a question, it is not with an

intention to obstruct but to make sure, as the Minister himself has said, that the name of Nigeria is properly protected abroad and to give the feeling everywhere that laws passed in this country really passed through the crucible and were not just rubber-stamped.

When we raised this question this morning, we wanted to make sure that not only is every penny that comes into our coffers well protected, but also that our own children are not unduly discriminated against and that nobody is given any form of special advantage over our own children. We do agree that it is not the intention that people retiring before the end of their period of contract, and thereby losing their jobs, should be made to feel unhappy and to frown their faces at us. In order to avoid such a situation, we have now said, "Well, you can go away with your money tax-free" and we can then instal our own children in their places. That, I think, is right and we should do everything possible to effect a thorough Nigerianisation in this country, and I assure the hon. Minister that everything done in this respect will be worth it.

I, personally, am satisfied, and I feel, perhaps, the entire Senate is also satisfied.

Clause 1—ordered to stand part of the Bill.

Clauses 2-6—ordered to stand part of the Bill.

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

FLAGS AND COATS OF ARMS (AMENDMENT) BILL

Order for Second Reading read.

Minister of State (Dr E. A. Esin) : I rise to move—

That a Bill for an Act to amend the Flags and Coats of Arms Act, 1960 by making better provision for the National Flag and other Flags in Nigeria, be now read a Second time.

Senators will recall that immediately after our Independence in October 1960, my Colleague, the hon. Minister of Internal Affairs, brought a Bill entitled "The Flags and Coats of Arms Bill, 1960" to this Senate for enactment. That step was taken to ensure that the national emblems of Nigeria are accorded proper regard and the dignity they deserve.

Furthermore, in 1961, the Flags and Coats of Arms (Amendment) Act, 1961, was passed in order to ensure that where the National Flag

and the Flag of a foreign State or of any of the Regions of the Federation or any other Flag was flown from the same staff or jack, the National Flag should be uppermost. It has been observed that this Amendment went much further than was intended since in effect it disallows the flying of a Regional Flag alone in any Region without flying the National Flag at the same time. The main purpose of this Amendment Bill is, therefore, to regularise this anomaly.

This Bill further provides for the circumstances in which the Flag of any Commonwealth or foreign country may be flown.

Opportunity has also been taken to provide for the flying by any ship, other than a Nigerian ship, of the National Flag and the Flag of the country where the ship is registered.

Senators will, I trust, give this Bill an easy passage since it is non-controversial.

I beg to move.

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

Senator E. A. Lagunju : This is really a welcome Bill. Whatever we can do to give our National Flag the recognition it deserves is welcome in this Senate. We all know in days gone by the type of recognition we used to give to the Union Jack, the way we used to fly it and the way the Boy Scouts used to march up and down holding it and not allowing the edge to touch the ground. If we could do that for the Union Jack, there is no earthly reason why we should not give due recognition to our own National Flag.

But I am surprised that Clause 1 (2) of the Bill says :

"Where the flag of any Region is flown in the Region to which it relates or elsewhere than in the Federal Territory, it shall not be necessary for the National Flag to be flown at the same time ;"

From past experience, one would have thought that wherever a Regional Flag is flown, the National Flag should be given prominence over the Regional Flag. We are here to emphasise what unites us rather than what separates us, and I think that in all Regional Offices, Secretariats and important places, there is no earthly reason why the National Flag should not be flown and flown even higher than the Regional Flag. That aspect of the Bill is the only section

[SENATOR LAGUNJU]

I have to quarrel with. It should be made explicit that the National Flag should be flown side by side and on a higher mast.

It will be pleasing too if the Federal Government can help to see that we get more of the National Flags available for purchase, because at times one finds it difficult to get the National Flag. One may get a mockery of it—that is the one printed on paper and which cannot be flown. One is not proud of such a paper flag: it is not worth admiring. But if it is properly printed on a suitable piece of cloth and is sold fairly cheaply too so that all schools and colleges can get it for use on ceremonial occasions, I think this will be worth doing. It is only in this way that we can give prominence to our National Flag.

I support the Bill.

Senator J. K. Nzerem : The Nigerian National Flag is one of the greatest symbols of our unity and, therefore, I wholeheartedly support the suggestion of Senator Lagunju that where a Regional Flag is flown, even in a Regional capital, the National Flag should be flown too.

The question of making the National Flag more recognised in this country will be the function of the Ministry of Education. Some schools do not even know what the Flag is about. It is not uncommon to see children playing and talking on ceremonial occasions when the National Flag is being unfurled; some educated people are also guilty of this offence. Therefore, I think the Ministries of Information and Education will have to do a great job to make people interested in recognising the importance of our National Flag and, for that matter, our National Anthem.

This is a Bill in which nobody can pick a hole. There is nothing to quarrel with about it, but I think the provisions do not go far enough. I think we should allow it to pass without much debate.

I beg to support.

Senator P. A. Ogunjipe : I commend the Bill and all that has been said about it in order to make our National Flags worthy of Nigeria as a sovereign state. I very much welcome all the Amendments referring to the use of flags that are neat and very well displayed prominently over and above the flags of other countries.

But this point which the last speaker has touched upon, I want to further emphasise. Many of our school boys and girls will often wonder that beyond their remembrance of the Independence Day they do not know that the National Flag is where it is. I think that any amount of money which the Government can spend in supplying these flags to schools will be money well spent.

In the days of imperialism, when we were school boys, the Union Jack was known to every boy in the school and all scouts even took part of their tests by the study of the Union Jack. I remember the days when we had no idea of what they were except to study that each of the lines respectively represents St. Patrick of Ireland, St. Andrews of Scotland, St. George of England, and that gave us pride in the Union Jack. But to-day, our school boys, beyond the time of Independence, have never come across another National Flag. Those small plastic six-inch flags presented to them on that day went out of notice and into oblivion, and they were no more found.

Therefore, what I feel the Government should do, probably through the Ministry of Education, will be not to mind the cost and to supply these flags in their large sizes, one at least to each school: primary, secondary modern, secondary grammar school, and one to each local council in the country so that the local councils can fly the Flag in front of the council buildings and offices. It is no use saying that the National Flag should be respected and that we should try to engender respect for our sovereignty when our boys and girls do not know it and many of them have not seen the Flag again since the Independence Day. I want it to be noted that these National Flags should be supplied to all schools of all grades and that the Ministry of Education should do all it could to publicise the importance of it and the part it plays in our national life as well as our patriotism to our country.

These are the few remarks that I have to make in support of the Bill.

Senator A. Nwoke : I am very happy that this Bill has come up now. Although I give it my support, yet I feel it is late in coming. I was informed about this Flag business in an Eastern newspaper just before the Independence Celebrations a few months ago.

I really observe that our National Flag has not been given the due honour that it merits. In most places where they are flown they have been thoroughly defaced and weather-beaten. Most of our political party flags command greater respect than the National Flag because of both appearance and the dignity with which they are mounted. I discover that in some places where the flags are made of ordinary white cloth which contain some element of starch, the green suffers weather conditions more than if that cloth was made of linen. I do feel that greater attention should be paid by the Government to the cloth itself before the decoration of green and white is considered.

In the case of the quantity, I would like to say that the Flags have not been sufficiently scattered all over the country, particularly in the Capital of the country—Lagos. Lagos should have almost 200 or 300 flags flying over all the prominent places and buildings all the time. What one sees in the provinces cannot sincerely be called the National Flag because the colour is not there. It is only by guessing that one knows that it is the National Flag. In that particular case, therefore, greater care should be taken by the Ministry of Information to spread the National Flag all over Nigeria.

In the case of school children, we were very happy to see during the Independence Celebrations quite a lot of them marching past with these flags and waving them. But no sooner did that ceremony pass than the children threw away the flags. It would be a good idea if the authorities could make replacements from time to time, say, every six months. The Flags should be distributed with the instruction that they should be kept in good condition so that at convenient times the children will have to bring them out.

It is a matter of national pride that the Flag should be given the prominence that has been so much emphasised in the Bill, particularly prominence over the Regional flags and embassy flags and the flags of other boats coming into the country and going away from the country.

I have nothing else with which to quarrel except that the Flags should be distributed all over the Federation so that while we are talking about our National Anthem, we are seeing the emblem of the National Flag about which we should be proud.

I beg to support.

Senator M. G. Ejaife : I am quite happy that in general this Bill conforms to the heading, the purpose of which is to make better provision for the National Flag. I think the first Bill on this matter was tabled here in 1960; last year it was amended, and this year we are making an Amendment with a view to improving the content.

If there is any fault at all in this Bill, I think it is the fault of modesty. We are a little modest. I think the Amendment we are seeking to make is not sufficiently sweeping. For example, in clause 1 we are told that "*the National Flag shall not be deemed to be defaced by reason only of the fact that it is embodied in or forms part of a Regional flag.*" To me, it sounds insulting that the National Flag may at any time be embodied in the Regional flag. That sounds like the tail wagging the dog. I think that in no circumstance should the National Flag form part of a Regional flag or be embodied in it.

It is proper, too, that the National Flag, whenever it is flown alongside a Regional flag, should be above any Regional flag and that it may be at least the same size. My suggestion would have been that it should always be larger, not only as large as the Regional flag, and whenever the Regional flag and the National flag are displayed on the same occasion, the National Flag should always be bigger and should also be flown above the Regional flag.

We are also told that it shall be optional for us to display the National Flag when the Regional flag is displayed in the Region. Again, I think we are being modest. I would suggest that in future when making an Amendment, it should be taken into serious advisement that it would be compulsory to fly the National Flag, not optional as suggested here.

In conclusion, I would endorse the views of other Senators because, as a school master, I would like all school children to be in possession of these flags and that every school should have a big flag displayed on one of the largest buildings. To that end, I think the Federal Government should make provision for these flags so that we can get them to buy, even if they are not going to be supplied free. I do not suggest that the flags should always be supplied free because after all they are expensive. We can test the patriotism of schools, and I think school masters and school children

[SENATOR EJAIFE]

should spontaneously agree to pay a little thing towards the purchase of these flags because it is part of their training in patriotism.

I remember when the Administrator visited the Mid-West recently, we tried to look round for flags so that children could wave them, but we could not get, with the result that the children had to wave either their handkerchiefs or hands in welcoming the Administrator. Many such occasions would arise. The Governor-General will visit us and we would like the National flag to be waved instead of waving papers or handkerchiefs—and in fact, not many of the school children have handkerchiefs.

I endorse the views already expressed by Senators and I support the Bill.

The President : I have to remind Senators that these flags can be imported by anybody. There is no restriction to that.

Senator A. E. Ukattah : Most of the points I was going to make have been touched upon. I just want to say something that I think really is responsible for the National Flag not being patronised as it should be. All over the nations, all down the ages, national flags and other emblems have been designed with colours that are significant of certain things in the lives of those nations. Most people will agree with me that the colours of the National Flag are not inspiring at all. This Amendment therefore does not go far in so far as it does not make a provision for a special committee to be set up to reconsider the re-designing of the National Flag. I think it is only when that has been done that we can be sure that the children will have something to learn. The *green* and *white* colours we have now do not mean anything at all. If we had *white* and *black*, people may think we are trying to emphasise the period of the black and the white keys making for harmony. We have *green* and *white* and I do not know what they stand for. The *green* may be representing our vegetation. That is my opinion and that is the popular opinion in the country, that the colours of the National Flag are not inspiring at all. The colours are so dry and there is no history behind our National Flag. The Minister responsible should take note of this, that we want an Amendment, even next week, to say that a special committee is going to be set up to

consider re-designing the National Flag because the colours of the Flag, as they are now, are drab and uninspiring.

Senator Chief S. T. Hunponu-Wusu : I have been following the trend of events as expressed by other Senators and I have a few observations to make.

The question of either black or green or yellow or white or blue does not matter very much. What matters is the impression the Minister of Education or the Minister of Information is going to create in the hearts of the people. We all realise that once you see a red flag you know what it means when you are riding. When people lower it, they ask you to wait. Why do you not cross? When people see the white one they know that that is the sign of peace and that they can go ahead. The question of green, red, blue or white does not come in at all. The impression that our Flag should create in the mind of the people, Nigerians as a whole, is what matters very much.

We all can still remember the arguments over this Flag, how we were deprived during the Independence Celebration to fly this Flag in the heart of London, and we can remember clearly how aggressive some people were here. Anyway, we are not dragging that yet. What I would say is that the Minister of Information and the Minister of Education should make it a point of duty to press these things home in the minds of the people and make them realise what the Flag is. We have functions almost everywhere in every town. This is not the time for the Union Jack. When people ask for buntings and flags, what are we going to give them? Are we going to use the Union Jack in the State House, or in the Houses of Parliament, or at any important State function? The time has come, according to the President, for the Minister of Information to declare openly that any firm or country can import this flag in quantum. Some people can use it during the Mohammedan and Christian festivals all about to decorate the streets, town halls, schools, and universities, as the case may be. But where are we going to get a sufficient quantity of this Flag from? To get this Flag is an important thing.

The impression that we must create in the minds of the people is also something which matters very much, and that could be done

by the Minister of Information through the radio or otherwise. The Minister of Education also has a stake in this. Both of them have a responsibility to shoulder here, they have a part to play.

The same thing goes for the National Anthem. I just want to say this because our National Anthem is not being respected as it should be even by some civilised people amongst us. If one goes to any cinema house, immediately one hears our National Anthem being played one will see that everybody starts to run out.

Senator A. E. Ukattah : On a point of order, the Senator is going from Flag to the National Anthem. I think he should confine himself to the National Flag and not discuss the National Anthem.

The President : The point is well taken. I think one could do this thing cleverly by just mentioning it and jumping to another thing, but you have allowed the Standing Order to catch you, so, I have to rule you out of order.

Senator Chief Hunponu-Wusu : I simply mentioned that the impression of our National Flag should be created in the minds of our people both by the Minister of Information and by the Minister of Education. The symbols which these *white* and *green* colours represent should be made known to the people by the Minister. There must be a meaning for the Flag. There is no need to appoint another committee to go and design another flag. Supposing another committee designs another flag, is there any assurance that the new flag will receive the approval of the whole House? I do not think so. Let us make use of what we have got now. Even if our flag is to be changed in the near future, if we take a very good attitude on our present flag, it will make us to know the value of a new flag, and we will make good use of it. Therefore, let us make use of what we have now.

Senator H. N. Udoh : Many speakers have touched on my points. But before I forget, I think I heard that all Senators will fly this flag on their houses.

First and foremost, I appeal to the Minister of Education and the Minister of Information to publicise our National Flag by selling it to various schools, especially the Mission schools because they control almost three quarters of

all our schools and institutions in this country, so that they can get it home to the teachers that they should not leave it in the stores to get rotten. (I was once a school-master and I know what actually happens). Unless the teachers are interested, the children would not know anything about it. No amount of broadcasting would help us if the teachers are not interested, the Flag will just remain as it is now.

Most of these things depend upon us. When I say this I mean the people of the place who clamour for proper use of our National Flag, each of us doing our part. During the Youth Day and Independence Anniversary many of us have chances to talk to the general public, and teachers, of course, lecture every day. Once a teacher always a teacher, and teachers are always talking to children.

These flags may be distributed to the children and they should be told to see that they are carefully cared for and properly kept. It is the duty of the teachers to see that this is done. In our own days nobody gave us the Union Jack as presents. Teachers brought pressure to bear on our parents and they bought them for us, at times for the Empire Day. Therefore, we should be very serious about it. The authorities from their various offices would not come behind us with a policeman or some messengers to see that these things are done. And when we fly these flags in our houses in the remote corners where some of us come from, we will get the chance to tell the people that these things signify something.

Let me pass a remark, as the President has just said, cleverly on our National Anthem. What applies to the National Flag applies to the National Anthem also. It is an eye-sore to see at the end of cinema shows and other various functions that only very few people remain standing at an attention. They move away or walk about heedlessly when the National Anthem is being played.

Senator Malachias Bawa : Point of order.

The President : The order is well taken. The National Anthem is irrelevant to this debate.

Senator Bawa : I think all the Senators share the same view, and I beg to move that the question be now put.

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

Original Question put and agreed to.

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

**TAFAWA BALEWA SQUARE MANAGEMENT
(AMENDMENT) 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 Tafawa Balewa Square Management Act, 1961, by substituting for the description of Parcel I which appears in the Schedule to the principal Act the amended description which appears as the Schedule to this Act, be read the Second time.

Construction of Independence House was well advanced before the Architects had finished their design for the forecourt in front of it. They endeavoured to produce a design which would not require the realignment of King's College Road, but they were unable to achieve this. In the course of realigning King's College Road it was found necessary to cut off a small piece of land from the western end of Tafawa Balewa Square, and in order not to reduce the total area of the Square, a parcel of similar size and contiguous to it has been substituted.

Senators will not wish me to dwell at length on a matter which concerns nothing more than the alteration in the position of a number of survey beacons.

I beg to move.

The Minister of Establishments (Alhaji the hon. Shehu Shagari): I beg to second.

Senator H. O. Abaagu: I just want to thank the Government for designing that piece of land at Tafawa Balewa Square and changing it into a very good spot. That is to say that the house built on that piece of land is a monument; it is the tallest building in the Federation at present, and I must thank the Government for making all efforts to have that building for us.

One thing I would like to remind the Government about is that we are putting into use this Tafawa Balewa Square more than we are putting the National Stadium into use, and

this stadium has cost the Government a huge sum of money in construction. I notice that the stands in the Stadium are permanent, but the ones at the Tafawa Balewa Square are always temporarily constructed with a very big sum of money whenever any function is to be held. I think it would be advisable if the National Stadium be also put into use when certain functions are held, otherwise the money invested there is a waste.

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—(THE MINISTER OF HEALTH).

BUSINESS OF THE SENATE

The Minister of Health (Senator Chief the hon. M. A. Majekodunmi): On this Motion of Adjournment, I would like to make few announcements on the Business of the Senate.

Tomorrow, 13th December, starting at 10 a.m., we have the Ibadan University Bill, Official Secret (Amendment) Bill, Customs and Excise Bill, and Weights and Measures Bill.

I am taking this opportunity to remind Senators that the Ibadan University Bill requires two-third majority and I would like to appeal to Senators to be present so that we can pass this Bill constitutionally. It is non-controversial, and I am sure it will receive the support of all Senators.

PERSONAL EXPLANATION

Senator Chief (Mrs) Wuraola A. Esan: I am happy to seize the opportunity given me to correct a certain statement made in the Press, that I have been warned by you. I think as the only female Member in this House, I will not go so far. A woman must be very careful. We used to be warned here and warned there. I do not want to bring the warning outside to the Senate.

I am happy that since I have been here, you have not had any occasion of warning me. I know that the *Pilot* has been doing good work because it is one of the papers that have been reporting the Proceedings of this Senate very well indeed. But it is a minor mistake which I ought to correct.

Thank you, Mr President.

The President : I do not remember warning the Senator. But I would like the Senator to mention if possible the text—in what connection the President was supposed to have warned you. I have not read the article.

Senator Chief (Mrs) Esan : With your permission, I read—

“*Senator Warned.*”

“*The President of the Senate, Chief Dennis Osadebay, warned a woman Senator and said that the matter referred to by the Senator was “sub judice.”*”

I remember you said something like *sub judice*, but not warning. You only told me not to say anything about something that was *sub judice*.

The President : Well, it depends upon what you mean by “warning.” Sometimes “warning” means an advice, and we do not know what meaning the *Pilot* attributes to it. But if it was an advice, then indeed, I advised the Senator that the matter was *sub judice*. If it was a warning in the case of chiding or rebuking, I did not rebuke the Senator.

Senator Chief (Mrs) Esan : Thank you, Sir.

THE FIRST NIGERIAN INTERNATIONAL TRADE FAIR

Senator M. B. Chukwubike : I want to use this opportunity in congratulating, in particular, the Minister of Trade and Industry and, in general the Federal Government for the huge success of the last International Trade Fair. The Fair, I must say, has placed this country in a very conspicuous place on the world map. I feel that many people from outside Nigeria who attended the Trade Fair left with good impressions of the country and its people. The Fair, I would say, opened up new markets for our young farmers and also projected the Nigerian personality abroad. I must say in a nutshell that only those who plan dangerous things against the progress of the peaceful citizens of this country would fail to appreciate the marvellous success of the Trade Fair.

This country made many customers during the Fair and we should be honest in our dealings with them. Therefore, I am appealing to the Minister of Trade and Industry, through

you, that those in charge of our export and import trade should by all means see that our dealings with these our customers are honest ones.

LOCAL TOURS BY MINISTERS

There is one other point I would like to make. Sometime ago, on the Floor of this House, I suggested that our Ministers in addition to their overseas tours should also tour the rural areas to get first-hand information about each particular area. I must say that our Ministers are not doing this. To-day we hear that this Minister or that going to Port-Harcourt, Enugu or Ibadan, and that is all.

THE CENSUS ROW

I would also sound a serious note of warning on the Floor of this House about the provocative Statement made by a Minister. Our Ministers as mouth organ of the Government should carefully weigh their public speeches or Ministerial Statements before delivering them. Such statements bring rancour and bitter feeling. As we all know, a few days ago, this Federation was about to be disintegrated but our God-given Prime Minister, Sir Abubakar Tafawa Balewa, saved us by his statesmanlike statement. I just want to add something to that warning. This is a word of advice to the Federal Government. I remember that at times we hear that Ministers are having their Cabinet meetings. I do not know what purpose these meetings stand for. I would suggest that our Ministers in future should avoid such embarrassment. All their Ministerial Statements should be censored either by the Cabinet or by the Prime Minister. It is a suggestion and I want the Government to take it into consideration. This statement would have caused a very big—

The President : Order. Because this is House of Elders and matured people, I have normally allowed plenty of indulgence. When a Senator wants to raise a matter on Adjournment, he must give notice to the Table and to the Minister concerned. It is not right and it is not fair for a Senator to rise up and go from subject to subject under the pretence that he is raising a matter of Adjournment. I would like to call attention to that again. And besides, let us not use this opportunity for bringing up a Motion which we would have debated yesterday but which was

[THE PRESIDENT]

withdrawn by Senator Chief Beyioku because the Prime Minister had covered all the points in the Lower House. Let us not start all over again. (*Applause*).

WAGE STRUCTURE

Senator Chief O. A. Fagbenro-Beyioku : Day before yesterday a Motion standing in my name on Wage Structure was withdrawn on a certain understanding between the Minister of State and myself. I was not happy particularly as the withdrawal, in my opinion, has a lot to do with the anxiety of organised labour in this country and which perhaps any form of clarification could have cleared and the anxiety allayed. I have therefore sought the co-operation of the Minister of Establishments to raise a point or two on this matter of Wage Structure this morning with a view to the Government making a statement as to why it was necessary to withdraw my Motion.

I am very happy that the hon. Minister of Establishments has felt quite willing to be here and to listen to whatever I may have to say on this Wage Structure and perhaps to put across what may be the present attitude of the Government in the matter of Wage Structure in this country.

All I have to put across is that I want the Government to view with sympathy the question of wages in this country, not by awarding wages arbitrarily. Each time I stood on the Floor of this House, I tried to point to the disparity of wages paid to the lower-rated people in this country and the hardship through which they are passing. This is a society which is a mixed one.

According to the present economy of this country, you have within the country, a society of people on fat salary and, very sad to say, you have people who are still on a very low salary.

In the days of the imperialists, whenever there was an agitation of the nature, as it is now going on, by organised labour in this country, the imperialists did not waste time to set up a commission to study the situation with a view to beating down whatever may be the anxiety of the workers. The 1945 general strike was a pointer. Immediately after the 1945 general strike, we had cost of living allowance in the same year which brought wages up to 1s-6d per day. It was followed

by Tudor Davies Report in the year 1945 which raised it to something like £18. Harragin came in 1945-46 and it raised it up to £42 minimum, and then again in the year 1952 Mr Milne conducted another investigation and the minimum wage in the country went to something like £55. In 1955, there was Gorsuch which brought it to £60 per annum, followed by Hanbury on Daily-Paid, which made it 4s 8d in Lagos, and as low as 2s-4d in some parts of the Northern Region. Up to the moment it stands at about 4s-8d in Lagos, which works at about £6-1s-6d for 26 working days for a man in Lagos. He has to pay his rent at a rate of about £4 per room, living only £2 for himself and his family to live on.

I feel that a commission is necessary, not that the Government should stand up and say, "I award." But let the Government set up a commission to say what is the economic position of the working class in this country, and if there is any necessity the Government should not hesitate to make that improvement.

I feel perhaps that the hon. Minister of Establishments may like to make a statement and that the statement may be satisfactory so that it will not be necessary for me to repeat my Motion at another time.

The Minister of Establishments (Alhaji the hon. Shehu Shagari) : I know that Senators appreciate, as I do, that the issue of wage structure is one which is of vital importance to the economy of our country and to the well being of our workers. I think Senators are equally aware that the subject matter is complex and requires detailed and exhaustive study before the right decision can be arrived at. A decision taken in a haste to secure cheap popularity might well jeopardize the successful completion of our Six-Year Development Plan which is aimed at increasing the standard of living of our people. This Government intends that nothing shall be allowed to hinder its aim.

Besides, Senators will wish to know that the request for a Commission to enquire into wage structure forms part of a number of matters which the United Labour Congress, of which the Senator is a member, has placed before the Government for consideration, and Members will agree with me that it is not appropriate to attempt to forestall by a Motion in this House a detailed examination which the matter requires. These include things like the demand

for a National Minimum Wage of which the Senator spoke about, and several other demands. I have already informed the Senator that the Government is carefully studying the matter.

What I now wish to impress upon Senators is that the Federal Government is alive to its responsibilities to the workers and it is working constantly towards the improvement of their conditions. I consider that it is in the best interest of our people that no ill-conceived measures are taken in regard to the subject of wage structure but that the matter should be examined with the thoroughness it deserves. This is in fact what the Government is doing and I consider that it would be premature for me at this stage to make a statement about what the final decision will be. It is for this reason that the Senator has been advised, and he has so kindly consented, to withdraw his Motion for the present in order that the Government may give its close attention to this important matter which has been placed before us.

I hope that this explanation will be satisfying to Senators.

Senator Chief A. O. Fagbenro-Beyioku : I am very grateful to the Minister of Establishments for his statement on this issue. In fact, in a way, his statement is assuring because it is plain that the Government is making a comprehensive study, and that is exactly what we want. We do not want anything to be done arbitrarily, but as a result of a very close study. I will only ask that the Government will expedite the study of the matter without allowing the workers to linger long before giving them what may be necessary.

I thank the hon. Minister of Establishments. I am indeed grateful.

Senator T. Olamijulo : When you made a ruling that before we start any discussion on the Motion for Adjournment we should have first placed a notice on your Table and that the Minister concerned should be informed beforehand, I was a bit shocked.

As a matter of fact, we are privileged this day to have the Administrator of the Western Region here. We know that he is otherwise engaged elsewhere and as a result he may not be here tomorrow. As such, if I may put it to him, I think it will be a good idea for him to let us know something about the Western Region—

The President : Order, order ! We have been three years old in this present Senate, and if we do not know our Standing Orders and the Procedure of the Senate, then it is not fair to the Nation that is paying our salaries.

Before a Senator raises a matter on the Motion for Adjournment, he has to give notice to the Clerk, which means a notice to me, and give notice to the Minister. The Ministers have collective responsibility and whether Senator Majekodunmi is here or not if a Senator sends a note to him through any of the Ministers here, such a paper will reach him and that paper may even bring Senator Majekodunmi here to answer the Senator's question. For instance, Senator Beyioku filed a notice and that notice has brought the Minister of Establishments here. He is not normally here with us. The notice of Senator Beyioku has brought him here. The same thing goes for all other Ministers who are here.

Another thing I want to seize this opportunity of pointing out is this : yesterday was a Private Members Day. We did not sit. It was not the fault of the Government, but none of us was able to find anything in Nigeria so interesting to file a Motion on yesterday because no Private Member filed any Motion yesterday other than Senator Beyioku who, having been satisfied by the Minister, withdrew his Motion.

For instance, the question that has been raised now by Senator Chukwubike about the good work the Government has done over the Trade Fair is a very beautiful thing for a Private Members' Motion and we would have debated it yesterday for three hours and Senators would have said everything and anything they had in mind about how Nigeria would have improved her industry, and so on, instead of squeezing it into the limited time of Motion on Adjournment. I am saying this for all Senators to be better Legislators. Let us use that one day which the Government has given to us. I am sure that none of us wanted to have a holiday yesterday, but we had it and some of us were blaming the Government for not bringing forward Official Business for yesterday. The Government cannot do our work for us. The Government has five days out of the six days and it has given us one day, and that one day we are not making use of. I therefore appeal to Senators to find some subjects through the newspapers and govern-

[THE PRESIDENT] ment measures. The Motion may not only be one to rebuke the Government; it may be a Motion of thanks to the Government; it may be a Motion on how to improve the Government, and I am sure that the Government will welcome it.

Senator Olamijulo now wants to talk about the Emergency in the Western Region. Obviously, how can any Minister, be he an Administrator or Prime Minister, jump up here and answer you about Emergency in the Western Region if he had not had notice that you were going to raise it?

The Minister of Health (Senator Chief the hon. M. A. Majekodunmi): May I respectfully add to the words of wisdom which you have addressed to the Senate, and to make an explanation, that I am here as the Federal Minister of Health and not as the Administrator of Western Nigeria.

Senator Olamijulo: What I wanted to do actually was to give notice so that if we would

be here tomorrow we might know something about it.

The President: It is your right, Senator. But the usual way is to take a piece of paper and write your notice, saying, "Mr President, I wish to raise so, so and so on Adjournment", then send a copy to the Ministerial Bench. That is all. Then that paper goes to the Clerk and comes on to me. But when you did not pass such a paper and I called you, I only did so on indulgence because this is Elder People's House. If I were presiding over the other House, I would not take any notice of it.

Senator Olamijulo: Thank you very much, Mr President.

Question put and agreed to.

Resolved, That the Senate do now adjourn.

Adjourned accordingly at eight minutes to one o'clock.

SENATE OF THE FEDERATION OF
NIGERIA

Thursday, 13th December, 1962.

The Senate met at 10 a.m.

PRAYERS

(The President in the Chair)

OATHS

Oath of Allegiance was administered to the following new Senator:

Mr Mbazulike Amechi (Minister of State).

ORDERS OF THE DAY

UNIVERSITY OF IBADAN BILL

Order for Second Reading read.

The Minister of Education (Hon. Aja Nwachuku): I rise to move—

That the University of Ibadan Bill be now read a Second time.

It gives me much pleasure to introduce this Bill for an Act to establish the University of Ibadan. This is a non-controversial Bill which I am sure will be welcomed by all sides of the Senate, as it confers independent status on our oldest university.

Senators may remember that the University College opened in 1948 with 55 students, and since that time and until the 1st of October this year, the College was in special relationship with the University of London. On the 1st of October the College departed administratively from the London Degree Programme and the first students of the University of Ibadan, numbering over 600, were admitted in the current session and matriculated on the 3rd of November. The matriculation of these students, therefore, marks the end of an epoch in the history of the College.

As I have said, the University College opened in 1948 with 55 students. Senators will be interested to learn that this session the total enrolment has risen to about 1,700, and if all those offered admission had been able to find their fees, the student population would be 1,800. Up to date, the University Register indicates that the number of students admitted to read for the various degrees, diplomas and certificates offered at the College is about 10,700. There were in 1948 only four Faculties; namely, Arts, Science, Agriculture and Medicine. To-day, there are many new

Faculties and Departments and these include Economics and Social Studies, Education, Linguistics and Nigerian Languages, Forestry, Arabic Studies, Government, Modern Languages, Biology, Bio-Chemistry, and three new Departments in Agriculture and three in Medicine. Departments which will be launched in the current year include Veterinary Science, Psychiatry, and a School of Drama. In addition, there are four post-graduate Institutes in Education, Librarianship, Child Health and African Studies.

Truly, Mr President, our University at Ibadan has come of age. Its reputation is world-wide. Its principal, as Senators are aware, is a Nigerian and is a man of integrity and of high repute in academic circles; its staffs "would adorn the faculty of any British or American University", and, as the Ashby Report records, U.C.I. "has set standards in Nigeria at a level which would be a credit to any country in the world".

I am grateful to London University for our close association with it since 1948, but I am happy that the University of Ibadan now stands firmly on its two feet.

All Senators know of Ibadan's international reputation for high academic standards and throughout the Federation old students have distinguished themselves in every walk of life. Some have become Ministers of State, some have become Permanent Secretaries in the Governments of the Federation; and others also hold high positions in the teaching field, in business and in the statutory corporations.

I am sure all Senators here present will wish to join me in congratulating the University College, Ibadan, on its magnificent past performances and in wishing its successor, the University of Ibadan, further triumphs in the international field of higher education.

Mr President, I do not wish to take up the time of the Senate with this non-controversial Bill. I am sure that it needs no commendation from me.

I beg to move.

Minister of State (Chief the hon. H. Omosagie): I beg to second.

Senator Chief A. O. Fagbenro-Beyioku: This is a welcome Bill and one which I know will receive the support of every Senator.

[SENATOR CHIEF BEYIOKU]

By and large, I feel the time has come when subjects relating to industrial relations should be included in the curricula of the University. When I was in the United States I visited the Universities of Chicago and Boston where industrial relations forms part of the subjects taught and students graduate in this subject. The present industrial set-up in this country allows this subject to be treated only as a matter of secondary importance through the extra-mural channel. It is one which should receive direct attention, considering the significance it has in our society to-day. There have been many unpleasant relationships between employers and workers owing to lack of understanding on both sides, particularly the employers, and I think that as many of the employers as will have the opportunity of passing through the Personnel and Industrial Management Course in our University will prove of great advantage to the industrial progress of this country.

Again—perhaps I did not follow the Minister very well—I feel a line of study in music, particularly our own music, should be given a place in the University. It is high time we got fed up with the type of music from overseas which we listen to every-day. If one opens one's radio set or goes to the cinema, I am sorry to say that one hears nothing other than Ghana music or some meaningless pieces of music. If Ghana or any other country for that matter seeks to gain some prominence over Nigeria, I think the country is right. One hears nothing but Ghana music, the language of which we do not understand—

The Minister of Health (Senator Chief the hon. M. A. Majekodunmi) : Does the Senator not hear *Omopupa* on his radio set? (*Laughter*).

Senator Fangbenro-Beyioku : Yes, that is right and I think we should give a very close study to the music of *Okitipupa*.

I feel, again, that in the panel of the Senate of the University, apart from the Graduates and the Professors and the Deans, there are other employees of the University who are non-academic and whose interests must be protected. It will, therefore, be a wise thing to consider in the set-up of the Senate (which will be the governing body of the University), the inclusion of a Trade Unionist who will advise on matters of industrial relations.

I now come to a very serious point. It is a good thing to have all these universities, but education without morals is no education, and one is becoming very much disturbed in this country about the lack of morals exhibited by our students. Both secondary and elementary school children, if one meets them in the streets, show no morals, no courtesy, and no respect to their elders, and I do wonder what we want to make of this nation. It is no use holding a B.A. or Ph.D. degree without moral. We are losing the cultural background of our country. Students do not respect age; they do not respect positions; they do not even respect people.

Let us look at what happened recently at the University of Nigeria, Nsukka. It was a great disgrace to this country for the students to behave in the way they did after the Government of the Eastern Region, the Government of the Federation and other bodies have found the money to establish this University.

In this respect, and with the greatest honour and without imputing any motive, I wish to refer to the tireless efforts of our present Governor-General, The Rt. Hon. Dr Nnamdi Azikiwe, in founding that University against much criticism and great odds. And for the students of this university to revolt because their girl friends were not allowed into their rooms shows lack of morals. It has to be remembered that some of these students are being fed with food which they have never taken before in their houses, and still they are not satisfied. They created trouble, they went on strike, not only an ordinary strike for that matter, a very violent one, destroying in the process everything in the University. I think what is responsible is that when people talk about these students, they are generally referred to as "the leaders of tomorrow." I think we should stop referring to them as such; after all, they have not shown any indication that they will be worthy leaders of tomorrow. This idea of being referred to as leaders of tomorrow gets into their heads every time.

When we come here and make provision for the establishment of these Universities, we do so with a view to bringing up people on whom we can trust when in our own old age we retire and perhaps go up to God and reconcile ourselves.

Senator Dahlton O. Asemota : Go up to God ?

Senator Chief Fagbenro-Beyioku : Yes, the Christians say there is resurrection, and in our own theory of *Orunmilaism*, which is the fundamental religion of the Yoruba people, we believe that at one stage or the other, we must have to reconcile ourselves with God.

A Senator : Where is God ?

Senator Chief Fagbenro-Beyioku : He is either up or down.

We all remember, what happened here some time ago when the students of the Ibadan University came here and mobbed the Parliament. They rough-handled hon. T. O. S. Benson ; they almost rough-handled me, but I evaded them because of my political tactics. I do not think that is what we expect from our students. When I was in the College, there was a line in our school song which says : "Only by obedience can we learn to rule", and that line went deep into our minds. But I do not think it goes into the minds of this new generation !

With this very strong remark, I will ask the hon. Minister of Education to make sure that no disciplinary action will be too much for these boys. If they are indeed to be the leaders of tomorrow, they must be well punished when they offend, otherwise they will be a liability and not an asset to this great country of ours.

Senator A. E. Ukattah : This Bill is not seeking to establish a new institution of learning, it merely seeks to convert the existing University College into an independent University. There is, therefore, not much to say on it.

But I must say that this Bill is one of the practical steps being taken to give emphasis to the present sovereign status of our country. I will go further and say that the University College has led the way for the opening of four other Universities in the country. The whole country must be grateful to the Federal Minister of Education, the Ibadan University Authorities and the London University Authorities.

I must, for the sake of emphasis, repeat what Senator Fagbenro-Beyioku has just said. We cannot for any reason say that the acts of

lawlessness, indiscipline and violence which some of the students in our Universities are guilty of, must be condoned. We must condemn such acts outright. We are not happy at all to see that the people on whom so much money has been spent should disobey the authorities. After all, what are they coming out of the Universities to be, if they criticise the present leaders of the country so adversely and so bitterly for not doing this or doing that ? From what these boys do now, we can see that they are even going to be worse leaders of this country.

If the students have a genuine case, if they feel dissatisfied with anything, the best way to achieve their objective is not by indulging in acts of violence, lawlessness and insurrection. They cannot gain anything from that. If a child wants to get something from his parents, he must first obey them and try to serve them, he must condescend. A child cannot fight his parents and expect them to do anything for him. One finds that these students look at the authorities in the face, they do not listen to anybody at all. Anyone who appeals to them to be quiet and be reasonable automatically becomes a bad man. We cannot go far with this sort of thing. We must condemn it here.

We are not saying that the students may not have a genuine case but we say that they must always employ peaceful and constitutional means to achieve their ends. Nothing is gained by beating up lecturers, by destroying things, and so on. After all, these things that are destroyed will have to be replaced with the money of the poor tax-payers of this country, and this does nobody any good.

This is the point that I wish to repeat for the sake of emphasis, and I want to say that we as leaders of the country will not like such kind of things to continue. After all, these students are our sons and daughters and we do not want them to be maltreated by the authorities of the Universities.

We would not like them to disobey the college authorities. If they have any genuine grievance, let them go to the authorities, proceed in a very orderly and disciplined manner, and, certainly, they will get their redress. But to indulge in breaking up things is what we condemn.

Recently, too, (I do not know how far that is true) we heard of about 600 students of the

[SENATOR UKATTAH]

University College, Ibadan, being stranded—the newspapers described them as “600 imppecunious students”. Well, we are not happy that they should be so stranded and we cannot condemn them for having been admitted. Some of them might have been opulent on entering the University, but by sudden twist of misfortune, they find themselves in difficulties. I think that if their cases are properly investigated and found to be genuine, my own appeal is that Government should come to their aid, even if it means suspending the award of scholarships for this year or next year. After all, a bird in the hand is worth two in the bush. These are our own children, and while we are thinking of awarding new scholarships to students for the future, we have students already in the institution who are stranded. I think that all we have to do is to look at them with sympathy, to show mercy, go to their aid and see that they complete their courses. Mine is an appeal, and I hope the Federal Minister of Education will have to investigate their cases. I do not think that these 600 students have genuine cases, but if we have some of them, or all of them having genuine cases—being financially handicapped—then, something must be done to aid them.

Now, the last point I wish to touch upon is the behaviour of some university lecturers and professors. Of recent, we heard of conflicting statements from these gentlemen. While we concede to them the right to freedom of speech, I do not think it will be proper for them to make certain sarcastic statements against the Governments of the Federation. That is not in the best interests of harmony. As long as they remain lecturers I think they will be well advised to assess their utterances and make sure that whatever they say does not give the impression that they are partisan politicians or that they belong to any particular political group in the country.

As I said earlier on, Mr President, this Bill is quite crystal clear, it is a narrow one, easily understandable and it does not call for any controversy.

I beg to support.

Senator E. A. Lagunju : Like all the other Senators who have spoken before me, I beg to support this Bill. It is a welcome one. We are all very happy.

Chancellor of the University and we congratulate the Vice-Chancellor, the Principal, Dr Dike. We are all very happy that the University, founded in 1948, has risen to the standard of standing squarely on her own, and we are now removing the vestiges of the colonial days.

It sounds anomalous that somebody who goes to Ibadan to study comes out with the degree “B.A. (London).” It is true that people in this country get London degrees as external students, but when students study within the walls of a particular university and come out with the degree of another, I think it sounds anomalous. Now, we are removing that anomaly.

In any case, London has played her part, and for that we should congratulate her as well. The attachment to London has given Ibadan some world-wide reputation. That is something good in itself. Now that we have students who are already matriculated, and who eventually will come out with “B.A. (Ibadan)” “B.A. (Nsukka)” and so on and so forth, it is something very gratifying.

I do want to dwell on what some other Senators have said on the question of discipline. I think the whole thing is cumulative : it starts right from infancy and goes up the ladder like that. You cannot cane in the primary school ; you cannot flog in the secondary school ! I do know that in Scotland, up till to-day, they still use the cane, sparingly, of course, but they do. In this country you cannot ! That is our educational system. They say you should not, and if you cane a boy who may happen to be the son of a lawyer or somebody else, you may be taken up.

I remember when I was teaching in Oduduwa College some time ago, a teacher caned a boy, and what happened ? The parents took the boy to the Seventh Day Hospital and was treated. It was a minor injury which could have been treated anywhere, but they took the boy to the hospital and the teacher was in for trouble, and he paid very heavily for it.

It is just a question of sparing the rod and spoiling the child. I do not know where we are drifting to because we seem to be introducing things too prematurely. The country must get to a point. If all the children come from good homes, I mean homes of educated people who can discipline their children at home to-day, most of the mothers go to work,

In the first instance, we congratulate the Federal Government, we congratulate the children are let loose, nobody to discipline them; they go to school like that, they are not disciplined in the school; they go from there to the grammar school and from there like that, raw as they are, they go to the university with swollen heads. What then could we expect from the universities? The whole thing is cumulative. We have to think of that. That is all I have to say about discipline. If we want to start, it should be right from the start—from the primary school to the secondary school and right up to the university.

Somebody mentioned the case of the 600 indigent students. Personally, I sympathise with them. Those of us who work in Voluntary Agency Grammar Schools are only very wary about the award of sponsorships to these students because there is no guarantee that at the completion of their courses they are coming back to help. They stoop to conquer. If sponsorship is given to a boy, he knows that he comes from an out of the way place and that that is his home. He is not proud of it, and when he comes out of the university he would want to work in Ibadan, in Lagos, and he would not want to work in this out of the way place. He begins to give impossible conditions. Perhaps there is no electricity or some other social amenities and the boy says 'No' I am not prepared to go there.' And the bond he signed was so flexible—he would go to a lawyer and would eventually wriggle out of the whole trouble.

When we speak of these indigent students it is very painful, but I think the only way out is; if the Government is going to help, these students should be given loan scholarships. I would not say free scholarships because the moment you begin to give free scholarships, it only means encouraging other boys who had the money to come out and say, "Well, we have not got the money to pay; we are very poor; will Government come to our aid?" The thing to be done is to make these students sign concrete agreements so that at the completion of their course they could pay these loans back to the Government. That will even teach them to be frugal. That is one way out. Otherwise Government will have to embark upon a scheme of automatic scholarships for all university students, and that will constitute another major problem.

The other matter is, of course, purely administrative. I would not like to dwell very much on that. We know that the man on top of the University is competent. He has the foresight and he knows what is good for us as Nigerians. I remember when he came to speak to us at the Principals' Conference in Ibadan. He mentioned the question of reorientating the syllabus to suit the taste of Nigerians. That is something gratifying because we are all becoming rather apprehensive of what will happen when we begin to turn out so many graduates. Except we make them professional men or men with some technical bent, we wonder what will happen in years to come. But I am happy that the man on top is prepared to see to this, to give agriculture and allied subjects the place they deserve on our curriculum.

With these few remarks, I support the Bill.

Senator J. K. Nzerem : I will only say a few things for the purpose of emphasis. About loan scholarships, I remember, during the Budget Session, I stressed very much on this loan scholarship. Nigeria is yet an underdeveloped or an undeveloped country and is comparatively poor. We cannot give scholarships to all who deserve to get scholarships. It is impossible. We have got to go on to these loan scholarships so that the scholarship can go round many more pupils. This case of these students in the University College, Ibadan, is a very pathetic one. 600 pupils, perhaps for no fault of their own are going to be thrown out! If the scholarships hitherto given to students had been loan scholarships, there would be sufficient money to grant scholarships to these fellows.

I do agree that every case should be considered on its merits, but I am sure some of these 600 undergraduates will have their tribal unions and schools in their areas to sponsor them. But the very few genuine cases that will be among them should be sympathetically treated by the Government.

One cannot speak on this Bill without paying deserving tribute to the academic achievement of the University College, Ibadan. The past Principals and the present Principal have played and are continuing to play very important role in our national life, and we can only pay very high tribute to the work they have done and are doing.

[SENATOR NZEREM]

I am particularly happy about the provisions which deal with indiscipline in the school. These (should I call them modern) traits among our college students and university undergraduates about trying to walk before they can kick is very dangerous indeed. I think the time has come when a National Discipline Board, should be set up so that students who are charged with indiscipline will be examined by this new Board and those who are found guilty should be treated with no mercy at all. I am not in sympathy with the eighteen students of Nsukka University. If they are found guilty of indiscipline let them go, they are of no use! We cannot tolerate boys from our Universities trying to undo what their parents have done. We must be very strict with University undergraduates. Unless they learn to obey they can never rule this country.

I do not find anything that one can quarrel with in the provisions of this Bill. As previous speakers have said, it is not creating a new University, it is only giving this University College at Ibadan a new status that is befitting the status of the country.

It is a pity (and somebody has said it) that the University of Nigeria had stolen the show. This, certainly should be the real University of Nigeria, and other Universities should be local Universities. But already we have a University of Nigeria. I do not know whether we could not call this University "The University of the Federation of Nigeria", because it is the only one University that all parts of the Federation can call their own. We are proud of the academic achievements of this University, and we hope for greater things in the University in time to come.

I beg to support.

Senator Chief (Mrs) Wuraola Esan : I want to join other Senators in the appeal on behalf of the six hundred stranded students who have to go out or be sent out from the University College at Ibadan. I would like to support Senator Lagunju, that some of these students have brought hardships on themselves by not wanting to be sponsored by the Voluntary Agencies because they do not want to go to the backward areas, and, also, they do not want to be controlled by certain mission schools. Yet it will be a shame and a disgrace on the good name of this country if this is allowed and they go out like that. All

measures should be employed in order to find ways and means of helping these people. Some do not even need a loan scholarship, and they should be very thankful if they can be sponsored for the remaining period that they have to spend in the University. The others will be happy to get this loan scholarship. I do not advocate giving them free scholarships, because if we continue like that fewer and fewer students will be able to enjoy the benefit of the scholarship. But when we start giving loan scholarships, the loans shall be paid back and the money will be there for others to use.

This matter of discipline, I think, should start at school. But I do not support that it is because mothers go to work that we have moral laxity in this country. Mothers go to work because fathers send them there. If fathers are more responsible, mothers will not have to go to work. But even if both parents stay in the house, children will be what they want to be because the tendency this time is for children to have merry time all the time; they do not want to be disciplined at all. We mothers can tell you that it is very hard indeed to discipline children. Comparatively, good children are more in number than those who are really bad.

What I would suggest is that encouragement should be given to housewives to join Mothers' Unions, and organisation where discussions are being held everyday about how to treat children nowadays. In our own days we did not need all this encouragement of going to lectures and talks before we could take good care of our children because we were disciplined and brought up the hard way. But these people who go abroad to see children being tempered, in other words, learning how children must be questioned every time—for example, questions like, 'Why is it so?', 'Why is that?', 'Why do you have to beat mother?', and 'Why do you not go there?'—they learn this line of progress which they have taken from other people before they learn really how to think in our own way. That is what is really affecting our own children.

If we want to get on as a country, we must let our children know the right thing that will be beneficial to our own country before they go and see what is good for England or America. If what is good for America is good for us here, we would not have any quarrel and it will be the right thing. But what is good

for America—a very civilised country—is not good for us at this time. We are just beginning, and we must start not only on the political stability or the economic stability, but our own characters must be based on our own way of thinking. Therefore, we must encourage mothers to take good care of characters in the homes—because I know of homes where mothers say children must not do certain things and the fathers rule that those things must be done. Therefore, if co-operation in the training of children starts right from the homes, it will go gradually to the schools and then to the colleges and the universities.

We as mothers are not happy to hear of things which happened in one of our Universities recently. Nobody with a son or a daughter aged eighteen or nineteen will be pleased to learn that this son or daughter is creating a lot of trouble in a university. What is the son or the daughter going to become in the world after all? A son or a daughter who can create trouble in a university by destroying objects and behaving in a very unruly manner will destroy the mother at home if he or she has the chance. So, we are not very happy at all, and a better attitude must be employed by these students to solve this nonsense in demanding their rights. If they want to demand their rights, they must demand them in a constitutional manner. If they do so, nobody will disagree with them. There is a proverb in my language which says that "*Aja iwoyi lo m'ehoro iwoyi le*".—which means that we must move with the time.

Senator P. A. Ogundipe : On a point of order, one or two Senators are sleeping so early in the day!

The President : I did not see them.

Senator Chief (Mrs) Esan : And the President would not see them when I am speaking!

We do not say that the discipline of my time should be passed on to the authorities of nowadays to be used, because it is now out of date. I would not like anybody to cane my son or daughter until he or she confesses a misdeed, because the word obedience, or courtesy, or manner, has no age—it was the same word in 1877 as well as in 1962. Therefore, we do not want the rigours of our time to be passed on to the authorities now. We do want discipline suitable for this time to be exercised well

because we would not like people of the outside world to say that Nigerian graduates are always unruly, and it is not very likely that Nigerian students and graduates are going to work only in Nigeria in future. We may have to send our graduates overseas, and we do not want that kind of bad name to be given to our future graduates and generation. Therefore, as one of the mothers of this country, I support that discipline should be exercised to make these graduates or undergraduates feel that they must be responsible people.

According to one Senator, this Ibadan University should bear the name of "University of Nigeria", but the show has been stolen by the Nsukka University. I have no quarrel with it because Ibadan happens to be my own town, and as a chief of the town, I prefer the name 'Ibadan University'.

Therefore, I support this Bill.

Senator H. O. Abaagu : I want to thank the Elliot Commission which recommended the establishment of the Ibadan University College which is now going into a full-fledged university, and I thank also Dr Mellamby who has helped to build this University

What I want to speak upon is the point already made by a Senator, and that is politics in our public institutions. This thing is becoming too rampant, and it has marred the reputation of the Federation of Nigeria as a whole. I have seen the examples of this thing in some local places, for example, in the elementary schools where a teacher happens to be a member of a political party and one or two of his pupils happen to be children of a member of another political party, the teacher refuses to mark the papers of these children. In the hospitals politics is rampant, and this is telling very much on the efficiency and humanity of Nigerians all over the Federation.

I would like to suggest that if it is not out of place, the Government should find a way to ban politics in our public institutions. For example, let us say that students and undergraduates should not belong to any political party. We cannot, of course, gag them because everybody has his or her own political view, but then to become a partisan politician as a student in a college or as an undergraduate in a university, I think, is really very dangerous. I feel it is time for the Government to find a way out about active politics in our own institutions.

[SENATOR ABAAGU]

I now come to the question of these stranded students. In fact, it is a pity that these students are stranded. But if we look into what had been happening to Nigerians overseas we will find that most of them never fully prepared themselves before they went overseas, with the result that after a year or two they become stranded, and they would start to call on people to come to their aid. I think that there should be a warning to the people concerned that before anybody seeks admissions into an expensive institution, he must be well prepared or that his or her parents must be well prepared for the venture. Therefore, I suggest that it is worth-while for the Government to look into this present state of affair. My own view is that all the stranded students should be referred to their Regional Governments, because the Federal Government cannot, if the Government decides to foot the bill, meet the demand, as I think it will tell very much on the small resources of the Federal Government.

We should refer them to their own Regional Governments. The tribal Unions, local councils, and so on, should also come to their aid.

I would like to suggest a name for the Ibadan University. This is a University for the whole of Nigeria, and therefore it should have a national name. I would like to suggest that we change the name of the University to "National University, Ibadan," "Central University, Ibadan, or "Federal University, Ibadan." I think one of these names will do. It is really a matter of regret that another University has stolen the show, as one Senator has just said. This is a welcome Bill and I support it.

Senator M. G. Ejaife : My congratulations go to the hon. Minister of Education. As we watch the progress and the activities of the Minister, we find that he has interest in the growth of education in this country. We see him moving from place to place, and recently he was in Paris. I think it was only yesterday that he returned from the meeting, leaving his advisers behind in order to witness the inauguration of the independent status of our dear University. I would like to congratulate him for his foresight, for his interest and for the emergence of this great University from a colonial kind of status to an independent status.

As for the new name, we have been told that another University has stolen the show. Nsukka has stolen the show in respect of the name, but I think the other Universities have also stolen the show because right from the word go, the new Universities have been called Universities. Even the most recent University—the University of Lagos, is not beginning as a University College of Lagos, but as the University of Lagos; Ife is beginning as the University of Ife; Ahmadu Bello is beginning as the Ahmadu Bello University, not University College. Therefore, all the new higher institutions of learning are starting as Universities, whereas Ibadan, in a very humble way, began as a University College, Ibadan.

We are very happy that the new status is given the name University rather than University College. But I do not think that the University has anything to regret for this long delay. I think it has gained considerably more than it has lost. It has gained in prestige; it has gained in very deep foundation of learning, and, I think, the Ibadan University has established a world-wide fame for higher academic standards. Anyone who has met the products of the University College, Ibadan, will testify to this, and the graduates from the College themselves have projected very favourably the academic personality of Nigeria.

For this very solid foundation, I think we owe a great debt to the earlier Principals, particularly Dr Mellamby, a man who was very erudite and who, whatever his shortcomings in other respects, must be respected for his great learning and perspective. We also thank Dr Saunders, Dr Parry and also other earlier Principals who have helped to lay this deep foundation of learning at Ibadan. But no tribute can be higher in respect of the Principals than the one to the present Principal, Dr Kenneth Dike. It is not a small thing for one to be *primus inter pares* as far as University Professors are concerned. He is by no means the oldest man there, either in graduation or in age, and yet amidst many men of learning in Ibadan, the authorities have seen fit to select him to occupy so eminent a place at Ibadan, no less a position than that of Vice-Chancellor and Principal of the University of Ibadan. That in itself is a high tribute—the fact that he was chosen at all for that post. But he was not chosen for nothing, he was

chosen on merit, merit in his own administrative ability, merit in his academic status and his world-wide recognition. He has been so recognised in such wide circles that he has been to various Universities in the world to give lectures and to make his name much better known and also to project the Nigerian personality. We are proud of Dr Dike and we congratulate him for this new status from University College to a University. Therefore I am sure that no man or woman of goodwill can say anything other than to support this Bill which I very heartily support here.

But there are one or two things I would like to mention. The first is about employment feature. I think we have to relate on the whole the products of Ibadan and also of other Universities (because now we have five universities in the country) to the type of employment we shall have available for these students when they graduate. We should not only think in terms of the numbers coming out, we should also be quite aware that a problem of very high magnitude will be on our hands, unless we can find suitable employment for these people who are coming out. Unemployment itself is a bad thing and nothing can be more dangerous than a large number of floating population of graduates without suitable employment for their talents. I think we should probably be sitting on the keg of gun powder unless we have employment avenues for these people. I am sure that there will be employment for them because the country is developing and with the implementation of the Six-Year Development Plan, various places of employment will be available for the exercise of their talents. I do hope that we shall find employment for the number of graduates that we shall be producing from year to year.

I have a word to say about this University College. I have not gone into details, but I understand that there is a certain amount of squandermania on the part of the University College, Ibadan. On the whole, I do not think it is unrelated to the economy of this country. Although I do not have the details, but I think they should be more prudent in expenditure, in employment, scales of salaries and so on.

In this connection, I would like also to pay tribute to Dr Dike himself, for not quite recently both himself and his academic staff

and other staff have volunteered to forego some of their entitlements. For instance, they have given up first-class flight; they have also given up certain emoluments; I also think that they have given up a certain number of holidays and leaves. That is a good lead which other people can follow. Still they can do more. They can look into everyday avenues of expenditure in the University and see to it that certain expenditures are drastically curtailed so that they will have more money for other things.

It would also be a good thing if we could establish in this country an Inter-University Council. I am happy to note that already the Vice-Chancellors of the various Universities are getting in touch with each other and there is more or less a kind of miniature Trade Union—a kind of Council—among the Vice-Chancellors. I think that will be a good step towards standardising our Universities.

I do not intend to take more of the time of the House. I therefore support the Bill wholeheartedly.

The President: Order, order! Before I call on the Minister of Education, I want to inform the House that we have on the Floor of this House the President of the Parliament of Senegal and some other Members of the Parliament of Senegal. I have taken the liberty of allowing them to sit on the Floor of the House. I know the House will endorse that, because exactly that was done for us by the President of the Senate in the United States of America when the delegation I led a few months ago was allowed to sit, not in the Gallery, but in the seats reserved for the Members. (*Applause*). I thank you very much. It shows the regard and love we have for the Republic of Senegal. (*Hear, hear*).

The Minister of Education (Hon. Aja Nwachuku): I have listened with great interest to the words of wisdom which have characterised the speeches made by several Senators this morning in connection with this Bill. I am very grateful to them indeed.

Some of the points raised by them are those that can be taken care of by the University Authorities. I am happy that sufficient copies of the *Hansard* will be sent to the Principals of our five Universities for their information to enable them take necessary action where they think fit.

[MINISTER OF EDUCATION]

I have to start from the name of the Ibadan University, which nearly every Senator who has spoken laid stress on. They made the point that the University of Ibadan should be called "The University of Nigeria" or "The University of the whole of Nigeria" or "The University of the Federation of Nigeria," so that when you have your B.A., it will be B.A. (University of the whole of Nigeria), M.A. (University of the Federation of Nigeria), Ph. D. (University of Nigeria). I think there is one thing which we as human beings are entitled to which Universities are not, and that is to have name-sake. If we have two "Universities of Nigeria," there will be conflicting claims when there is anything allotted to any of these Universities. I think Nsukka will have a twin if the two Universities are called "University of Nigeria"—"University of Nigeria, Ibadan", "University of Nigeria, Nsukka". Therefore, I think that Nsukka should be allowed its name. It will be unfair for one to meet a person and say, "Your name is too good and I would like you to drop it while I take it and you take another one a little bit not very significant". That is the point I have to make about the name.

Several Senators who have spoken this morning mentioned indiscipline, loans, scholarships, act of lawlessness, insurrection, as Senator Ukattah has aptly described the action of the students of the University of Nigeria, Nsukka. It was Senator Beyioku who first made the point. I endorse wholeheartedly the condemnation by Senators this morning of what the students at Nsukka did. There is no sane man in this country who will support the students of Nsukka in the act of lawlessness, indiscipline and insurrection which they displayed. It was a very shameful episode, and I think that might have been the result of our daily papers supporting the reaction of the students at Ibadan when once they were to be controlled. It was interpreted that they were being fenced in, forgetting that in some of the universities in the outside world, you have perimeter walls of about 9, 10 and 12 feet high, and those ones which are below that height will have revolving spikes so that it will be impossible for any student to enter the premises when the time they are required to do so has come to a close. Instead of condemning what the students did, the papers supported them and said that there was no need fencing

in 'the leaders of to-morrow'. It was not the students who started this question of "leaders of to-morrow". We gave it to them and they are exploiting it. If now it has been proved that what they are doing is reprehensible and should be universally condemned, then I think it is not too late. I think the youngsters in this country will heed your very good words of advice, that when there is any act of insurrection or any act of indiscipline, it should be condemned. If a student goes to the university and does not believe that he should be subjected to discipline, then he is not worthy of being in the premises of that university.

When punishment is meted out to him as a result of his action, we should support the principal for so doing, even in secondary schools as well as in primary schools. We are the people who have made this people feel that they are more important than even their lecturers. I agree that the absence of the cane or the abolition of the cane in schools might have been one of the causes of our boys not going the way they should go; also, moral instructions which no more exist in such schools. All of you here attended school when we had moral instructions, and we always were told that righteousness exalteth a nation. If we say that to-day, they will say, "Preacher! Preacher!" I agree entirely that we should have to restore the teaching of moral instructions in schools. It makes a man to be morally equipped and of an untarnished reputation. This is what we want in the country. If you really want to be a leader, you must have been a follower. If you want to be a good leader you must be a good follower. One can never lead unless one has been led by people. If you think that you can lead without having been led, then you will lead without anybody following you.

Coming to the question of loan to students, I would say that the University has a duty to ensure, before admitting students, that such students are financially well equipped to see them through their courses. Now, if we have to give scholarships to those who already have gained admission into the Universities, it means that we are trying to abolish the existence of the Scholarship Board. I think that one of the essences of scholarship is to reward a brilliant student for his academic growth, and if we have to give scholarship

indiscriminately to people then where are we going? I do not think that Nigeria is so rich as to give authority to people who gained admission into universities to have automatic scholarship.

There was a case recently of two brothers who gained admission into the universities—one at Ibadan and the other at Fourah Bay. They have a brother who is a trader. They told the brother that what was required of him was only to give them a send-off and then invite people, and that when that was done, the Government would take care of them—that fact that they had been accepted for admission into the universities showed that they would have automatic scholarship. After a week or two, they sent urgent telegrams to him: one said, "Remit three hundred pound"; the other one said, "Remit three hundred and fifty pounds." So the man travelled for about six hundred miles to come to see me. He related this story, and I told him that that was outside my province, and that what I always do and will continue to do is to get the names of those who are qualified from members of the scholarship Board, and that if those boys were really qualified, they could have had their scholarship award because the members of the Scholarship Board are men in whom I have very great confidence and I have always accepted what they put before me. I told him that what they should have done was to ensure that they had at least two years' financial provision for these students to see whether they would get to the position of receiving scholarship award.

I shall have to mention this point to the Principals of our five Universities, as I have said from the outset, for some of the points that Senators have made are the points which will guide them, and I think they will be highly elated to hear that the Senators are with them in whatever they might do to see that we turn out useful citizens. We cannot afford to have this people trained to be hooligans and to respect no age, and to respect nobody. It will be a very shameful show, after the Government has spent large sums of money to train them to begin to behave irresponsibly. But for the Government, most of them would not have been able to see the inside of a university. A student who has to pay his fees always looks before he leaps. But some of them are so sure of this scholarship award

and the generous assistance we give them that they do not even respect their lecturers. They say that they are even higher than their lecturers.

I think that what should be done to help them out, some of those who are really needy students, would be to make an approach to my Colleague, the Minister of Finance, and put up a proposal for evolving loan fund.

But when we come to the question of loan, our experience was that most of these students, when they were given loans, made no effort whatsoever to refund the loan, and then the money given to them as loans became a bad debt. I think one of the conditions which a man who wants to give out money on loan would like satisfied is to make sure that the money is paid. Well, if they were willing to refund this money, we could have lent them back to those who are in need and would like to raise loan.

I thank Senators very much in deed, and I will make this point to the Principal.

Question put.

The President : According to the requirements of the Constitution, we shall go into Division.

The House divided.

Ayes 36 ; Noes Nil.

AYES

<i>Seat No.</i>	<i>Name of Senator</i>
1	Senator M. A. Green
2	Senator Nwoke
3	Senator Asemota
4	Senator Chief Fagbenro-Beyioku
5	Senator Bawa
6	Senator Chukwubike
7	Senator Ejaife
8	Senator Alhaji Metteden
9	Senator Abaagu
10	Senator Chief Ugwuocha
12	Senator Adele II, Oba of Lagos.
13	Senator Alhaji Abubakar Bale
14	Senator Chief Ndu
15	Senator Chief Olayeye
18	Senator Nzerem
19	Senator Chief Hunponu-Wusu
20	Senator Chief Acholonu
21	Senator Alhaji Abubakar Garba
23	Senator Olamijulo
25	Senator Salahu Fulani
27	Senator Chief Esangbedo.
28	Senator Chief Doherty
29	Senator Hassan Rafin Dadi
32	Senator Idirisu-Tafidan Adamawa
33	Senator Udoh

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[University of Ibadan

13 DECEMBER 1962

Bill : Committee]

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<i>Seat No.</i>	<i>Name of Senator</i>
34	Senator Eyitayo
36	Senator Ukattah
37	Senator Ogundipe
38	Senator Zanna Sheriff
39	Senator Chief Umoh
40	Senator Lagunju
41	Senator Alhaji Ungogo
42	Senator Alhaji Abudu
	Minister of Health, (Senator Dr Majekodunmi)
	Minister of State (Senator Dr E. A. Esin)
	Minister of State (Senator M. Nuhu Bamalli.)

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

UNIVERSITY OF IBADAN BILL
CONSIDERED IN COMMITTEE

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

Clauses 10—(DISCIPLINE OF STUDENTS).

Senator Dahlton O. Asemota : What I want to say is the matter concerning the students. Many Senators here have blamed the school authorities or the college authorities and the students for their actions. But they seem to forget that charity begins at home. Most of the troubles that we experience from this children to-day do not just come from the air: the parents themselves encourage the children to do what they are doing. If every parent should take interest and take care to prevent their children from misbehaving at home, they would definitely not misbehave outside. If a child is with the father and in the presence of the child the father tries to devise evil means of destroying an opportunity, what do you expect the child to do? What do you expect the child to do when the parents themselves have not been able to establish a reputable home in which they will be able to train their children to be useful to the community? The Bible says, "By their fruits ye shall know them." The parents of these children that have been turned out at Nsukka should be ashamed of themselves. What I am trying to say is that, although these students are to be expelled and made to suffer all these penalties, it should also be taken into consideration that their parents themselves, just as the teachers themselves, have responsibility in the matter. If all parents take upon themselves to train their children at home properly, to see that during

school holidays they are disciplined, that they do domestic work, that they do not indulge in going to cinemas and all that sort of thing, they will certainly be good citizens. I am saying that the school authorities, wherever they are, should also take into consideration that it is primarily the fault of the parents that the students acted in the manner that they have done.

Clause 10 ordered to stand part of the Bill.

Clauses 11-16 ordered to stand part of the Bill.

Schedules I-IV agreed to.

Bill to be reported.

(The President resumed the Chair)

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

The President : According to the requirements of the Constitution, we shall again go into a Division. The Clerk will now proceed to call the Roll.

The House divided.

Ayes 34 ; Noes Nil.

<i>Seat No.</i>	<i>Name of Senator</i>
1	Senator M. A. Green
2	Senator Nwoke
3	Senator Asemota
4	Senator Chief Fagbenro-Beyioku
5	Senator Bawa
6	Senator Chukwubike
7	Senator Ejaife
8	Senator Alhaji Metteden
9	Senator Abaagu
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13	Senator Alhaji Abubakar Bale
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27	Senator Chief Esangbedo
28	Senator Chief Doherty
29	Senator Hassan Rafin Dadi
34	Senator Eyitayo
36	Senator Ukattah
37	Senator Ogundipe
38	Senator Zanna Sheriff
39	Senator Chief Umoh
40	Senator Lagunju
41	Senator Alhaji Ungogo
42	Senator Alhaji Abudu

Minister of Health, (Senator Dr Majeko-dunmi)
Minister of State (Senator Dr E. A. Esin)
Minister of State (Senator M. Nuhu Bamalli)

Bill read the Third time and passed.

Sitting suspended : 11.33 a.m.

Sitting resumed : 11.50 a.m.

CUSTOMS AND EXCISE BILL

Order for Second Reading read.

Minister of State (Chief the hon. H. Omo-Osagie): Mr President, Sir, I beg to move, That a Bill for an Act to amend the law relating to Customs and Excise be read a Second time.

This Bill seeks to rectify some anomalies which exist in the Customs and Excise Management Act (No. 55 of 1958) and also to improve Customs and Excise control generally.

The Third Schedule to the Customs Tariff Act (No. 60 of 1958) which relates to export duties of Customs has been expanding and, with the introduction of items like "Animals, reptiles and African grey parrots" and "Birds, other", it has become essential to make provision for the temporary exportation of goods without payment of Customs duty on exportation and subsequent reimportation. Clause 1 of this Bill seeks to achieve this.

The Amendment to section 12 of the Customs Tariff Act (No. 60 of 1958) as contained in Act 1961 (No. 44) has been found to be erroneous, and Clause 2 in this Bill seeks to rectify the error and, thus, to empower the Board—where it appears to it to be inequitable to charge duty on the entire composite commodity at the rate applicable to any particular ingredient therein which is dutiable at the highest rate—to base the duty on such composite goods on the rates applicable to the various ingredients contained therein.

It is anticipated that distilleries for the local production of spirits will soon go into operation in this country and Clause 3 of this Bill seeks to empower the Governor-General to make regulations—similar to those for other locally manufactured excisable goods—to provide for the exportation and loading as stores of locally distilled spirits without payment of excise duty.

The range of goods on which excise duty is payable has been widening, and it has become necessary to make provision for the warehousing of excisable goods so that the local manufacturers of such goods may not be at a disadvantage, as compared with overseas manufacturers of similar goods which are imported into this country. Clause 4 of this Bill is intended to achieve this.

Recent developments have indicated that due, amongst other things, to the increasing value of landed property, the tendency is to site factories in which goods which are liable to excise duties are produced, at places where the proper officers of Customs and Excise charged with the responsibility for controlling such factories cannot, on their own accord, find suitable and convenient living accommodation because such accommodation is not readily available. Clause 5 of this Bill seeks to empower the Board of Customs and Excise—where it finds it desirable that the proper officer should reside on or near premises licensed for the production of excisable goods—to require the licensee to provide at his own expense, and lease to the Board on reasonable terms, suitable living accommodation for the proper officer and his household.

The Board of Customs and Excise endeavours to collect the legal revenue due—nothing more and nothing less—and it intends to continue to refund, as it has done hitherto, any overpayment made by proprietors. Experience has indicated, however, that some proprietors have not been taking sufficient care in preparing Customs documents on which their Customs duty is assessed and paid, and this has resulted in a sharp increase in the number of claims for refund. Clause 6 of this Bill seeks to empower the Board—where it thinks it fit—to require a claimant to an overpayment of duty to defray, in accordance with reasonable scales determined by the Board, the administrative expenses incurred by the Board in effecting the refund.

The inadequacy of Senior Service personnel in the Customs Preventive Service has made it impracticable to include an officer not below the rank of Assistant Superintendent—as provided for in the Customs Preventive Service (Firearms) Act 1962—in every Customs patrol. Due to the increased activities against persons engaged in running contraband, the work of Customs patrols has become much more

[CHIEF OMO-OSAGIE]

risky, as persons engaged in smuggling now arm themselves with dangerous weapons more often than before. Senators would recall the recent incident in which an unarmed Customs patrol clashed with a gang of smugglers and one officer of the Customs Preventive Service was killed. It has therefore become essential that Customs patrols should be reasonably armed whenever necessary. Clause 7 of this Bill seeks to enable the Board to arm any officer in the Customs Preventive Service, provided any officer so armed is either under the control of an officer not below the rank of Senior Preventive Officer, or is himself an officer not below the rank of Senior Preventive Officer.

The current intensified drive against the running of contraband indicates that it is essential to provide more effective means of checking anti-revenue activities in premises licensed under the Liquor (Licensing) Act 1959, and of imposing penalty—including forfeiture of the licence for the premises—for any contraventions of the provisions of the Customs and Excise Management Act similar to those provided for contraventions of the Liquor (Licensing) Act. Clause 8 of this Bill is intended to meet this need.

Mr President, Sir, this Bill is non-controversial. I beg to move.

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

Senator P. A. Ogundipe : The Minister of Finance should be sympathised with for having to bring more and more Bills dealing with Customs and Excise, and especially with the activities of smugglers in this country and all efforts to curb them. The Minister has done a great deal of work in order to bring these people under check and his work really needs to be commended.

But one point strikes me about the smugglers and their activities—how they are almost always unbeatable in their various devices. The point is that there must have been some people who want work, who want some means of living, but have failed to get any. I think that it is our duty to begin to think of the root causes of this persistence of smuggling in spite of all the heavy punishments that follow when the people are caught and charged to court.

In the first place it may mean that the trade is very lucrative and that it has all the encouragement that makes people persist in smuggling. In the second place, there are thousands of people who want to live but have not the means of living. Smuggling provides a way for them, even though the act greatly interferes with the revenue of the country.

I think that the hon. Minister of Finance should try to approach the matter in a different way. He should see to it that the Six-Year Development provides the areas where smuggling is rampant—in fact, it has almost become an industry in itself—with an industry to which the smugglers would direct their activities. This point should be seriously considered because without it, there is the danger of a strong impetus for this smuggling activity to continue.

I strongly advise our able Minister of Finance who has done so much, to try more to keep the activities of the smugglers down and think of a way to substitute something by way of industry. This, I think, will discourage smuggling.

This is my humble contribution to this Bill. I commend all the activities of the hon. Minister of Finance, and I wish him more success. I hope that the Six-Year Development Plan will do something positive by way of industry to discourage smuggling activity in this country.

With these few remarks, I beg to support.

Senator Dahlton O. Asemota : I know that it is the duty of the hon. Minister of Finance to look for money from any angle where he can get it. But Clause 5 of this Bill says—and with your permission, Sir, I quote :

“The requirements which the Board is authorised to impose on the holder of an excise licence by subsection (1) of section one hundred and eleven of the Customs and Excise Management Act, 1958, shall include the requirement to provide at his own expense and lease to the Board, on such reasonable terms as the Board may determine, living accommodation which the Board considered suitable for occupation by, and by the household of, any officer charged with duties which in the opinion of the Board, make it desirable that he should reside on or near the premises for which the excise licence in question is granted ;”

That is fair enough, but let us suppose that the licence holder is not in a position to build such a house, what will happen? Does it mean to say that the Government will have to forfeit the licence or transfer it elsewhere, or does it mean that any type of house that is built will be suitable for the occupant? If the excise licence is to be granted to any particular individual, I think the Government should also take into consideration the fact that that man has not got the requisite premises and all that is required by law without imposing upon him the burden of providing living quarters for the people who are supposed to supervise that particular type of job.

The second thing to which I would like to draw the attention of the Government is Clause 6. With your permission, again, I quote:

"Where a claim is made to the Board for the repayment of any sum in respect of an amount paid by way of duty in excess of the amount chargeable in respect of that duty, the Board may if it thinks fit require the claimant to defray, in accordance with such reasonable scales as the Board may determine, the administrative expenses incurred by the Board in connection with the repayment."

Why, Mr President, should the man pay the administrative expenses? It may be through no fault of his own; after all, the customs rules change so often. For instance, if I have goods lying down at the port here and the duty on them is $33\frac{1}{3}$ per cent and I prepared my entry on $33\frac{1}{3}$ per cent, but later on I found out that subsequent amendment has brought it down to 20 per cent, and I claim the difference between 20 per cent and $33\frac{1}{3}$ per cent, and the Government now tells me to pay the administrative expenses in preparing the necessary documents for the refund—I think that that is a little too much. If the amount of duty inserted on the bill of entry does not conform to the previous amount which the Government had already agreed upon, then it should be reasonable. But if the Government had already agreed on $33\frac{1}{3}$ per cent and, through no fault of the exporter or the importer, as the case may be, the Government reduces the duty to 20 per cent and prepares its bill on the old rate, why on earth should administrative expenses be paid to the Government when the Government knows very well that the mistake

is not on the part of the importer or exporter or due to any intention to defraud? No exporter will be happy to pay more than the Government has stipulated, and if it so happens that he has paid more than what the Government requires, why should he be called upon to pay administrative expenses?

The third point is about the Customs Preventive Service. I am very happy that this matter has come up again. You will remember, Mr President, that sometime ago we discussed this point at length and we said that every member of the Preventive Service should be armed. The Government, on that occasion, said that the people were not going to be armed and that armed officers should not be below the rank of Assistant Superintendent. The Government has gone further now to say that those to be armed should not be below the rank of Senior Preventive Officer. They have also said in Clause 7 of this Bill—

"...and to members of that service below that rank when, but only when, they are acting under the personal supervision of such an officer."

Why is this Clause necessary now? Supposing the Senior Preventive Officer is killed or, due to other reason, he is not there to supervise the other people, why should those people not be armed in order to defend themselves? This is a matter that we argued at length some time ago and I pressed for a Division. Although I lost, the Government has now seen that they were wrong on that occasion and the Senators who would have supported my Motion very strongly on that day would have been happy to see that what we actually said was right and that the Government has now carried it out. That Bill could have been rejected outright on that day and it would have been brought back and there would have been praise for the Senators. Unfortunately, they were carried away by sentiments, as a result of which the majority of them did not see eye to eye with me.

Why should this clause say that they should be armed "*When, and only when, they are acting under the personal supervision of such an officer?*" Why is that necessary? Why not make it open that whoever it is that is on the Preventive Service, whether he is an Assistant Superintendent or Senior Preventive Officer, or whoever he may be, should be protected.

[SENATOR ASEMOTA]

Life is valuable and a man should not allow himself, just for the sake of rules and regulations, to be killed like a fowl without any means of defending himself. The Government should still go further by allowing every member of the Preventive Service to be in possession of arms. That is my own view.

The next point I would like to touch upon is about smuggling. It is a thing about which we have talked so much in the past. The causes of smuggling are many. The duty on spirits which these people smuggle is a bit too high, and duties on several other commodities, which are also smuggled, make it impossible for them to buy them locally and people have to look for cheaper stuff elsewhere. And here again, this situation has been caused by these trade union leaders. They advocate every time and again for increase in salaries and wages. They are responsible for the increase in this nefarious act.

The Government too is responsible. When trade union organisations confront the Government and ask for increases, the Government yield and obviously, the Government will begin to look for other avenues again to cover the amount that will be paid out. They will set up commissions of enquiry and the commissions will recommend certain rates. What will Government do next? It has no farms; it does not engage in any business. The next thing that the Government will do is to increase the duties on various articles and when people cannot pay the increased rate of the goods, they too begin to look for the smugglers who can afford to sell these things at a reduced rate. That is how smuggling keeps on getting encouragement from right and left. The Government has got to look into this very closely.

I am sorry I was not here yesterday when a certain Motion was moved, I would have said something about it. At any rate, it is time the Government re-examined the position as a whole, particularly the demands of these trade unions and their leaders. When they ask for increase in salary, they should also be prepared to tell Government by way of concrete suggestions what is the best way of meeting these demands which they keep on asking for. This thing does not rest with the Government alone, it goes back to the mercantile houses who are also employers of

labour. If they are hard hit, they will in return increase the value of the goods they have to sell. As a result they will not as well be able to get market for the increased rate and the market will be saturated, and if they do not sell the goods, they will not be able to accrue the profits from which they will certainly have to pay their staff. This thing is just like turning round a table over and over again. I hope the Government will certainly look into it again and see that the constant increase in duty, particularly on imported goods and articles like cigarettes and other things are minimised.

Senator T. Olamijulo : My speech will follow exactly the same line as that of Senator Asemota, especially with regards to Clause 7 of this Bill. We spoke at length about arming the Preventive Service men the other time, and I am happy to note that the Government has now seen to our complaints. I am of the opinion, however, that the part of this Clause 7 which says "*when, and only when, they are acting under the personal supervision of such an officer*" should be entirely removed, because we cannot expose the lives of these junior men to danger. If anything is worth doing, it is worth doing well. Although it is not necessary to arm everybody indiscriminately, but at the same time when one is exposed to obvious dangers, one should be able to defend oneself.

I hope that in course of time the Government will go a bit further with this Bill. After all, the Superintendent may not be present at all times and there is no reason why we should not allow the other Preventive Officers to be equipped.

With these few remarks, I beg to support.

Senator Chief S. T. Hunponu-Wusu : This is a very short Bill, but I would like to refer to Clause 6 in particular. Senator Asemota when he said that importers should not be made to pay for another man's mistake. If duties are reduced from 33½ per cent to 20 per cent, that is not the business of the owner of the imported goods, it is the instruction from the hon. Minister of Finance or whoever is concerned that is being carried out. Why on earth should the poor man who has already imported these things be penalised

by making him to pay now what is called 'administrative expenses' on money already incurred? It is in this way that many a time when you order articles and you get down to the Customs where there is an over-charge, it is always difficult, it takes some months before you can get your money back from the Government. We realise that; and who are importers know that. It is always good for the Government. The Government will not allow, nor will I support that Government should allow goods to be released without the necessary duties having been paid, but at the same time if you are to take something back from the Government, it takes you a very long time. If it takes the Government a very long time to refund your money back to you, why is the Government asking to-day that it wants to take administrative expenses from the money that they have to refund to you? I do not know whether they have to engage another clerk who is to work out that thing for two or three days and then they have to charge for the two or three days that that man has worked overtime. Why should poor importers be made to suffer? As Senator Asemota has said, I do not think that that clause helps the public very much. It is the duty of the Government that once the duty is reduced, it should not ask the poor man to pay for the administrative expenses incurred during the reduction.

To go now to paragraph 7, according to the last but one speaker, we have seen that what happened on the Benin-Sapele Road some time about the £60,000 that was burgled, was an ocular demonstration. Fortunately, the lorry was well armed with the police and so on and so forth. But notwithstanding that the man was armed, he was wounded with, the result that the others who were not well secured had to run helter-skelter. The same thing happens with the smugglers. When they know that you have passed a law, they find out who and who are to be armed, and that will be the Senior Preventive Officer or the second or the third man—only three people who are being secured and these three have six others under them. Anything can happen, far be it though, but if these three are being challenged and the others are unarmed, they will suffer. That is all. The thing you are trying to protect is being defeated. Why not equip all the others and give them instruction: "when I say go, you go; when I say stop, you stop"?

But if only a few of them are armed, the few would be attacked by only a handful of the smugglers, say only three out of the twenty. The man at the head will say, "Let us attack A, B, C, D.; finish them, go on, face A, attack B and you face C and attack C; go on, B to Z." Knowing fully well that those who hold important posts there have been attacked, the others will surrender. It is no use sending one hundred soldiers to war with only 50 of them being armed. When the first fifty have been defeated, the others will raise their hands and say, "We bow." If these Preventive Officers are being defeated, the remaining ones will simply say, "Go on! Go on! carry everything! Do not kill us! Do not kill me!" That is what it amounts to, automatically. Therefore, I am appealing to the Government, through the President, that all members of the Preventive Service should be equipped for the safety of Nigeria.

A time will soon come when there will be a relaxation in it, but not until these people misuse that privilege. If they do, then we can say that that is why we are not arming them because at one time we did and the privilege was misused and that is why we are curtailing the privilege. If the privilege is given to a few, then the others will be made to suffer.

With these few remarks, I beg to support.

Senator Chief A. O. Fagbenro-Beyioku :

In general, the Bill is welcome, but there is one strong observation I would like to make, particularly on the question of excise duties and the question of importation of other goods into this country which, to a large extent, affects the economy of this country, and not only the economy of the country, but also the cost of living.

I cannot understand why we should be producing goods in this country and those goods will be selling at almost the same price with the imported ones. In my own opinion, it makes nonsense of our industrial programme. One of the main reasons is that on the question of these excise duties, it appears our Government wants to satisfy some people, and that is why we have on the Boards of these other manufacturers—people who say they come as pioneer manufacturers—people who are made nominal directors, Nigerians who are paid £2,000, £3,000, just to enable these manufacturers to establish. And these people, who are Nigerians, are the people killing the

[SENATOR CHIEF BEYIOKU]
country. They are called nominal directors, without any function, and they are prepared, at the expense of the country, to see that goods produced in the country do not compete successfully with goods imported. For instance, take the case of the star beer. We all know the history of the star beer. We know who the shareholders are. I do not see why star beer, produced locally with perhaps consideration of excise duties, should be selling even much dearer than some imported beer.

I would invite the attention of Senators to our cement. We produce cement locally with a view to making the building of houses in this country become cheaper and rent to become lower. What do we find? People want to satisfy the importers, with the result that the cement we produce locally would even be selling at almost the same price as, if not dearer than, the cement which is imported. In some cases some of these pioneer industries have some sort of consideration. They are not paying tax; they are not eligible for taxation on their profits until they are sufficiently established and they have been making profits—it is only then that they start to pay tax.

Again, we have some sort of canned foods in this country. But if Senators go to the stores, they will find that the canned foods produced in this country are selling at the same price with those imported. These things beat my imagination.

And then, of course, people who are working are entitled to live; people who are not earning £2,000 as nominal directors must have to ask for more money so as to be able to keep heart and soul together. All these things must stop. We must make an appeal to the hon. Minister of Finance to make a thorough investigation into this situation. Where we produce cement locally and cement is to be imported, the customs duties to be paid on the imported one must be very high so as to discourage people importing what we are already producing. The customs duties must be higher than the excise duties on the locally produced one. Until we can get that situation amended, I feel we shall ourselves be defeating our industrial programme in this country. When we talk of the Six-Year Development Plan and all these situations are not properly corrected, we will find that at the end of the six years we shall have a situation for ourselves

in this country which only God will help us to get out from—the cost of living will be so high, and, rather than emphasising on our products, the expatriates from the other end will still be dominating our economy. That again is where I want to draw the attention of the Minister of Finance. I feel that any investigation instituted on this matter will be worthy of it.

Again, I will appeal to the Minister of Finance to look into these articles which have very much to do with our day-to-day living—articles of food which may affect the children, milk for the children which perhaps we are not producing now but which we may necessarily have to import for the use of the ordinary man. Whatever may be the present duty on them, since we are not producing them I think it will be worthy of consideration that the duties should be reduced so as to reduce the cost of living in the country. I am not in sympathy with drinks and cigarettes. They are luxuries. The Government may impose any duty on them and those who can afford them will still buy them.

In this instance, I would say that it is the Government that encourages illicit drink. We talk of illicit drink. Illicit drink has become part of our life. We cannot rid ourselves of it. The only thing is to legalise it and draw excise duty from it. Let the Government bring out experts from other parts of the world to teach the people to refine it so as to remove the poison element from the drink (if there is any poison element at all. I know people who have been drinking it for generations and are still alive).

The other point is on this administrative expenses. I am one hundred *per cent* in agreement with the Minister of Finance. Where a claim is found untenable, false, fantastic and ridiculous, in such a case if such a man is called upon to pay the administrative expenses so as to discourage people making fantastic claims from time to time, I agree. But right from the outset, to prejudge the issue by thinking that the claim is unreasonable, as if Government is discouraging people from making claims, is to my mind wrong. In the first instance, I submit my application: "Mr Minister of Finance, I have paid £120 in excess; I shall be glad if this £120 will be refunded; these are my facts". The Minister

of Finance will reply, "I am looking into what the administrative expenses will be and you will be hearing from me further". And then the next thing is that I receive a letter from the Minister of Finance: "I have looked into the matter, the administrative expenses will be £100. Will you please deposit £100 with the Treasury and send the receipt and then your claim will be investigated". Where are we going? Suppose the man is a poor trader who perhaps scrambled before he got the £120? He will say, "I leave it to God". That is all. Where, in any case, is he going to get another £100 to invest to claim £120? And perhaps by the time he has paid in the £100 he receives another letter which says, "It would be looked into again". Later on a letter will come to say: "No, we are only paying you £20 back". I think that section must have to be looked into. I do appreciate that the intention of the Government could be to discourage people from making fantastic claims. But at the same time, we must not put it in such a way as to suggest that we want to drive the people away from making a claim for money which legitimately should have to be refunded to them.

I do not want to dwell on the question of arming or not arming. I have spoken on this when the Bill of the Preventive Service came before this House, and I still hold to my view on that particular question. It is so unfortunate that a situation arises in this country whereby people must have to be armed.

But on the question of smuggling, I feel by and large that smuggling could only be brought to an end in this country if we all co-operate, not by giving people guns, not by sending aeroplanes up, not by sending warships to the sea, but by having the moral courage to talk to our men who are involved in these things and the moral courage not to patronise contraband goods. Some people have become wealthy and have built mighty upstairs through dealing in contraband goods. They are the people who buy the goods, they are the distributing agents. They are the big men in town!

A Senator: What of trade unionists?

Senator Chief Fagbenro-Beyioku: Trade unionists are not traders; they are workers; they have no time for trading. People who

are local directors are the people who do such a trade. That is why Yorubas say that if one wants to go into the depth of wealth one will find quite a lot of mysterious things there. The way to acquire wealth is never a straightforward course. The wealthy people are the people we have to appeal to. If they stop patronising the contraband goods, smuggling will be reduced, because if one brings a lot of these things and he does not get anybody to buy them from him he will not be encouraged to venture in the trade next time. In this respect, I do not feel it is a matter of using guns or aeroplanes that can stop smuggling.

The Bill is welcome, and I support it, but I do appeal to the hon. Minister to take cognizance of those points which I have made with a view to making improvements which he may consider necessary.

Minister of State (Chief the hon. H. Omo-Osagie): As usual, I have to thank all Senators. I am happy at the reception given to this Bill with one or two points which have been brought up.

Most of the Senators emphasised the establishment of industries in the areas in which this smuggling is rampant—a place like Oron. A house is not built in a day. The Government is experimenting, and where possible industrialisation will be encouraged.

Senator Asemota talked about accommodation. The Government is only making attempts to help the licensees who manufacture excise goods. Where it is not possible for Government to have accommodation for their staff, and it is necessary for the staff to be stationed near the establishment, I think it is but very reasonable that the licensee tries as much as he can to provide accommodation which the Government can hire.

He further spoke about arming senior officers. The truth is that this Bill is a step forward to implement the suggestions of Senators on the former Bill. The question of a senior officer being in command of the others and firing if occasion arises does not come in at all. Senators know that in every legislation security must have to be provided, particularly to secure public safety.

Senator Wusu talked about the same thing by saying that if a hundred people go to war,

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twenty of them holding guns, and if twenty are killed the others will give up, and all the rest of it. I do not think such a situation will arise.

Then Senator Chief Beyioku expressed the importance of investigating into excise duty, particularly about the fantastic claims of customs duty. The Government never rejects a claim from somebody who pays 33½ per cent under a certain law when another law has been enacted reducing it to 20 per cent. Senator Chief Beyioku made out the case properly, but when a claimant makes frivolous and ridiculous claims which will be found out later to be so ridiculous, then he will be asked to pay administrative expenses, and he has got to pay it because he at that time was not being sincere with the Board of Customs and Excise, and it is this fantastic claim which this Bill refers to here.

I think there is very little to dwell upon in this Bill because Senators almost unanimously agree that this Bill is not controversial.

Question put and agreed to.

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

OFFICIAL SECRETS (AMENDMENT) BILL

Order for Second Reading read.

The Attorney-General and Minister of Justice (the hon. T. O. Elias) : I rise to move, That a Bill for an Act to limit, in relation to the Regions, the repeal by the Official Secrets Act, 1962, of other enactments relating to public safety, be read a Second time.

Since the Official Secrets Act of 1962 was passed in this Senate 1st August, it has become necessary for provision to be made to make it clear that the Regional Governments can continue to enact legislation to protect their own secret information and documents. Several existing pieces of legislation were repealed by the Act of 1962 which operates throughout the Federation, but some of the enactments are still of effect in the various Regions. This amending Bill is intended to make it quite clear that what is sought to be protected here will be official secrets relating only to the Federation in its sphere of activities in which the Federal Government is competent, and the various Regional Governments may enact legislation similar to this in respect of their own safety.

I beg to move.

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

Several Senators : Aye ! Aye !

Senator E. A. Lagunju : From the popular acclamation of the Senators, I do realise that this is a popular Bill. It is a welcome Bill because whatever we can do for the security of the State is not too much, and particularly anything dealing with official secrets. But in the original Official Secrets Act, paragraph 1, Clause 3 (a) and (b), it states thus, with your permission, I read—

“(a) When the accused transmitted, obtained, reproduced, or retained the matter as the case may be, he did not know and could not reasonably have been expected to believe that it was classified matter ;

“(b) When he knew or could reasonably have been expected to believe that the matter was classified matter he forthwith placed his knowledge of the case to the disposal of the Nigeria Police report.”

What I am driving at there is that it appears as if these two sub-clauses gave room for some sort of loopholes. In other words, the Government places somebody in a responsible post dealing with official secrets, and yet he is transmitting certain things which he does not know are official secrets or are of important nature. I think if Government trusts somebody and places him in a responsible post, he should be made to realise what he is transmitting.

The President : Order ! Much as I do not want to interrupt the Senator, I hope the Senator will not use this opportunity to debate an Act that has already been passed. You must confine yourself to the confines of these two clauses.

Senator Langunju : What I am driving at is that whatever we can do for the security of the State is welcome, and when we place people in responsible posts like that, we trust them, and we sincerely hope our people will be worthy of the trust imposed in them.

Question put and agreed to.

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

WEIGHTS AND MEASURES BILL

Order for Second reading read.

The Minister of Health (Senator Chief the hon. M. A. Majekodunmi): I beg to move the Second Reading of the Bill for an Act to consolidate and amend the law as to Weights and Measures and to make provision for Metric Weights and Measures and for connected matters.

The object of this Bill is to make amended provision with respect to Weights and Measures with a view to establishing uniform standards of weights and measures throughout the Federation and to ensure that these standards correspond to internationally recognised ones and are periodically compared and adjusted.

The Bill also seeks to make punishable under the law, any attempt of fraud and misrepresentation in weighing and measuring. Obviously if we are to trade with foreign countries, we have to ensure that the weights which are internationally accepted throughout the world are also used here, and this Bill is designed to ensure that the countries outside with whom we trade and to whom we sell our products appreciate and accept the standards which we ourselves use here.

It is not a controversial Bill. It is just a Bill designed to regularise the practice which is already in existence.

I beg to move.

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

Senator J. K. Nzerem: As a nation we have to uphold certain standards—standards of honesty—if we are to be taken into confidence by people with whom we trade abroad. Not only that, even in our home markets, it is essential that we should maintain certain standards. I think this Bill is of general application throughout the Federation.

I want to bring to the notice of the Government that in our local markets—I do not know what obtains here, but in the East, if you go to Onitsha Market or Aba Market, you buy one cup of *gari*, it is half a cup that you buy. They stick something at the back of the cup, seal it and then they measure the

gari so quickly. For every 20 cups they measure out, you have, in actual fact 12 cups. What is the Government going to do to stop these mal-practices in our local markets? Cigarette tin is no longer cigarette tin; it is half a tin. Even in measuring the quantity of rice, you get under-measurement. It is necessary that we should be honest in our practices, in our dealings, not only with our overseas markets but in our local markets.

I want the Government to do something about it and to employ people to check these measurements. If the Government thinks that merely passing the law here will stop people from being dishonest, well I think they are making a mistake. They must take positive measures to check these weights. I am sure, when people take their goods to the wharf, they have adequate machinery there to do the weighing. But the weight of things sold in our local markets must receive Government attention. I cannot say that we are making any headway if we allow our people to be cheated in the markets. They are cheated with impunity under the nose of the Police. I think something should be done to see that sort of practice is stopped.

I beg to support the Bill.

Senator Dahlton O. Asemota: I am happy indeed to have the opportunity to say something about this Bill. For some years now, the Government has altogether neglected the examination of scales. Up to about 1954, the Police usually went round the various stalls, examined the scales and weights and issued what was known as certificate of justness. We paid money for it and that was a very good check on the people who had the scales and weighing instruments to be sure that their scales are in proper working condition. But since 1954 it disappeared.

In my area I have made several applications to the Police Authorities asking them to arrange for scales to be examined. The application has fallen on death ears. We are exporters of rubber and other commodities to U.K. We get back from U.K. long lists of short-weighted articles. When we look at our scales, we are perfectly satisfied that they are correct. But since it is not examined by Government and no certificate of justness is issued, it is difficult to argue it. It is no use saying that

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your scale is correct when you have no means of proving to the people that the Government has examined it.

The same thing happens to cloth sellers. If you go to all these cloth sellers and you want to buy cloth, they have yardsticks with which they measure clothes. In those days the Government used to examine the yardsticks and if they were found to be correct, they stamped them. As a result, if any buyer wanted to buy anything, the first thing he did was to ask for the scale in order to establish that it had been examined by the Government.

The negligence of the Government to perform its duty has caused considerable inconvenience—loss of money to businessmen and business enterprises all over the country.

When this Bill was introduced, as I said before, it was a great joy to see that the Government was waking up to reintroduce the law that has been obtaining in the North for several years. When I said 1954, I was in the North in 1954, and since then I do not think that it has ever been introduced in the Southern Provinces.

One Senator has just said that in the East there is a lot of mal-practice going on because the scales there are not examined. This is a welcome Bill indeed. It should not stop with enacting the law. Will the Government take the trouble to see that they are enforced? Will the Government take the trouble to see that from now henceforth every scale, every weight, every measure, every yardstick, or whatever it is, is examined? The Government should see that they are properly examined and stamped. People who buy things will be satisfied that they are actually getting the maximum benefit from the scales. We who are exporters of commodities will feel satisfied that if there is any comment about our measurement from our overseas customers, we will be in a better position to answer them and would say that our scales have been examined by our Government.

I support the Bill.

Senator H. N. Udoh : I rise to support this Bill and to lay more emphasis on what Senator Nzerem said. I think this is more prevalent in our local markets. There is no exaggeration about what he has said. He referred to cups with which *gari* and rice are

sold. He also went further to refer to the small scales used by the people who sell beans and other commodities. For instance, if you go to one and buy a pound weight of something and you go to another one and buy something from him too, still you will not be satisfied. If one is curious and says, "My friend, I want to know how you measured this thing; tell me the truth", he will not be happy about it. If the Government can implement this Law, foul means will be detected.

The Government brings Bills every now and again and we pass them. Are they being implemented? I have a reference, Mr President. I know it does not come within the scope of this Bill. There was at one time adulteration of medicine prevailing in Aba. Somebody was sent to Aba to see the man concerned. I took the man to him because I knew him when we were in the Cameroons. I said, "Look here, do the job." As usual within one week he disappeared. He never came to Aba again.

With these observations, if the Bill will be implemented, I support it wholeheartedly.

Senator Chief S. T. Hunponu-Wusu : I rise to support what other Senators have said. This is my own contribution. Now we are speaking about weights and measures, but it appears we seem to forget our low-income group people who suffer most. If you go along Oba Adele Road, Lagos, you will get beans, *gari*, yam flour or anything of that nature sold with local measurements. You will find out that some of these measurements have been beaten underneath with the result that you get only perhaps three-quarters of what you buy; at times half of what you buy. Some of the house-boys when they return from the market, having bought their masters' requirements, they deliver the things but the masters will not be satisfied. The things might have been sold to them at 3s-6d per weight, which would only cost 2s-6d. Their masters would be annoyed with them. After all it is not the fault of the house boys, nor the fault of the stewards. It is the fault of the people in the market.

As has just been said by one Senator, it is now left to the Minister of Commerce and Industry to implement this law. It is one thing to make a law and it is another thing to implement it. Our poor wage-earners are suffering very much as a result of this defect. There is a lot of this going on in Lagos as well as in the Provinces.

With your permission, I read paragraph 10 (i) of this Bill :—

"(i) inspect and test any weighing or measuring equipment which is used for trade or which he has reasonable cause to believe may be so used, or which is in the possession of any person or upon any premises for such use ;"

You can use not only scale, but you can use pan ; you can use calabash. If it is a question of oil, they can stick something underneath to raise the quantity. This is what this section implies. If you go to Iddo here, you will find the same thing going on. The Police should be vigilant about this.

We are passing this Bill into law and it should be publicised so that everybody will be aware of it. For instance, if duty is imposed, say, 12 o'clock to-day and a little later if you have any goods to clear from the Customs, you have to pay increased duty. I would appeal to the Minister of Commerce and Industry that he should see that this Bill is implemented immediately, if possible before Christmas. As a result of this, our people will be conscious of themselves.

Now I am not going to deal with the question of weights and measures very much. But I will appeal to the hon. Minister of Commerce and Industry too. According to Senator Asemota, it was the Government policy at one time to have a responsible person or a Police Officer to go round and check these weights and measures. Therefore, I hope that the Minister of Commerce and Industry will look into these for us and see that Nigeria has a very good name in the outside world.

When I went to Holland a report was made to me that people from Nigeria shipped to them things which were under-weight. In fact this is what I always do : when I want to ship things I print different forms particularly when it comes to the question of shipping scraps to the outside world. I use the scale of the Town Council and, of course, I pay for it, so that if there would be any defect at all it would be the responsibility of the Town Council. The Town Council will have one copy of the form, I will have one in my possession and I will send one to the people to whom I shipped the goods.

Fortunately, at one time one of them reported that there was a shortage. I referred him straight away to the Town Council. I took up

the case. It was Irving and Bonnar who took up the case for me then, and I won because everything was proved clearly that I did not use a private scale. As a result of that, we discovered that it was these people who were trying to cheat us some how.

Therefore, I beg the President to appeal to the Minister of Commerce and Industry. These are the things that he has to look into for us.

Thank you, Mr President.

Sitting suspended : 1 p.m.

Sitting resumed : 3 p.m.

Senator T. Olamijulo : I am very glad that I am given this opportunity. A lot of things have been said about this Bill but there is an aspect that has not been clarified. I am not trying to side those who are dishonest, but I want the Minister to clarify certain points. The fact that the Government fixes the price of groundnuts, cocoa or any other produce makes it at times very difficult for those who are petty buyers to be able to buy in the farm. The farmers will not go themselves to sell, middle men have to go there to buy. The prices having been announced, the farmers will like to sell at the price announced by the Government. Not only for the graded price but—

Senator Chief S. T. Hunponu-Wusu : On a point of order, we are discussing Weights and Measures. The question of prices does not arise.

The President : I think if you give the Senator chance, it may be by way of a preamble.

Senator Chief Hunponu-Wusu : I hope it will not be too long a preamble.

Senator Olamijulo : Thank you very much, Mr President. The fact is that those who buy with honest scale find it difficult to get goods to buy. For example, I was a produce buyer. When I knew that prices will be going down, I went to my people—this was some-time ago when the price of cotton was only £8 per ton—I told them that the price would be cut and as such they should sell very quickly. I told them that the graded price was only £8 and as such the cost of carriage and so on should be excluded. I took with me a balanced and correct scale but what the farmer told me was that somebody had given him even in the bush

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 £8, which is 8s per hundredweight, and as such he would not give me any allowance for carriage or anything. He trusted those who were deceiving him with a false scale.

It will not be correct for me to task the Government not to announce prices, but they should make it explicit to the farmers that these are graded prices and allowances should be given for carriage and other things. I am sure that will lessen the use of false scales.

The other point I would like to speak about is that we have to practise honesty. It is not very easy for sellers to give the actual price they are going to sell their goods. If a seller can sell for 6s he gives a price of 10s. As such, he expects the buyer to beat it down. It will do this country a lot of good if we regulate our prices—there should be an agreed price for wholesale goods and another price for goods to be retailed. I think if the Federal Government can try and explain to farmers the situation of prices when they announce producer prices, this will be better and it will make our people realise that they will be doing this country and themselves a lot of injustice by using false scales.

I beg to support.

Senator Alhaji Y. M. Abudu: I rise to support the Weights and Measures Bill. I would not have said anything, but there are some points which have been raised by the previous speakers with which I do not agree. Some Senators said that scales are no more checked by the Police. This is not correct. I do not know what obtains in other parts of the Federation, but I know that from where I come from, Abeokuta, Policemen are still testing scales. Even this year, the scale of my company was tested and a certificate issued.

Another point which I would like to raise is that I want the Government, through the Minister of Commerce and Industry, to consider the question of introducing standard scales, especially for the women who sell in the market, for measuring our local foodstuffs such as *gari* and so on. It is these people who are cheating the public because they have not got standard scale. What these women usually do is to beat the end of their cups and bowls and the result is that they sell a small quantity for a big price. The Government should think of introducing a standard scale for

these women. Until this is done, we shall still have to be complaining that these people are cheating the public.

With these few remarks, I support the Bill.

Senator Chief A. O. Fagbenro-Beyioku: I will not like to subscribe to the idea that generally every trader in Nigeria is dishonest in the matter of these weights and measures. Senators have spoken on the line of general condemnation; I do not like this. In a collection of eggs, there must be one or two rotten ones, but that does not make the entire collection rotten. We know very well that even among the big traders, the big business men, they always point at the poor women selling in the market. I would say that the people who are really dishonest are these big commercial men, these importers and exporters. They are the people duping the country. We know a lot of cases which have been referred from overseas in respect of malpractices. After all, how much profit do these ordinary women in the market make?

In fact there is a provision in this Bill which seeks to provide that fresh meat and fresh fish shall be sold by the scale. As far as this is concerned, I would feel now that introducing that at this particular moment will place difficulties in the way of the traders concerned. In Lagos we know very well that fresh meat is sold by the scale at about 2s-6s-0d per pound. But are we quite sure that in the matter of fish (where the majority of women selling fish in the market are illiterates), that we can conveniently introduce that without getting these women harrassed by the Police from time to time? At the moment the Lagos Town Council and some other authorities in other places are faced with the question of these very women being harrassed from time to time. For every little thing, they are harrassed. Do we want to add to their hardship?

We can only introduce these measures when we have come up to a certain standard. I do not feel that introducing a Bill at the moment, seeking to regulate that the sale of fish will be by measure, will actually be conducive to the good of the people. That is my own opinion. If this Bill is passed—as it shall be passed because it is not going to be obstructed, I am merely trying to register my view—we will soon find that actually such provisions

will mean undue hardship for the women. It is then that the Police will be given the licence to go to the stalls of these poor, innocent people every minute. We are not in England or in some other parts of the world where all these things are sold by scale. Those people can afford it. They are well developed and can fully understand what should be done. Before we introduce Bills of this nature in this country, we must make sure that the people, at least the average people, who will be concerned are fully conscious of what they involve.

Again, in this very Bill, it is provided that fresh meat will be sold by the scale. Are fresh fish at the Beach included? That is what I just want to make clear. When we go to the Beach, can fresh fish be sold without the scale? If I go to the Victoria Beach or any of the fish beaches can I get fresh fish to buy without having it measured by scale? When I go to the market and I want to buy fish I must buy it by the scale. How can we reconcile these? I am not quite clear on this point. Apart from that, the Bill is a welcome one because it seeks to regulate all these systems.

I just want it to be on record that what some people feel is that our poor women selling *gari*, wheat, corn and oil are the only people who are guilty. I would not say so. The real people who are guilty of dishonesty in the matter of weights and measures are the big traders, but they want to cover themselves by focussing attention on the poor innocent women.

I support the Bill.

Senator A. Nwoke : I rise to support the Bill. In doing that, I want to congratulate the Minister of Commerce and Industry who, in spite of his occupation (because he had a lot of job to do over the Fair) has found time to present this Bill. The Bill is detailed enough and it has covered sufficient ground, and it is timely too.

We have got to learn by practice. I am definitely sure that a provision has been made here which stipulates that some of the measures will go by Nigerian standard. I understand that to mean that the Minister will take sufficient care to make certain measures, or recommend certain measures to be made, which will be understandable to the local people in the

market. But what I would like to sound here is a note of warning, that sufficient care should be taken to prepare these things in a way understandable to the average illiterate person in the market. The Government should take care too to go to the market and teach these people various systems of weights and measures that they intend to introduce, and how to use them.

It is stated in one of the clauses here that inspection of such Nigerian standard would take place within a space of five years. I think it is too wide a space of time. I like to suggest that that period of five years should be cut down to one year so that if annual inspection of these weights and measures is made any error will be detected in time and correction made accordingly.

The whole set-up covers quite a lot, and I personally appreciate the efforts made, as I said before.

I like to wind up by repeating my congratulations to the Minister. I hope that the measures contained in this Bill would not be left in writing as they are at the moment. We will certainly get going. I do not believe in introducing something and feeling that it ends on paper. We should pursue it to its bitter end. After all, the provision for the women to sell their goods by weight is not a bad one.

They will learn to do these things by practice and the moment they go into it they will try out the particular type of scales we intend to introduce. These measures could be carved out and named in the three main languages, *viz.*, Hausa, Ibo and Yoruba, so that any person handling any type of scale will know exactly what he or she is holding.

I remember when I was in Lagos during the war days, there was a type of measurement known as *mudu* which was locally made as a standard for measuring *gari*. The women really understood it. I suggest that such a device could be made to cover other grounds. As to weights and measures, they need not necessarily be in ounces and pounds. A particular type of scale should be evolved in such a sensible way that people will easily know which is one ounce and which is one pound.

With this remark, I support the Bill.

Senator Alhaji Abubakar Bale : I rise to associate myself with other Senators in supporting this Bill. This Bill has been introduced in

[SENATOR ALHAJI BALE]
order to bring Nigeria into line with the outside world as far as the question of weights and measures are concerned. That is true, but how will it be known by the common man—I mean the man in the street—that this is a yard and that is a metre, and so on? That is the point. The majority of people in this country are not literate. Therefore, I advise the hon. Minister of Commerce and Industry to standardise these measurement sticks in yards, metres and so on, before they are produced for use in this country. That will definitely help the people to know which is which.

I shall quote an instance of what happened to me when I was at Jedda last May. I approached a trader who told me that a metre of a piece of cloth cost two shillings. I pointed out the colour I wanted and he showed me the metre, but as I turned round to get my hand-bag, the man replaced the correct metre with another one and started measuring. When I noticed it, I asked him to change it, but by that time he had already measured ten yards. I held the ten-yard point and asked him to re-measure with the correct yard stick. He did so and the correct yard stick measured only nine and one-quarter yards. The man had cheated me of three-quarters of a yard. This incident happened to me who am literate. What then will happen to an illiterate? I think the hon. Minister will note this point and have it remedied. It will definitely help the people of this country.

I wholeheartedly support the Bill.

The Minister of Commerce and Industry (Ahaji Zanna the hon. Bukar Dipcharima): I thank Senators for their wise suggestions. After listening to the debates in the Senate both in the morning and this afternoon, I must say how happy I am that we are blessed with such honourable men who put the interest of their country over and above party interests, regional interests and religious interests. I am really very delighted.

May I inform Senators that the weights and measures are not under the control of the Police. A special section of my Ministry is empowered with the administration and supervision of weights and measures throughout the country. A Superintendent has been specially engaged for that purpose and he has

been busy training Nigerians as Deputy Superintendents and Inspectors, and the whole country will be so divided that Inspectors and Deputy Superintendents will be evenly spread to ensure that there is justice in the carrying out of these laws.

In order to alleviate any ill effect of the law on those who may not be knowledgeable about it, a gradation has been introduced so that the thing will be brought into force by stages without disturbing trade and at the same time ensuring that everything is properly and correctly done.

In a modern world, honesty is the best policy. If one becomes too clever by half, one may get away with the first spoils, but the next time, people will know and say, "This is the man who sells inferior things, this is the man from whom we must run away." If we look round the whole country, and in fact, the rest of the world, we will see many people who started by malpractices and who have fallen by the way side, and the honest ones, though moving gradually, have succeeded in getting to the top of the ladder. I am sure that Nigerians on the whole are honest people, otherwise our trade will not have been expanding so well. It is also correct that we must criticise anything which should not be allowed to happen in our country. It takes courage, self-realization and honesty to be critical of your own shortcomings, but I can assure Senators that our country, judged by any standard, is not a dishonest country and our people are not corrupt people.

This Bill has been passed by the Lower House and it has received unanimous support from all sides. It is a timely Bill. It replaces an out-moded Bill which was enacted in 1917 when Nigeria was a colonial territory and we were not therefore capable of looking after our interests. We are now two years old as an independent nation; we have come of age and we must bring measures to suit our new dignity and or newly won independence, and, what is more, we must introduce measures that will bring us into line with the rest of the world.

I beg that this Bill be passed without much debate because it is so timely and so useful to the progress and development of our country generally.

Question put and agreed to.

Bill read a Second time and immediately considered in Committee.

WEIGHTS AND MEASURES BILL :
CONSIDERED IN COMMITTEE

Clause 1—(UNITS OF MEASUREMENT AND PRIMARY STANDARDS).

Senator Alhaji Abubakar Bale : I think this interval of five years is rather too long a period and although the Minister assured us that a certain official has been put in charge of this to look into it, I think the period of five years is rather long. It should be two years.

Clause 1—ordered to stand part of the Bill.

Clause 2-21—ordered to stand part of the Bill.

Clause 22—(SALE OF CERTAIN MEAT AND FISH NOT BY NET WEIGHT AN OFFENCE).

Senator J. K. Nzerem : With your permission, I read Clause 22 (2): "*Nothing in this section shall apply to the sale or offer for sale of fresh fish on any beach, or to the sale or offer for sale anywhere of shell fish.*"

I have read through the Bill very quickly and I discovered that it is already provided for. That requirement has been provided for, and with that I think Senator Fagbenro-Beyioku should be satisfied.

The Chairman : May I point out to Senator Nzerem that what Senator Fagbenro-Beyioku said is what you are saying in part. He said that when you buy from the beach you do not need a scale, and that is what you have just read, but when you buy in the market you need a scale.

Senator Nzerem : That is very reasonable ; if you are buying in the beach you are buying in quantity and women buy from the fishermen who do not carry scales about with them. But in the market the scales should be provided.

The Chairman : So long as you understand what you say.

The Minister of Commerce and Industry (Alhaji Zana the hon. Bukar Dipcharima) : On the beaches people go to buy either for home consumption for themselves or for trade purposes. Those who are going to buy for trade purposes will know roughly how much the quantity weighs even though scales are not carried to the beaches by the fishermen on

our shores and in the sea and I think it is wise that we should take note of our limitations. We are merely bringing this aspect of the law into force so that everybody is satisfied.

Clause 22—ordered to stand part of the Bill.

Clauses 23 and 45 ordered to stand part of the Bill.

Schedules I to V agreed to.

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

LAGOS SPORTS COUNCIL BILL

Order for Second Reading read.

Minister of State (Mr Mbazulike Amechi) : I rise to move, That a Bill for an Act to constitute a Sports Council for the Federal Territory, to provide for the provisional membership and ratify the exercise of powers ; to confer on the Sports Council sundry powers and duties ; and for connected purposes, be read a Second time.

I would like, at this juncture, to beg leave of Mr President to make a personal explanation. I find it exciting and historic that my moving a Second Reading of a Bill in Parliament as a Minister should be in the Senate of the Federation of Nigeria. (*Hear, hear.*) I have just started a new life in my journey in the politics of Nigeria. It is historic, as I have said before, that I am starting this journey confined to the safe arms of the elder statesmen of the country, and I do hope that with your prayers and with your good wishes the journey will end as well as it has started. I do hope as time goes on, when I come here, I shall look more like forty than I look now. (*Hear, hear.*)

Coming back to the Bill, its purpose is to establish a Lagos Sports Council which will be primarily concerned with the development of and participating in amateur sports for the principal well-being of the community of the Federal territory.

The Council will also be responsible for the proper organisation and administration of sports and will see to the improvement of the standards of performances generally. Sports provide an easy avenue for the development of international friendship and understanding. It is one of the reasons why the Government is anxious to see that a Special Committee is formed for the encouragement and development of sports among the youths of the country

[HON. AMECHI]

This Bill is non-controversial; it has the support of all sides of the House of Representatives, and I am confident that it will meet with the unanimous support of the Senate.

I beg to move.

The Minister of Commerce and Industry (Alhaji Zanna the hon. Bukar Dipcharima): I beg to second.

Senator J. K. Nzerem: The Lagos Sports Council Bill has not come a moment too soon. The effect of sports on the physical and moral well-being of the citizens generally and the youth in particular cannot be disputed. It is a pity, somehow, that our Federal Government always allows the Regional Governments to take the lead in matters of this sort, but I know that in most of the Regions, if not in all, Sports Councils have already been constituted and we are now following the beaten track. Nevertheless, the Government has to be congratulated for bringing this Bill.

In Lagos recreation facilities are few and far between because there is so much congestion. This Bill is very welcome, indeed. It is a mark of progress, civilisation, and good intention of Government to see a Bill of this nature being introduced. Nigerians in the past few years have had the shame, if I dare say so, of being beaten by other countries in sports, countries which are smaller, and countries which have not the manpower that Nigeria claims have beaten Nigeria in sports.

I think this Bill is a beginning of better times to come, but there are certain things which I thought ought to have been provided for in the Bill, for instance, the management of the National Stadium. I do not know whether this Sports Council will be responsible for the management of not only the National Stadium but the other Stadium in the Federal Territory. I have looked through the Bill but I do not see that adequate provision is made for the training of personnel, particularly, overseas, because it is in the field of training personnel that Nigeria is so much lacking, particularly, in the Federal Territory. I do not think there is much to quarrel with in this Bill except that provisions should be made to cover the management of stadia in the Federal Territory. Provisions, also, should be made to make it punishable for people who fight in the field of sports, because many times we have heard of free for all fight in a football match. A law

should be made to punish those who take the law into their hands by causing disturbances in a sports field, and the Minister should be given authority to dismiss summarily sports officials who are found to be corrupt and incompetent.

It is, as I have said, a very welcome Bill, and any lover of this country will support the Government in whatever measure it is taking to ensure the well being of the future generations of this country.

I beg to support.

Senator E. A. Lagunju: I have very little to add to what the Senator has just said. We all realise that sound minds can only be found in sound bodies, and whatever we can do to give our boys adequate sporting activities is welcomed by this House. We need sportsmen who can hold their own among other competitors in the world. It is very depressing to note recently that we could not participate in the Commonwealth Games for one reason or the other, and I am sure, as the former speaker has said, that once we have an efficient Sports Council that can discipline itself first then, of course, all aspects of fraud will be removed. Once we do all we can to encourage our boys to be interested in sporting activities, I am sure we will get the best of it.

We have a teeming population. All we require is the encouragement, and I am really happy now that the Federal Government is prepared not only to put this Bill before us but to implement it as soon as possible right to the very letter.

Without mincing words, I support the Bill.

Senator A. E. Ukattah: I seize this opportunity to congratulate the Minister who has introduced this Bill, and he is very lucky that the Bill is not controversial.

"*Mens sana in corpore sano*" is an old adage, and it ought to occur to the Federal Government that a Bill of this nature should have been placed before us before this time. All over the Regions we have Sports Council established already. However, better late than never. By submitting this Bill, the Government is now showing the practical way that it is intending to improve sporting activities in this country. Now, we find that what is really wrong with the sporting activities in this country is that they have not done as much as they should, and the

reason for that has all the time been that sporting activities in this country had all along been engaged for the entertainment which it provides. I think the time has now come when sporting activities should help to enhance the name of Nigeria abroad, and the only way to do that is to ensure improved standards. I think that it is now opportune enough that the Federal Government has come in for every encouragement to be given to sportsmen and women all over the Regions.

I am going to suggest that as soon as this Sports Council is set up for Lagos, the Federal Government should initiate a move whereby a Central Sports Council should be set-up, and this Central Council could be called the National Sports Council and should do everything to co-ordinate the efforts of the Regional Sports Council.

I also suggest further that in setting up this Central or what one can call National Sports Council the executive officers of the Regional Councils should be included, and certain co-opted sports enthusiasts all over the Federation also should be included. If this is done, well we can be sure that the important aim that we have in setting up the Sports Council will be achieved. The primary duties of the Central or National Sports Council would include the arrangements for inter-Regional Sports Meetings, and these Sports Meetings need not take place only in Lagos. Occasionally, it could be held in any of the Regional Headquarters such as Ibadan, or Enugu, or Kaduna. This is the only way in which sportsmen and women can be encouraged from the Regions.

In recent years whenever international matches or tournaments are to be held, the tendency has always been to select men from Lagos Sports Club. That is not fair! We have people who are better qualified to represent the country abroad scattered all over in the backwoods of this country, and by neglecting them this leads to frustration and dissatisfaction to a lot of people. In order to encourage these people, this Central Sports Council should do everything to shift the competitions from Lagos to Kaduna, or to Enugu, or to Ibadan from time to time. If this is done you will be sure that the people that we have in Nigeria all along will be encouraged and they will come forward. It is absolutely necessary that we should encourage our people all over the country.

In our schools and institutions we have boys and girls very much enthusiastic in the field of sports, but the fault is that there is no encouragement. I must say that encouragement does not necessarily mean money. The people in the Regions are as good as those in Lagos. The tendency is always that the people are brought down from the Regions to Lagos for training, a few days before an international march. This makes them feel inferior, and before they can get the people to work together as a team the match is on, with the result that they go to this international competition to show what they can do as individuals instead of showing what they can do as a team. They can never do well as individuals.

Therefore, I stress this point of setting up a central or national sports council which will be in a position to co-ordinate the work of Regional Sports Council so that we can draw talents from all over the Federation. I say this because it is not the members of our diplomatic missions alone that can make good ambassadors. We have sportsmen and women: they can also be good ambassadors. All of us are proud of the achievements of Hogan Bassey and Dick Tiger. We are all proud of these noble sons of Nigeria, but the point is that they had the opportunity of showing what they could do outside Nigeria. If we give encouragement to our sons and daughters who are interested in sporting activities, I am sure that most of them will do more than Hogan Bassey and Dick Tiger.

With these few remarks, I beg to support.

Minister of State (Hon. M. Amechi)—I want to thank the Senators for the points they have expressed in this debate and I would like to assure them that the Federal Government is not less anxious than they are in seeing that the standard of sport in Nigeria is promoted.

Senator Ukattah has said that it is not only diplomats who make good ambassadors for Nigeria. I am in complete agreement with him there. If the prestige and respect which Nigeria has among African countries and among the countries of the world are to be maintained, they should not only be maintained in the field of diplomacy or in politics and economic development. Our prestige could also be enhanced by our performances in international sport. I would therefore, assure Senators that the Federal Government is very anxious and is already doing something to see that this desired situation is attained.

Senator J. K. Nzerem : I just want to congratulate the Northern Region Government on the steps they have taken. What appealed to me most when they introduced this new system was that all appointed were Northerners and the way they have been discharging their duties ever since has convinced me that the North is really a progressive and democratic region, contrary to what some of us in the South are made to believe.

It is a matter for great rejoicing that our brothers in the North are moving side by side and even trying to overtake those in the South. It is very commendable and I think the steps they have taken go to enhance the unity of this country.

I congratulate all those who are responsible for bringing this about. Thank you.

Senator D. O. Asemota : When I read about the setting up of the Provincial Commissioners in the East and other places, I began to think of what had been happening in the past.

In the old colonial days when the establishment of Residents was in force, there were no Ministers and the set-up was quite different from what it is now. With the Provincial Commissioners now to replace the old Residents in the provinces and also with the set-up of Ministers at the Headquarters, it looks to me that there is going to be a lot of confusion in the performance of their duties.

In the Headquarters you have Ministers responsible for their various portfolios, and in the provinces you have Provincial Commissioners which means that they come under the Ministers or that both of them do identical work. Well, this means that while the Provincial Commissioners are touring their provinces to interpret to the people what the Government wants, the Ministers also will be touring the same places only to repeat what the Provincial Commissioners have said. It either means the two of them doing the same work or that one will have more to do and the other little or nothing to do. Therefore, it looks to me ridiculous, and I want to be guided so that I can clear my mind about the whole thing, especially now that we want money for development. The introduction of the Provincial Commissioners does not very much appeal to me.

Senator H. O. Abaagu : I think the North Regional Government are asking that they be allowed to create Provincial Commissioners because the Region is vast both in population and size—

Senator Nuhu Bamali : On a point of Order, may I point out that we are not debating the creation of Provincial Commissioners, but—

The President : This point is very well taken. I think this Bill is very simple. It is not just creating Provincial Commissioners. There have been Provincial Commissioners for two years in the East, and it is not just creating the post.

Please let us keep within the contents of the Bill.

Question put and agreed to.

Bill read a Second time; immediately considered in Committee; reported, without Amendment.

Motion made and Question proposed, That the Bill be now read the Third time.—(The Prime Minister)

Senator A. E. Ukattah : I just want to make one point. While we are passing this Bill, I wonder why Members are not given copies of it. We talk about Clause 1 and Clause 2, but we do not know what it is all about. We understand what the Bill seeks to create or achieve only from what the Mover of the Motion said. We neither had it before we came in, nor met it here.

The President : Have Senators not got the Bill ?

Senators : We have not got it.

Question put and agreed to.

Bill accordingly read the Third time and passed.

The President : I am sure this is a mere administrative error, which should have been pointed out at the very outset.

Sitting suspended: 9.17 a.m.

Sitting resumed: 9.47 a.m.

BUSINESS OF THE SENATE

The President : I have to invite the attention of Senators to Standing Order 9. Under that Standing Order, provision is made for the

order of business of this House, except where the Senate otherwise stipulates.

We have already started, it is true, but the Senate has the power to vary the order of the business and I am now inviting you to vary this order so as to make it possible for the hon. the Minister of Foreign Affairs and Commonwealth Relations to take the oath at once, so that he can address us.

Is it the wish of the House ?

Senators : Yes.

(OATH)

Oath of Allegiance was administered to the following Member—

The Minister of Foreign Affairs and Commonwealth Relations (Hon. Jaja Wachuku).

DIPLOMATIC IMMUNITIES BILL

Order for Second Reading read.

The Minister of Foreign Affairs and Commonwealth Relations (Hon. Jaja Wachuku) : Mr President, Sir, I rise to move, That a Bill for an Act to consolidate and amend certain enactments relating to the Diplomatic Immunities and Privileges be read a Second time.

Prior to the independence of Nigeria this country could not exchange diplomatic representatives legally or normally with other nations. But in 1947 the Diplomatic Privileges Extension Ordinance was passed to make provision for certain institutions and international Organisations such as the United Nations, and specialised agencies of that Organisation. In 1957 the Diplomatic Privileges Commonwealth and Republic of Ireland Ordinance was enacted to extend Immunities and Privileges to Consular and Commonwealth representatives, and in certain respects Nigeria and other Commonwealth employees of these representatives.

Since Nigeria became independent it has become necessary to have a Legislation which will be comprehensive, and to extend Immunities in accordance with the normal practice in international relations. In consequence, this Bill which is a consolidating Bill and at the same an amending Bill has been introduced in order to have a comprehensive Law regulating Immunities and Privileges as extended normally to all foreign and Commonwealth countries.

The object of this Bill is quite clear and straight-forward. It is divided into three parts. The first Part deals with immunities and privileges to be extended to foreign and Commonwealth countries ; the second Part deals with privileges and immunities to be extended to international organisations and persons connected therewith ; and the third Part deals with interpretations, regulations and miscellaneous provisions.

As you see, Mr President, this Bill is straight-forward, non-controversial and I move that it be read a Second time.

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

Senator Chief A. O. Fagbenro-Beyioku : It is unfortunate that our Standing Orders are so flexible that they allow of any irregularities and places at a disadvantage the position of Senators in their study of Bills.

We are passing this Bill this morning because we do not wish to be obstructive. But you cannot, Mr President, with any degree of confidence say that we know all about this Bill we are passing. This Bill was circulated when we were all away and, in fact, speaking for myself, I have not been able to read it. I do not know anything in it.

The President : Order. I think we are too old now to accept that kind of excuse. I will not allow the Minister to answer it ; I will answer it. The Bill was published in the *Gazette* and every Senator has a copy of the *Gazette* or ought to have a copy of the *Gazette*.

Senator Chief Beyioku : Excuse me, Sir. I do agree that this Bill had been published in the *Gazette*.

The President : The second circulation of the Bill is merely an act of generosity on the part of the Government. Shall we proceed with the debate ?

Senator Chief Beyioku : I thank you, Sir, I do agree with you, but even then we must have to blame either the Government Printer or the Clerk of Parliaments in the matter of the circulation of our *Gazettes*. I study every *Gazette* but, unfortunately, I have never come across one containing this Bill. Sometimes we get the *Gazettes* containing Bills which have been passed after the Sitting of this House and, perhaps, I am going to get the *Gazette* containing this Bill after the Sitting of

[SENATOR CHIEF OLAYEYE]

would have taken any notice of us. We are only existing by name—Senators only—with the Ministers passing things at the back and using us as instruments to rubber-stamp Bills. It is all well to say that we are Senators, but we are existing in name only.

How can you expect a man, an elderly man, to come to this House and then the work that he is going to do is not made known to him? We just come here to say "Aye". Every time we are being called "Rubber Stampers". The Ministers expect us to come here and sit down saying "Yes, we agree" all the time. They do not treat the Members of the Lower House like that, and it is only because we do not debate amidst hostility, we do not cause trouble, we respect ourselves, because we are responsible people from our homes, that we are being treated like this. But what do we find on coming here? They say, "But that Senator Chief Olayeye comes from Okitipupa, a place which is not conspicuous on the map, don't mind him". We are just treated like animals, that is all.

In other places it is not so. Some of the Senators might have visited foreign places like America where the posts of Senators are highly recognised. A few days ago, I was talking to some Americans about the position of Senators in that country and what they told me was quite different from what is operating here. They are given special responsibility and respect. But here, we beg before we can be remembered. Recently we had to beg before some of us could attend the Nigerian Trade Fair.

The Ministers are usurping our position. They always say, "Go over there, don't come here". Mr President, it is because you are on the Chair there that your presence among us does not allow people in Nigeria to look down upon us. And that is the only advantage we have here.

I am therefore warning the Ministers among us to do their jobs. They are representing us. Can they not talk about us to their Colleagues so that they will think about us and give us our due respect? They should not just sit there doing nothing at all. It will be my pleasure, Mr President, if our Ministers will take note of what we tell them to-day, and I am sure they will not forget everything when they meet the other brother Ministers. Whether

we like it or not, all of us will become old some day to come. After some years, even some Members of the Lower House will come to the Senate as Elder Statesmen. Our former President is now the Governor-General of the Federation and we are happy with how he is performing the duties attached to that post. (*Hear, hear*). I would like to bring it to the notice of the Government that the Senate is not a rubber-stamp Body. We are Elder Statesmen and we should be so treated. We are being cheated. We want the Minister of Health to convey our feelings to the Council of Ministers. We hope that before the next meeting there will be a lot of improvements by ensuring that Bills are submitted to Senators at the opportune hour.

I support the Bill.

Senator Chief S. T. Hunponu-Wusu : I do not want to dwell on what the former speakers have said. My own speech would be a bit different in that I would like to support Senator (Mrs) Wuraola Esan in advocating that the Government should give our women more opportunities to serve this country. As Nigeria is advancing it appears that to some extent our women are being neglected. In some other countries there are women in both the Lower House and the Upper House. Even in our neighbouring country, Ghana, women are in their Parliament.

A Senator : They were nominated.

The President : May I point out that some women candidates were defeated, not by the Government.

Senator Chief Hunponu-Wusu : What I am saying is that there are some posts which can be better held by women than by men. It is no good sending only male Ambassadors to represent us overseas when we have women who are capable. If we can do this, the other civilised countries will realise that Nigeria is not catering for her menfolk only but also for her womenfolk. I am sure we have got well-educated women who can represent us abroad. If one of our Ministers had been a woman, I know that Mrs Esan would be happier than myself.

Senator T. Olamijulo : I am very glad that I have been given this opportunity to contribute to this Debate. All I want to do is to point out something that was mentioned by the President.

It is the opinion of the Senate that we have not been given the treatment that is due to us. The President said that the Bills that were to be debated to-day were announced to the Senate on Monday. I would like to say that when the announcement was being made, I tried to jot down some notes, but I could not catch up with the Minister who was making the announcement because I am not a shorthand-typist.

The President : You could have checked up in the *Hansard*, you know.

Senator Olamijulo : I looked into the *Hansard* but it was not completely reported and as such it was difficult for Senators to know the Business for the day. All I would like to add to that is that I agree with all the former Senators who said that we have not been well treated. I quite appreciate, Mr President, that you have been very fair to us and you sympathise almost everytime with our views. We appreciate your kindness to us and we know very well that people cannot be in the same mood every time.

Finally, I would appeal to the Government that we should be fairly treated next time.

With these few remarks, I support the Bill.

The Minister of Health (Chief the hon. M. A. Majekodunmi) : The Debate which has ensued on the Third Reading of this Bill will, I am sure, considerably shorten the Debate on the Motion for Adjournment, because many of the points which have been raised are points which I normally expect Senators to raise on the Motion for Adjournment. It is true that some Senators have not got copies of this Bill, but I think Senators themselves will admit that this Government have always given the utmost respect to the Senate.

Senators will notice that this morning the Prime Minister had a Bill here and he came here to present it. Whenever the Prime Minister has any Business in the Senate he never delegates it to anybody, he comes here himself, and that is a mark of respect, and a fact that we in the Government hold the Senate very dearly indeed. We appreciate the criticisms which you bring up whenever any measure is being considered, but Senators must remember that Members of the Government are human beings, and no human being is perfect—there is bound to be a hitch once or twice.

It is unfortunate that some Senators did not get copies of the Bill, but I wish to assure them now that in future as soon as these Bills are made available to the Members of the Lower House they will be made available to them at the same time, apart from the publications, of course, in the *Gazette*. (*Hear, hear*). As soon as they are being considered, whenever they are made available to any Member of the House of Representatives, the Senate copies will be distributed at the same time.

I wish to crave your indulgence on this occasion. There are bound to be occasional lapses. Our clerks are human beings, we ourselves are human beings and we cannot foresee all the eventualities at all times. Senators have readily pointed out that they did not receive this Bill in time, and, of course, the President has very rightly pointed out that these Bills are from time to time being published in the *Gazette*. I would like to appeal to Senators to take more notice of their *Gazette*, which they should be receiving regularly, and if they are not receiving them regularly, if they will let us know, we shall certainly investigate and ensure that they are delivered regularly to them before they leave their homes, so that they will have time not only to study the Bills but to make references to some materials which they would like to use during the Debate on the consideration of some of these Bills.

The Minister of Foreign Affairs will reply to some of the points which you have raised which have bearing on his Bill.

The Minister of Foreign Affairs and Commonwealth Relations (Hon. Jaja Wachuku) : Having listened to the speeches made during the course of the Debate, and before making my remarks I have warned myself to be very careful and cautious. So, I am not going to be controversial; I will try to be as factual as possible and as brief as I can make it.

I am grateful to the Minister of Health who has explained to the House and also given you the assurance that we will do everything possible to make sure that the inconveniences complained of will not re-occur, and if they occur at all, Senators will find that they are just unavoidable.

One of the points that I want to comment on is in respect of the point made by Senator Abaagu about the need for economy in the

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OFFICIAL REPORT

SESSION 1962-63

10th, 12th—14th December, 1962

EXPLANATION OF ABBREVIATIONS

Bills : Read First, Second or Third Time = 1R, 2R, 3R.

Com. = Committee. Q. = Question.

Figures in *italics* refer to Appendix.

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