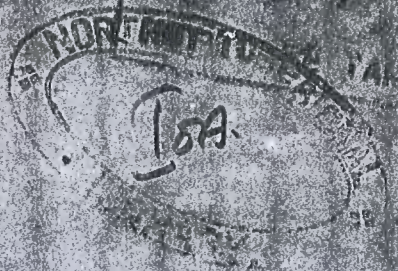




WESTERN NIGERIA



# *House of Assembly Debates*

OFFICIAL REPORT

10TH SESSION 1961 TO 1962



*Omnibus Issue No 27*

2nd August, 1961 and 17th-19th January, 1962

PRICE ONE SHILLING AND SIXPENCE

# Western House of Assembly, Ibadan

His Excellency the Governor—Sir Adesoji Aderemi, K.B.E., C.M.G.

## REGIONAL EXECUTIVE COUNCIL

- The Premier—The Honourable Chief S. L. Akintola, M.H.A.  
The Minister of Finance—The Honourable Chief J. A. O. Odebiyi, M.H.A.  
The Minister of Local Government—The Honourable Alhaji D. S. Adegbenro, M.H.A.  
The Minister of Education—The Honourable Dr S. D. Onabamiro, M.H.A.  
The Minister of Agriculture and Natural Resources—The Honourable Chief G. Akin-Deko, M.H.A.  
The Minister of Lands and Housing—The Honourable Chief J. O. Adigun, M.H.A.  
The Minister of Home Affairs—The Honourable D. Ogundiran, M.H.A.  
The Minister of Economic Planning and Community Development—The Honourable Oba C. D. Akran, M.H.A.  
The Minister of Information—The Honourable Chief E. A. A. Fadayiro, M.H.A.  
The Minister of Labour—The Honourable K. S. Y. Momoh, M.H.A.  
The Minister of Chieftaincy Affairs—The Honourable Dr J. O. Omitowoju, M.H.A.  
The Minister of Justice and Attorney-General—The Honourable S. O. Ighodaro.  
The Minister of Midwest Affairs—The Honourable J. E. Otodo, M.H.A.  
The Minister of Works and Transport—The Honourable Chief S. O. Sogbein, M.H.A.  
The Minister of Trade and Industry—The Honourable Chief A. O. Adeyi, M.H.A.  
The Minister of Health and Social Welfare—The Honourable Chief J. O. Osuntokun, M.H.A.  
The Minister of State (Justice)—The Honourable Chief J. E. Babatola, M.H.A.  
The Minister of State (Trade and Industry)—The Honourable Chief G. E. Ekwejunor-Etchie, M.H.A.  
The Minister of State (Local Government)—The Honourable Chief S. A. Tinubu, M.H.A.  
The Minister of State (Education)—The Honourable J. O. Oye, M.H.A.  
The Minister of State (Economic Planning)—The Honourable E. Anuku, M.H.A.  
The Minister of State (Agriculture and Natural Resources)—The Honourable C. I. Akere, M.H.A.  
The Minister without Portfolio—The Honourable Oba I. B. Akinyele, The Olubadan of Ibadan, M.H.C.  
The Minister without Portfolio—The Honourable Oba Tewogboye II, The Oshemawe of Ondo, M.H.C.  
The Minister without Portfolio—The Honourable Oba S. O. Abimbola, The Oluwo of Iwo, M.H.C.  
The Minister without Portfolio—The Honourable Obi Obika A. Gbenoba, Obi of Agbor, M.H.C.  
The Minister without Portfolio—His Highness The Honourable Erejuwa II, Olu of Warri, M.H.C.  
The Minister without Portfolio—The Honourable Oba. S. K. Adetona Ogbagba II, The Awujale of Ijebuland, M.H.C.

## MEMBERS OF THE WESTERN HOUSE OF ASSEMBLY

(Arranged in Alphabetical Order)

- |                            |     |     |     |     |                            |
|----------------------------|-----|-----|-----|-----|----------------------------|
| 1. Abiosun, Mr J. O.       | ... | ... | ... | ... | Iwo South Suburban         |
| 2. Adebesein, Mr K. S.     | ... | ... | ... | ... | Egba Central I             |
| 3. Adedoyin, Prince A.     | ... | ... | ... | ... | Ijebu Remo South           |
| 4. Adedigba, Mr M. A.      | ... | ... | ... | ... | Iwo South-East             |
| 5. Adegbenro, Alhaji D. S. | ... | ... | ... | ... | Egba South I               |
| 6. Adekeye, Chief A.       | ... | ... | ... | ... | Ondo West II               |
| 7. Adekunle, Mr Y.         | ... | ... | ... | ... | Ogbomosho South-East Urban |
| 8. Adelegan, Mr S. T.      | ... | ... | ... | ... | Ijesha Rural North         |
| 9. Adelodun, Mr I. A.      | ... | ... | ... | ... | Oyo North-West II          |

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Western House of Assembly Debates

MEMBERS—*contd.*

10. Adenekan, Mr. A. L.	...	...	...	...	Egba Central II
11. Adeniran, Mr J. L.	...	...	...	...	Ibarapa West
12. Adeniya, Mr S. S. A.	...	...	...	...	Oyo East II
13. Adesanya, Mr A. A.	...	...	...	...	Ijebu North I
14. Adewunmi, Mr M. A.	...	...	...	...	Ibadan Central East
15. Adeyemo, Mr J. O.	...	...	...	...	Oshogbo North I
16. Adeyi, Chief A. O.	...	...	...	...	Oyo South-East
17. Adibi, Mr N. A.	...	...	...	...	Ogbomosho North-East
18. Adigun, Hon. J. O.	...	...	...	...	Ogbomosho North-West
19. Adisa, Mr A.	...	...	...	...	Ibadan South-East Rural
20. Aghahowa, Mr W.	...	...	...	...	Benin South-East
21. Agbaza, Mr J. U. E.	...	...	...	...	Urhobo East II
22. Aina, Mr E.	...	...	...	...	Egba South II
23. Ajibola, Mr A.	...	...	...	...	Ibadan North-West Rural
24. Ajimobi, Mr L. A.	...	...	...	...	Ibadan South Central
25. Ajuwon, Mr J. A.	...	...	...	...	Ibadan East Rural I
26. Akere, Hon. C. I.	...	...	...	...	Ishan North-West
27. Akerele, Mr S. A.	...	...	...	...	Ekiti North-East
28. Akerele, Mr S. O.	...	...	...	...	Ife-Ila North
29. Akingboye, Mr A. O.	...	...	...	...	Okitipupa South-West
30. Akintola, Chief S. L.	...	...	...	...	Ogbomosho South-East
31. Akinyemi, Mr R. A.	...	...	...	...	Ikeja South
32. Akran, Oba C. D.	...	...	...	...	Badagry West
33. Amadasun, Mr V. I.	...	...	...	...	Benin West I
34. Aniyi, Mr I. O.	...	...	...	...	Iwo West-I
35. Anuku, Hon. E.	...	...	...	...	Asaba North-West
36. Areola, Mr R. O.	...	...	...	...	Ekiti South-East I
37. Arowojolu, Mr E. B.	...	...	...	...	Okitipupa South-East
38. Aruwajoye, Mr S. B.	...	...	...	...	Owo South II
39. Ashiru, Mr B.	...	...	...	...	Egbado South-West
40. Atie, Mr A.	...	...	...	...	Western Ijaw I
41. Atohengbe, Mr A.	...	...	...	...	Benin North-East
42. Atolagbe, Mr D.	...	...	...	...	Ekiti North-West I
43. Awopeju, Mr J. O.	...	...	...	...	Ijebu Remo North
44. Babatola, Chief J. E.	...	...	...	...	Ekiti North-East II
45. Babayemi, Mr A. A.	...	...	...	...	Egba North-West
46. Bello, Mr A. B.	...	...	...	...	Oyo Central II
47. Deko, Chief G. A.	...	...	...	...	Ondo North-East II
48. Ebubedike, Mr F.	...	...	...	...	Badagry East
49. Edeki, Mr I.	...	...	...	...	Afenmai North-West II
50. Ekwejunor-Etchie, Chief G. E.	...	...	...	...	Warri West
51. Elusade, Mr T. E.	...	...	...	...	Ife Town South
52. Ewah, Mr B. I. G.	...	...	...	...	Ishan North-East
53. Fadahunsi, Mr J. O.	...	...	...	...	Ilesha Rural South
54. Fadairo, Chief E. A. A.	...	...	...	...	Egbado North-West
55. Fani-Kayode, Mr R. A.	...	...	...	...	Ife-Ila South
56. Fashola, Mr O.	...	...	...	...	Ibadan South-West Suburban
57. Fawehinmi, Alhadji B. O.	...	...	...	...	Ondo West I
58. Fetuga, Mr M. A.	...	...	...	...	Ijebu Central East
59. Gbolahan, Mr O. O.	...	...	...	...	Oyo North-West II
60. Idodo, Mr M. A.	...	...	...	...	Afenmai South-East
61. Igugu, Mr T. E.	...	...	...	...	Central Urhobo-East
62. Ijie, Mr M. O.	...	...	...	...	Ishan West Central
63. Imafidon, Mr E. O.	...	...	...	...	Benin Central East
64. John, Mr C. O.	...	...	...	...	Oyo East I
65. Kehinde, Mr J. O.	...	...	...	...	Ede Ejigbo North
66. Kotoye, Mr N. A. B.	...	...	...	...	Egba East II
67. Lana, Mr R. A.	...	...	...	...	Oshun North-East II

## MEMBERS—contd.

68. Lawal, Mr J. L. ...	Oshogbo South-West Urban
69. Layonu, Mr S. A. ...	Ede Ejigbo South
70. Momoh, Hon. K. S. Y. ...	Afenmai North-East
71. Obadara, Mr A. O. ...	Ibadan North-West Suburban
72. Obisesan, Alhadji B. O. ...	Ibadan North-East I
73. Odebiyi, Chief J. A. O. ...	Egbado North-East
74. Odigie, M. J. O. ...	Ishan South-East
75. Odutuga, Mr J. A. ...	Epe North
76. Ogundiran, Hon. D. ...	Ibadan East Rural II
77. Ogunmuyiwa, Mr J. A. ...	Oshun South-East II
78. Ogunyele, Mr Y. ...	Oshun South-East I
79. Ojeniran, Mr B.* ...	Oshogbo North II
80. Oke, Mr E. O. ...	Ogbomosho South-West
81. Okeya, Mr S. A. ...	Ekiti South-East II
82. Okumagba, Mr D. E. ...	Warri East
83. Okwesa, Mr P. V. ...	Aboh East
84. Olaitan, Mr O. ...	Ilesha Urban East
85. Olamigoke, Mr C. O. ...	Okitipupa North-East
86. Olaniyan, Mr B. ...	Ibarapa East
87. Olowofoyeku, Mr B. ...	Ilesha Urban West
88. Olukoju, Mr I. A. ...	Owo South I
89. Olumofin, Mr D. K. ...	Owo North II
90. Olusa, Mr R. A. ...	Owo North I
91. Omitowoju, Dr J. O. ...	Ife Town North
92. Omokowajo, Mr J. O. ...	Okitipupa North-West
93. Onabamiro, Dr S. D. ...	Ijebu North II
94. Onasanya, Mr S. ...	Ijebu Central West
95. Opaleye, Alhadji Z. A. ...	Egbado South-East
96. Popoola, Mr D. A. ...	Oyo South-West
97. Oputa-Otutu, Chief F. ...	Aboh West
98. Orowole, Mr D. O. ...	Iwo West II
99. Osagie, Mr B. E. O. ...	Benin West II
100. Ositelu, Mr I. A. ...	Ikeja North
101. Osuhor, Mr F. ...	Asaba South-West
102. Osuntokun, Chief J. O. ...	Ekiti North-West II
103. Otobo, Hon. J. E. ...	Urhobo East I
104. Otubanjo, Mr S. A. ...	Ijebu South-East
105. Oviasu, Mr G. I. ...	Benin Central West
106. Owonikoko, Mr K. O. ...	Oyo Central I
107. Oye, Hon. J. O. ...	Afenmai North-West I
108. Oyewole, Mr S. A. ...	Ibadan Central West
109. Rerri, Mr A. T. ...	Urhobo West I
110. Riemu, Mr J. A. ...	Urhobo West II
111. Sanni, Mr S. A. ...	Ibadan North-East II
112. Sobande, Mr O. ...	Egba East I
113. Sogbein, Chief S. O. ...	Egba North-East
114. Somotan, Mr A. S. ...	Ibadan South-West Central
115. Tabiowo, Mr P. K. ...	Central Urhobo West
116. Tifase, Mr J. L. ...	Ondo North-East I
117. Tinubu, Chief S. A. ...	Oshun North-East I
118. Utomi, Mr F. H. ...	Asaba South-East
119. Williams, Mr C. A. ...	Epe South
120. Zuokumor, Mr A. A. ...	Western Ijaw II

\* Mr Ojeniran died on 21st September, 1961.

*Western House of Assembly Debates*

COMMITTEE OF SELECTION

1. Mr Speaker	...	...	...	...	...	Chairman
2. The Minister of Finance and Leader of the House	...	...	...	...	...	Member
3. The Minister of Health and Social Welfare	...	...	...	...	...	Member
4. The Minister of Agriculture and Natural Resources	...	...	...	...	...	Member
5. The Minister of Lands and Housing	...	...	...	...	...	Member
6. Chief A. Adekeye	...	...	...	...	...	Member
7. Mr S. T. Adelegan	...	...	...	...	...	Member
8. Chief J. O. Fadahunsi	...	...	...	...	...	Member

STANDING ORDERS COMMITTEE

1. Mr Speaker	...	...	...	...	...	Chairman
2. The Minister of Finance and Leader of the House	...	...	...	...	...	Member
3. Mr J. O. Awopeju	...	...	...	...	...	Member
4. Mr S. T. Adelegan	...	...	...	...	...	Member
5. G. I. Oviasu	...	...	...	...	...	Member

PUBLIC PETITIONS COMMITTEE

1. Mr Speaker	...	...	...	...	...	Chairman
2. The Minister of Justice and Attorney-General	...	...	...	...	...	Member
3. Chief S. B. Aruwajoye	...	...	...	...	...	Member
4. Mr J. A. Odutuga	...	...	...	...	...	Member
5. Mr A. Adelodun	...	...	...	...	...	Member
6. Mr M. O. Ijie	...	...	...	...	...	Member
7. Mr I. A. Olukoju	...	...	...	...	...	Member
8. Mr B. I. G. Ewah	...	...	...	...	...	Member
9. Mr A. B. Bello	...	...	...	...	...	Member
10. Mr T. E. Elushade	...	...	...	...	...	Member

HOUSE COMMITTEE

1. Mr Speaker	...	...	...	...	...	Chairman
2. The Minister of Finance and Leader of the House	...	...	...	...	...	Member
3. Mr N. A. B. Kotoye	...	...	...	...	...	Member
4. Mr S. O. Akerele	...	...	...	...	...	Member
5. Mr F. H. Utomi	...	...	...	...	...	Member
6. Mr O. Olaitan	...	...	...	...	...	Member

PUBLIC ACCOUNTS COMMITTEE

1. Chief Adedapo Adekeye	...	...	...	...	...	Chairman
2. Mr S. Onasanya	...	...	...	...	...	Member
3. Mr J. U. E. Agbaza	...	...	...	...	...	Member
4. Mr A. Ajibola	...	...	...	...	...	Member
5. Mr D. A. Popoola	...	...	...	...	...	Member
6. Mr S. Sobande	...	...	...	...	...	Member
7. Mr Y. L. Adekunle	...	...	...	...	...	Member
8. Mr S. A. Akerele	...	...	...	...	...	Member
9. Mr V. I. Amadasun	...	...	...	...	...	Member
10. Mr P. K. Tabiwo	...	...	...	...	...	Member
11. Mr R. A. Akinyemi	...	...	...	...	...	Member
12. Chief J. O. Fadahunsi	...	...	...	...	...	Member

**SPEAKER OF THE HOUSE**

A. Adedoyin, Esq.

**DEPUTY SPEAKER OF THE HOUSE**

S. T. Adelegan, Esq.

**OFFICERS OF HOUSES**

Mr J. M. Akinola	...	...	...	...	First Clerk to the Regional Legislature
Mr D. E. O. Oriola	...	...	...	...	Second Clerk to the Regional Legislature
Mr M. O. Maduemezia	...	...	...	...	Acting Official Reporter, Grade I
Mr E. O. A. Soyega	...	...	...	...	Acting Hansard Editor
Mr D. O. Ajulu	...	...	...	...	Official Reporter, Grade II
Mr A. O. Bamishe	...	...	...	...	Official Reporter, Grade II
Mr S. A. Onadele	...	...	...	...	Official Reporter, Grade II
Mr A. O. Idowu	...	...	...	...	Official Reporter, Grade II
Mrs W. Akinwunmi	...	...	...	...	Official Reporter, Grade II
Mr J. A. Darlington	...	...	...	...	First Serjeant-at-Arms
Mr R. S. A. Akinrinmade	...	...	...	...	Second Serjeant-at-Arms

## WESTERN HOUSE OF ASSEMBLY

WEDNESDAY, 2ND AUGUST, 1961

(The House met at 10.25 a.m.)

### PRAYERS

(Mr Speaker in the Chair)

### BUSINESS MOTIONS

#### Adjournment sine die

**The Minister of Finance and Leader of the House (Chief J. A. O. Odebiyi):** I beg to move that at its rising this day the House shall adjourn *sine die*.

**The Minister of Local Government (Alhadji D. S. Adegbenro):** I beg to second.

*Question proposed.*

*Question put and agreed to.*

#### Suspension of Standing Order 41 (1)

**Chief Odebiyi:** Mr Speaker, Sir, I beg to move that Standing Order 41 (1) be suspended this day to enable the Minister of Finance to present a Bill for a Law entitled "The Produce Sales Tax (Amendment) Law, 1961".

**Alhadji Adegbenro:** I beg to second.

*Question proposed.*

*Question put and agreed to.*

### BUSINESS OF THE HOUSE

**Chief Odebiyi:** This is going to be a very short meeting of the House. There are only two Bills: "The Marketing Board (Amendment) Law, 1961" and the "Produce Sales Tax (Amendment) Law, 1961", and at the end of the debates on the two Bills the House will adjourn *sine die*.

### PAPERS

The following Papers were laid on the Table of the House:—

1. The "Western Region Housing Corporation Second Annual Report and Accounts for the Year ended 31st March, 1960".

2. "Report of the Pilgrims Welfare Board for the period 1st April, 1959 to 31st March, 1960".

3. "Report of the Public Service Commission, Western Nigeria for the period 1st April, 1960 to 31st March, 1961".

### PERSONAL EXPLANATION

**Mr O. Fashola:** Mr Speaker, Sir, I take this opportunity to inform this honourable House that I am fed up with the deceit and misrepresentation of facts by the so-called Mabolaje-NCNC Grand Alliance—a party

that has no concrete plan of its own, no programme, no future, and no self-determination.

Today the Mabolaje claims to be Mabolaje/NPC, tomorrow Mabolaje/NCNC; who knows if it will not become Mabolaje/Action Group next month?

But as a man who has seen the good works of the Government of this Region—the Action Group of Nigeria—I seize this opportunity to leave the sinking ship of the Ibadan Mabolaje, whether in Alliance with the NPC or the NCNC, and pitch my camp with the progressive, efficient, lovers of the common men, and the only national party in Nigeria—the Action Group.

Mr Speaker, Sir, please, should there come any letter purported to have been written by me, resigning my seat, discountenance it, for I am not resigning my seat from this honourable House—I only leave the Opposition Bench to join the Government Bench of the Action Group, where I pray to remain till the life of this House.

It is because I wish to live in peace and harmony with my people who sent me here and are fed up with the deceitful utterances of the heads of the so-called Mabolaje Grand Alliance.

Mr Speaker, Sir, I repeat that I do not resign from this honourable House. I only resign my membership of the Mabolaje Grand Alliance to retain my seat in this honourable House as Action Group Member for Ibadan South-West Suburban—and by this hon. Oladijoye Fashola becomes an Action Group Member of the Western House of Assembly.

Mr Speaker, Sir, I beg to take my chair with the Action Group Government of the Western Region. (*Jeers from the Opposition Benches, and Cheers from the Government Benches.*)

*Sitting suspended at 10.40 a.m.*

*Sitting resumed at 11.00 a.m.*

### PRESENTATION AND FIRST READING OF PUBLIC BILLS

The following Bills were presented and read for the First time:—

(1) A Bill for a Law entitled "The Marketing Board (Amendment) Law, 1961". (*The Minister of Trade and Industry*).

(2) A Bill for a Law entitled "The Produce Sales Tax (Amendment) Law, 1961". (*The Minister of Finance*).

They were ordered to be read a Second time immediately.

**MARKETING BOARD (AMENDMENT)  
BILL—SECOND READING**

*Order for Second Reading read.*

**The Minister of Trade and Industry (Chief A. O. Adeyi):** Mr Speaker, Sir, I rise to move the Second Reading of the Marketing Board (Amendment) Bill in the full confidence that this House will give the Bill its unanimous support because it is a straightforward, simple and non-controversial Bill and has only four clauses.

As a result of the increasing nature of the duties of the Chairman of the Board and the expanded functions of the Board, it is thought that the membership of the Board should be increased by the appointment of an Executive Director who will be able to give assistance to the Chairman in the discharge of his onerous duties. Tenure of his office, like that of other members of the Board apart from the Chairman, is for a period of three years.

Members will recall that in addition to palm produce which has previously been brought under the Marketing Board, citrus has also in the last two years been subject to Marketing Board control. The volume of trade under the Marketing Board has been increasing steadily, while the increase in the world supply of cocoa has thrown an additional burden on the Chairman in respect of negotiations with other consumers alike.

The other amendment which this Bill makes in the Marketing Board Law, Cap. 75 of the Laws of Western Nigeria relates to the time of submission of the Annual Report and Accounts of the Board. In order to ensure that the Annual Report and Accounts of the Board is submitted early after the 30th September every year? this Bill seeks to limit the time to six months after September each year for the submission of the Board's Annual Accounts for the preceding year. In addition, this Bill provides that the Annual Report and Accounts of the Board, like those of other Boards and Corporations under my Ministry, should be submitted to me and not the Governor in Council.

Mr Speaker, Sir, I beg to move.

**The Parliamentary Secretary to the Ministry of Agriculture (Alhadji Z. A. Opaley):** I beg to second.

*Question proposed.*

**The Leader of the Opposition (Mr R. A. Fani-Kayode):** Mr Speaker, Sir, I rise to oppose this Bill. Mr Speaker, Sir, democracy.....

**Chief Odebiyi:** On point of order. Mr Speaker, Sir, the statement which the hon. the Leader of Opposition wants to make is in the same terms as the personal explanation which he showed the Speaker this morning. Sir, section 7 of the Standing Orders precludes anybody to make a personal statement which is considered controversial; and it should not be made. I have already seen a copy of the speech.

**Mr Speaker:** Order, Order. I hope the hon. Gentleman will leave the Leader of the Opposition to make his speech.

**Mr Fani-Kayode:** If only these men will be democratic enough and listen first and then speak afterwards.....

**Mr Speaker:** I have ruled and I hope the hon. Gentleman will abide with my ruling.

**Mr Fani-Kayode:** I thank you, Sir. It is a wise ruling. I must say, Sir, that this Bill gives me the right to speak, not only in respect of the contents of the Bill, but on the attitude of the Government to the administration of the Ministry in which this matter is vested. (*Government Benches: Which one?*) And not only that, but also the right to speak in respect of Government, because it is the Second Reading of the Bill, and people can scrutinise Standing Orders for as long as they like or refer it to their Attorney-General beside them, I do not think they will find anything there to stop us from speaking in a democratic society.

First, I say Sir, that this Bill is undemocratic and, on that basis, that democracy is dead in the Western Region (*Hear, hear.*)

**Mr Speaker:** I can assure the hon. Gentleman that I shall be strict on the question of relevancy or irrelevancy.

**Mr Fani-Kayode:** I hope the Speaker will even give me the freedom to make a mistake against the Standing Orders before he restricts me, and democracy again is, I repeat, dead in the Region. (*Government Benches: Is it alive in the Eastern Region?*) We of the Opposition refuse to take part in the existing mockery of parliamentary government. (*Government Benches: Play of words.*) The Government has consistently, in the past two months, converted the machinery for law and order and good government in this Region into mere political instrument..... (*Interruptions.*)

**Mr Speaker:** The question of law and order in the Region has got nothing to do with the amendment to the Law of the Marketing Board. (*Shouts of "Shame, shame" from Government Benches.*)



**Mr Fani-Kayode:** I thank you, Sir. Nothing hurts too much as a Bill like this, and this Bill hurts everybody in this Region as the truth hurts the Government more. So, possibly, we cannot make a statement before this House. All right; if we cannot make a statement before this House we can make a statement before the people.

**Mr Speaker:** I hope that is not an insinuation on the integrity of the Speaker.

**Mr Fani-Kayode:** The Speaker is beyond criticism (*Laughter*); and so, in the present regime, is the Government. Who dares criticise the Government? Who am I to criticise the Government, or the Speaker, or the Premier or his Ministers? There is imprisonment for anybody who dares it. No one will dare it. No one can; he will not be allowed to do that. (*Government Benches: Irrelevant.*) If you want to raise an objection I will sit down for you. (*Laughter.*) For long, we in this House have been pestered with Bills, pestered with iniquities, pestered by this ungodly Government. (*Hear, hear.*) Sir, we have seen the very machinery placed in their hands by the electorates under dubious means brought into disuse and disrepute. We have found, Sir, that people to be appointed like this Executive..... what do you call it? (*Government Benches: Read your Bill*).....become nothing more than paid officials of the Action Group (*Hear, hear*). We have had examples of that, Sir. I am sure the hon. the Attorney-General will bear me out. He was there before. What did he do there, Sir? He was sitting in the office of the Development Corporation and auditing the accounts of the Action Group. (*Interruptions.*)

**The Attorney-General and Minister of Justice (Chief S. O. Ighodaro):** I object, Sir. That is not correct.

**Mr Fani-Kayode:** I withdraw it because of you. As a normal human being, the Attorney-General is a likeable person. I would not like to say anything on the floor of this House that will hurt his feelings personally, but I would say that when the local customary courts become political party inquisitions.....(*Interruptions*). I hope Sir, that if anybody wants to make an objection he is right to do so. Don't let us speak with rude tongues like most people do in this House. Stand up and make your objections.

**Chief Odebiyi:** May I call attention to Standing Order 27 (2) which states that "a Member must confine his observations to

the subject under discussion and may not introduce matters irrelevant thereto". What has the question of law and order to do with this Bill? The hon. Leader of the Opposition having been prevented from making statements which he thinks will raise the morale and the waning reputation of the NCNC, with particular reference to the forthcoming Ibadan District Council elections, wants to appeal to the electorate through the medium of this House.....(*Interruptions from Opposition Benches*).

**Mr Speaker:** I agree that the matter of customary courts and the matter of law and order have got nothing to do with this proposed amendment to the Marketing Board Law. From the speech of the hon. Minister of Finance, it appears that the Leader of the Opposition wanted to make a speech this morning and he said he had been prevented from doing so. He was not prevented. He definitely withdrew. I do not like the word "prevented" as used.

**Mr Fani-Kayode:** Sir, haven't we had enough of this "job for the boys"? Of course not; you cannot have enough. That is why you are here. Who has heard of the Action Group doing anything for the people, except for their own pockets?

**Government Bench:** How rich were you when you were there?

**Mr Fani-Kayode:** Of course, very poor. I assure the Minister that if he leaves his portfolio, I can pay him his salary. Not only is it incumbent upon us to reject this Bill, but it is time the Federal Government of this country is persuaded to step in and take over power from this iniquitous Government so that law and order might be restored in the Western Region.

**Mr Speaker:** The question of law and order is irrelevant to the Bill before the House.

**Mr Fani-Kayode:** Well, I have to withdraw that, so that it can be expunged from the *Hansard*. Words may be erased from the *Hansard* but they cannot be erased from the minds of men.

**Mr Speaker:** I do not say it should be expunged from the *Hansard*.

**Mr Fani Kayode:** The handwriting, Sir, is on the wall. If I am prevented from making any speech in this House we can make it before the electorate. (*Shouts of "Walk out, walk out from Government benches.*) I see many important personages are not smiling when these statements are made. I smiled at them, but they do not smile back.

I think we shall not continue in participating in the business of this House until democracy, freedom and justice are restored in this Region. I make a forecast today, that this Government shall cease because it is filled with nothing but iniquity. At this stage, I beg to leave.

*(Members of the Opposition, led by the Leader of the Opposition, then walked out of the Chambers of the House.)*

**Chief Odebiyi:** Even though Members of the Opposition are not here, it is still presumed, in view of the provisions of the Constitution, that this House is properly constituted. The question before us is not whether this Bill, if passed, shall be valid or not, but whether a person can be appointed as Executive Director so as to help the Chairman when he has occasion to leave the country or to be engaged in other activities. The last speaker, the Leader of the Opposition, wanted to make a speech quite unconnected with this Bill because he is a highly frustrated man. Having been rejected by the electorate in Ife and in other parts of the Western Region, having been rejected by the farmers as their counsel, having been rejected by all decent citizens of the community, he feels by this way to show that he is still alive, and still kicking, and participating in the Government. He has therefore come to this House to indulge in irrelevancies.

I think I need hardly mention the merits which are contained in this Bill. If Members of the Opposition had taken the trouble to know the reaction of the people of the Region, if they had taken the trouble to find out that it is their duty to watch the excesses of the Government, when there is one, as the watchdogs of the people, they should have stayed here today as accredited representatives of the people in their constituencies. The fact that they are not here shows that some people only get their salaries to maintain gangs of hooligans, to maintain gangs of disreputable people who will disturb the peace and break down law and order and say that other people are responsible for the break-down. What the hon. Leader of the Opposition has stated should be in the *Hansard*.

Mr Speaker, Sir, when the Leader of the Opposition says something about the break-down of law and order, what are the means of maintaining it? The Police and the Royal Nigerian Army. Neither the hon. the Premier of this Region, Chief S. L. Akintola, nor any of his Ministers has the right to interfere with the Police or the Army in the execution of their duties. In what way then has the Government failed to maintain law

and order? What the Members of the Opposition are doing, or trying to do, is to make it appear to the outside world that the Regional Government has failed to maintain law and order. They can then justify invoking the powers of the Federal Government to take control of the Regional Government.

Mr Speaker, Sir, I am a very inexperienced politician, but I say that those who do not believe in the Constitution, those who believe in lawlessness, will themselves be overthrown by lawlessness. It has happened in history. We believe, Sir, in the rule of law; we believe in the supremacy of the Constitution.

I think, Sir, that at this time when the eyes of the countries of the world are focused on the Nigerian Federation, when respect is given to the Nigerian Federation, when events are happening in the Congo, in Angola, now is the time to respect law and order and the Constitution. It is at this time that some people are starting troubles one way or the other to justify their conscience. I know, Sir, that in the great task of nation building, particularly in so far as the Western Region is concerned in the Federation of Nigeria, we have the support of the electorates of Nigeria in everything we are doing. It is not up to a year yet, Sir, since the Western Nigeria Government, formed by the Action Group party, was returned with a greater majority. Up till now, Sir, the results of local government elections held in the Western Region have justified the claims of the Action Group Government. What further evidence of solidarity of the Region do you want? Speaking on behalf of the Western Nigeria Government, I say this: that we will continue to respect the rule of law. We will continue to respect the supremacy of the Constitution. But if there is no rule of law, if there is no Constitution, Mr Speaker, Sir, what are we going to be guided by? We all want our children to live happily. People who have worked for others throughout their life-time want to enjoy theirs; people who want to speak good of their neighbours want the result of good administration of this Region. And we believe that God, who is too gracious, will so help the people of this country that people who have good intentions will always prevail in their activities.

Mr Speaker, Sir, I think I can say that this Bill is very simple. The hon. Leader of the Opposition was talking about "jobs for the boys"; but let me try to explain what happens in other places. When George Ohikere failed the Northern elections, less

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than two months after he became the Chairman of the Nigeria Ports Authority.....The hon. the unrecognised Chief Fadahunsi as a matter of fact, Sir, he was sitting opposite me, here—I am not envying his position at all. He was frustrated when he was not made Leader of the Opposition. Today, he is now Chairman of the Nigerian Airways Corporation, in place of that notable scholar and administrator, Chief T. T. Solaru. In comparing the two, Sir, it does not mean that Chief Solaru is less efficient than Chief Fadahunsi. He resigned because he didn't get the co-operation of the Federal Government.

Dr K. O. Mbadiwe lost the elections because he had the effrontery to pitch his camp against the former Leader of the NCNC by contesting the elections on the platform of the DPNC. When he lost the elections, and later got reconciled with the NCNC, and there was no more post left, and because they had to find him a job, they got him one which was not even provided for in the Constitution or in the Estimates, and they made him Adviser on African Affairs to the Prime Minister of the Federation. I agree that it is because of the Prime Minister's multifarious duties. But what qualifications has Mbadiwe to qualify him as Adviser on African Affairs. He cannot even qualify as Adviser on Orlu Affairs because, if he can, he would not have lost the elections in Orlu. Then they are talking of Executive Director—"job for the boys"!

I think that the charge to break down law and the charge to create jobs for the boys have been adequately answered, and therefore I commend the Bill to the House for passing.

**Mr J. A. Awopeju:** Mr Speaker, Sir, I think it is appropriate at this juncture to say a few words in support of the Bill and secondly to answer the charges which were actuated by malice and highlighted by the hon. Leader of the Opposition. I would say, Mr Speaker, Sir, that the outburst of the Leader of the Opposition.....

**Mr Speaker:** The first part of the hon. Gentleman's speech is all right, but the second part is not. I think that what the Leader of the Opposition said about customary courts and the rest of it are irrelevant and I ruled accordingly, and I believe that they have been adequately answered by the hon. the Leader of the House.

**Mr Awopeju:** Mr Speaker, Sir, I then say that I support the Bill.

*Question put and agreed to.*

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

*Bill immediately considered in Committee.*

*(In the Committee.)*

*Clauses 1-4 agreed to.*

*(Mr Speaker resumed the Chair.)*

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

## PRODUCE SALES TAX (AMENDMENT) BILL—SECOND READING

*Order for Second Reading.*

**Chief Odebiyi:** Mr Speaker, Sir, I rise to move that a Bill for a Law to amend the Produce Sales Tax Law (Cap. 99) be read a Second time.

As members are aware, the authority for the assessment and collection of Produce Sales Tax under this Law is vested in the Regional Tax Board. Now that an independent member is the Chairman of the Board and does not perform any executive function for the Board as was the case when the Regional Tax Administrator was also the Chairman of the Board, it is necessary to amend the Law to enable any person duly authorised by the Board to issue certificates in summary proceedings in accordance with section 22 of the Law, and also to provide that certificates issued by a person duly authorised by the Board shall, for the purpose of sub-section (1) of section 26, be conclusive as to the amount of tax that should have been collected.

Mr Speaker, Sir, I beg to move.

**Alhaji Adegbenro:** I beg to second.

*Question proposed.*

*Question put and agreed to.*

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

*Bill accordingly considered in Committee.*

*(In the Committee.)*

*Clauses 1-3 agreed to.*

*(Mr Speaker resumed the Chair.)*

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

## ADJOURNMENT SINE DIE

*Motion made and question proposed, That the House do now adjourn sine die.—(Chief J. A. O. Odebiyi.)*

*Question put and agreed to.*

*The House accordingly adjourned sine die at 11.45 a.m.*

## WESTERN HOUSE OF ASSEMBLY

WEDNESDAY, 17TH JANUARY, 1962

(The House met at 10.00 a.m.)

### PRAYERS

(Mr. Speaker in the Chair)

### PAPERS PRESENTED

(i) The Western Region Sports Council Second Annual Report, 1960-61;

(ii) The Western Nigeria Statistical Bulletin, December 1960;

(iii) An Appraisal of the Development of Western Nigeria, 1955-60 (Sessional Paper No. 8 of 1961);

(iv) Fifth Annual Report of the Western Region Finance Corporation, 1959-60 (Sessional Paper No. 9 of 1961);

(v) The Midwest Advisory Council: Second Memorandum on its activities (Sessional Paper No. 11 of 1961);

(vi) Third Annual Report of the Western Nigeria Printing Corporation, 1959-60 (Sessional Paper No. 12 of 1961);

(vii) Annual Report and Accounts of the Western Nigeria Development Corporation, 1959-60;

(viii) Director of Audit's Report on Account of the Western Nigeria Government, 1959-60 (Sessional Paper No. 1 of 1962);

(ix) Sixth Annual Report of the Western Region Marketing Board, 1959-60 (Sessional Paper No. 3 of 1962).

To lie on the Table.

### ORAL ANSWERS TO QUESTIONS

**Mr Speaker:** Hon. Members, answers to questions addressed to the Ministry of Education are not ready. I then call on the hon. Member, Mr Layonu, to ask his question.

### TRADE AND INDUSTRY

#### Security for cocoa farmers in the Western Region

10/11. **Mr S. A. Layonu** asked the Minister of Trade and Industry what reasonable security the Government has for farmers in the Western Region who had heavily stocked cocoa previously to be sold at the old price prior to recent Government amendment of the price of cocoa.

**The Regional Minister in the Ministry of Trade and Industry (Chief G. E. Ekwejunor-Etchie):** The Regional Government recognises the importance of encouraging small-scale industries and handicrafts including blacksmiths, tinkers and other workers in the tin and iron industries. The form of encouragement given varies

from industry to industry. Where industrial staff are available, training facilities are provided.

Recently, an arrangement was concluded by which the International Co-operation Administration under the United States Technical Aid Scheme will provide us with an expert in blacksmithing and iron work for six months. During this time he will study local works and train an understudy who will carry on his recommendations.

**Mr V. I. Amadasun:** May I know from the hon. Minister whether his answer is relevant to the question being asked (Prolonged interruptions from Government Benches).

**Mr G. I. Oviasu:** May I know from the Minister answering this question whether he is answering the right question.... (Interruptions) It is a very serious matter for a Minister to rise up in Parliament and give answers which are not relevant to the questions being asked. (Shouts "Shame, shame" from Opposition Benches)

**Mr Speaker:** Order, Order. It is most unfortunate that the hon. Mr Layonu did not read the question. I believe that if he had done so the Minister could not have given the wrong answer. (Prolonged cheers from Government Benches.)

**The Minister of Trade and Industry (Chief A. O. Adeyi):** The answer to the question is not ready.

#### Nigerians employed at Ewekoro Cement Factory

10/130. **Mr J. A. Odutuga** asked the Minister of Trade and Industry the number of Nigerians employed at Ewekoro Cement Factory and to state how many of these, any, are in key positions.

**Chief Ekwejunor-Etchie:** The Ewekoro Cement Factory was opened in December 1960. The factory's skilled labour of five hundred and four and unskilled labour of 222, totalling 726 are Nigerians. There are at present 200 Nigerians in the key posts of Shift Supervisor and Assistant Chemist. The company has plans for training Nigerians in the Portlago Cement Factory in the United Kingdom.

**Mr Amadasun:** Would the Minister give briefly the number of Yorubas and Midwesterners out of the 276 Nigerians?

**Chief Adeyi:** I require notice of the question.

**Mr Amadasun:** I know you will answer that question.

### Establishment of Training Facilities for Blacksmiths and Tinkers, etc.

10/199. **Mr B. I. G. Ewah** asked the Minister of Trade and Industry whether the Regional Government would encourage the efforts of individual blacksmiths, tinkers and other workers in the tin and iron industries by the establishment of adequate training facilities whereby these workers would be better able to improve both the quantity and quality of their products.

**Chief Ekwejunor-Etchie:** The Regional Government recognises the importance of encouraging small-scale industries and handicrafts including blacksmiths, tinkers and other workers in the tin and iron industries. The form of encouragement given varies from industry to industry. Where the industrial staff are available, training facilities are provided.

Recently, an arrangement was concluded by which the International Co-operation Administration under the United States Technical Aid Scheme will provide us with an expert in blacksmithing and iron works for six months. During this time he will study local works and train an understudy who will carry on his recommendations.

### Approval of Idiemi as a Grading Station

10/307. **Mr A. A. Babayemi** asked the Minister of Trade and Industry why Idiemi, one of the heaviest cocoa producing areas, has not been considered worthy of being approved as a grading station.

**Chief Ekwejunor-Etchie:** No application has been submitted to the Western Region Produce Inspection Advisory Committee, which is the Committee responsible for advising the Chief Produce Officer on the suitability of places for gazetted as Produce Inspection stations.

This is in accordance with regulation 5 of the Produce Inspection Regulations No. 26 of 1951.

### HOME AFFAIRS

#### Erection of a Catering Rest House at Okitipupa

10/264. **Mr C. O. Olamigoke** asked the Minister of Home Affairs whether he would consider the advisability of building a Catering Rest House at Okitipupa in view of the increasing number of tourists to the town.

**The Parliamentary Secretary to the Minister of Home Affairs (Mr J. G. Adeniran):** Government does not consider it necessary to erect a Catering Rest House in

Okitipupa, in view of the fact that there is already a non-Catering Rest House in Okitipupa, and also one Catering Rest House at Akure which could be used by prominent visitors to Okitipupa.

### Licensed Cinema Theatres

10/277. **Mr A. L. Adenekan** asked the Minister of Home Affairs to state the number of licensed Cinema Theatres at present operating in the Region.

**Mr Adeniran:** There are fifteen licensed Cinema Theatres at present operating in this Region.

#### Erection of a Catering Rest House at Sango Otta

10/322. **Mr V. A. Aina** asked the Minister of Home Affairs whether the Regional Government would consider the advisability of erecting a Catering Rest House at Sango Otta as this place is on the international route linking Lagos-Abeokuta-Ghana.

**Mr Adeniran:** Government has no plan at present to establish a Catering Rest House in Sango Otta in view of the fact that there is, at present, a Catering Rest House at Abeokuta and also three non-Catering Rest Houses at Ikeja which could be used by prominent visitors to Otta. In addition, there is a very good non-Catering Rest House at Otta and I am convinced that with all these facilities visitors to Otta will not be subjected to any measure of discomfort in the matter of finding suitable Rest House accommodation.

### ECONOMIC PLANNING

#### Development Projects for Oshun Division

10/14. **Mr S. A. Layonu** asked the Minister of Economic Planning what development projects his Ministry has for Oshun Division as a whole on constituency basis in view of the fact that Oshun Division is a backward and under-developed area.

**The Parliamentary Secretary to the Minister of Economic Planning (Alhaji B. O. Obisesan):** In addition to the Farm Settlement at Ogbomosho and a Demonstration Farm at Oshogbo, another Farm Settlement will be established at Ago-Owu in Aiyedade District and a Demonstration Farm at Iwo.

In the Development Plan, there is a proposal to bituminous-surface Ogbomosho-Ikirun road, Okuku-Oyan road and Ilobu-Erin-Oshogbo road.

There are also proposals for the supply of urban water to the following towns in the 1960-65 Development Plan: Odeomu-Gbongan, Ikire-Apomu-Ikoyi, Ikirun and

Ogbomosho. Several villages will be covered by the Rural Water Scheme during the Five-Year Development period.

#### Community Development Grant for Ibadan

10/216. **Mr A. Ajibola** asked the Minister of Economic Planning and Community Development what steps are being taken by his Ministry to see that Ibadan receives its fair share of the Community Development grant this year in view of the fact that a number of projects are already being undertaken by the people of this town.

**The Regional Minister in the Ministry of Economic Planning and Community Development (Chief E. A. Anuku):** The object of Community Development is to induce attitudes of self-help and local initiative. It would be defeating the purpose of the principles of Community Development if the idea is allowed to gain ground that whenever local communities carry out local projects for the improvement of their areas, Government is on that account obliged or committed to pay them grants. Nevertheless, my Ministry does in fact at the moment give aid in respect of Community Development projects. Generally such aid helps to defray cost of material. In addition, professional and technical officers of Government supply technical advice and guidance.

One of the four pilot projects in the Region selected for experiment in integrated rural development is in the Ibadan District: I refer to Lalupon. A Community Development poultry project is being set up in the area—with Government meeting the capital cost, and the Community supplying unskilled labour. At the moment there are over 600 birds. The experiment is designed to cover all aspects of rural development—agriculture, rural and cottage industries, commerce, health, etc.

Regarding Ibadan Town itself, it may be recalled that late last year Government made a grant of £4,000 for the building of a Youth Centre in Ibadan. Since April last year a temporary accommodation at the Forestry Reservation has been extended and renovated to serve as a meeting place for Youth Associations, and as a Home Economics Centre where week-end courses for women will be held. A boxing ring at the Forestry Reservation has been given a superstructure so that, even during the rains, the ring can still be used.

Clearly it is out of the question to suggest that Ibadan is not receiving its fair share of community development money. People

must, however, learn the important lesson that they must help themselves.

#### Appointment of Community Development Officers in District Council Areas

10/312. **Mr A. A. Babayemi** asked the Minister of Economic Planning and Community Development why it has not been possible for Government to appoint Community Development Officers in every District Council area.

**Alhaji Obisesan:** It is not considered that the best way to give effect to the principles of community development and to achieve the development of local communities is by posting a Community Development Officer in every District Council area. Rather, it is considered that the objective is better attained by discovering, training and developing local leadership who would work—ultimately voluntarily—at village level.

#### MINISTRY OF INFORMATION

##### Film shows and Announcements in Iwo

10/289. **Mr I. O. Aniyi** asked the Minister of Information whether he is aware of the fact that the people of Iwo and suburbs do not have full enjoyment of film shows and announcements by the Information Officer in charge.

**The Parliamentary Secretary to the Minister of Information (Mr S. A. Okeya):** The people of Iwo and suburbs have their full share of the facilities for free film shows and public announcements provided by the Government of Western Nigeria.

A van equipped with cinema, recording and public address apparatus is stationed in Iwo and serves the Iwo and Aiyedade District Council areas. From reports, the people in the Iwo District Council area are given an average of eight to ten film shows every month with an average audience of about 12,000. My Ministry has received commendations from the Oluwo of Iwo, Councillors and Principals of Schools in the area for the facilities which the Ministry provides.

##### Coverage by the Information Officer, Iwo

10/290. **Mr Aniyi** asked the Minister of Information whether it would be advisable or not to curtail the vast area usually covered by the Information Officer, Iwo, in the old van provided so as to ensure that a reasonable ground is covered satisfactorily.

**Mr Okeya:** The attention of the hon. Member is invited to my answer to his Question No. 10/289. I am to add that the

present condition of the van in Iwo does not warrant a change; nor is it considered desirable to alter the area of activities of the van.

**Mr Speaker:** The hon. Member for Ede-Ejigbo South resigned his membership of the NCNC with effect from 6th of September, 1961.

### PERSONAL EXPLANATIONS

**Mr S. A. Layonu:** I resign my membership of the NCNC and join the Action Group. (*Cheers from Government Benches*)—(*Shouts of "Shame, shame" from Opposition Benches*).

The masses of NCNC supporters in Western Nigeria have been expecting social security and enjoyment of better life in an Independent Nigeria but things happening in the Federal territory under NPC and NCNC Coalition imperialism betray the idea that the NCNC as a political organisation has any power or influence in the new nation. But as the NCNC masses are retreating, there is growing feeling that the total annihilation of the NCNC in Western Nigeria is a matter of time, and indeed, it may be tomorrow.

I have staked almost everything in this life to ensure my loyalty to the NCNC, but I must confess that as I have tried my best to please the NCNC it is now my turn to please myself.

The death of the late Alhaji Adegoke Adelabu has created a great vacuum in the leadership of the NCNC and I am sure that the party can never fill this vacuum. NCNC members are now like a flock of sheep without a shepherd and it will not be long when branches of the NCNC will cease to exist in many parts of Western Nigeria because many people just cannot resist an appalling sense of frustration. During the last local Council elections in the West, Action Group leaders were mobilising every hamlet and council ward campaigning in full force for their party. The national leader, the national secretary, the national treasurer and other leaders of the NCNC, and their ministers left on jolly tours of the globe. Worst still, NCNC regional leaders in the West were silent in Lagos. This is a conclusive evidence that NCNC leaders are not interested in the welfare of the people of Western Nigeria. Whereas whether there are elections or not in Northern Nigeria or Eastern Nigeria, Action Group leaders are always frequent there to look after the welfare of their supporters. Sir, will it not surprise you that since the former national president of the NCNC had relinquished his post due to

internal party unrest and breakdown of party machinery about twelve months ago, NCNC members in the West have not up till now known Dr Okpara, the present national president? This shows the type of interest he has for NCNC members in the West.

My observations from my thirteen years association with the NCNC are as follows: (*Interruptions*).

1. That the NCNC is full of faulty organisation.

2. That the NCNC merely tolerates its Yoruba members in the West whom it uses as cat's-paws.

3. That the NCNC is the most tribalistic political party in the whole of the Federation of Nigeria.

(a) Out of a staff of over forty persons in the national Headquarters in Lagos, only two men are Yorubas—one office cleaner and one messenger-clerk.

(b) Federal Boards, Corporations and executive posts are being shared among Easterners, Northerners and non-Yoruba Westerners to the exclusion of Yoruba Westerners. But only quite recently, due to the criticism of the Action Group, a post was reluctantly conceded to Chief Fadahunsi the national patron of the NCNC.

4. That I, personally, as a true Westerner, am not happy with the planned dismemberment of the Western Region, which is the smallest Region in the Federation of Nigeria, whilst the Northern Region, which is more than triple the West, and the Eastern Region, which is more than the West by over two million people, remain unsliced. Personally speaking, I am not a degenerate son of Western Nigeria and I would do a lot of injustice to my conscience if I should support the planned dismemberment of this Region whilst the East and the gigantic North remain intact.

5. That I would be politically useless to my constituency if I continue to remain in the NCNC because we can never derive anything good from the NCNC economically, educationally, politically and in development projects as proved by events in the Eastern Region where the NCNC is in power.

6. That the Western Region controlled by the Action Group is the most progressive Region in the Federation of Nigeria. This is an accepted fact, even by the NCNC.

7. That recent events have conclusively proved that the NCNC is very weak, in that with its coalition with the NPC, which

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has always vigorously been opposed by the NCNC mass supporters and only supported by the mercenaries and sycophants that abound in the hierarchy of the party, it is too incompetent to rule the Federation of Nigeria.

8. That NCNC leaders in the East and Federal territories are not happy that the West is fast progressing politically, economically and educationally.

9. That the NCNC always have defeatist tendencies during elections in the West and with all its catalogue of planlessness, hypocrisy, faulty organisation and insincerity to the electorates it will continue always to lose elections in the West; and the notion that the NCNC will ever control the government of the Western Region is a day-dream. It will even be a regional calamity.

10. That it is most unreasonable to continue to suffer for the NCNC when its leaders are busy building financial empires for themselves and their family.

11. That the NCNC is full of petty jealousy and intrigue within its rank and file.

12. That the habitual characteristics of its West Regional leaders are just noise-making on the floor of West Regional House and inebecility in practical campaign field work and inaccessibility in their daily lives.

13. That no member of the party is happy with the NCNC's unholy alliance with the NPC which makes no secret of its intention to swallow up the NCNC and so make it possible for an NPC's one-party Federal Government to emerge. And the day this happens a national tragedy will overtake the country. But the only saving grace of the nation is the virile and dynamic Action Group of Nigeria.

14. That the electorates of my constituency have rejected the NCNC as proved by the results of the last Local Council Election.

15. I am convinced beyond reasonable doubt that an end has come to the NCNC in the Western Region of Nigeria. An end will even come to it in the East and Federal Territories and automatically the progressive Action Group Party of Nigeria will shortly rule Nigeria.

Therefore, Mr Speaker, I have decided to resign my membership of the NCNC and to declare for the Action Group. May I emphasise that I am not resigning my seat as a member of this House and I would urge the

Speaker to dishonour any letter of resignation that may be purported to have been submitted by me or my agent, though the NCNC might still be reluctant to submit it. (*Interruptions.*)

I have decided not to resign my seat as an hon. Member until the life of the House expires, or the House is constitutionally dissolved. I am only resigning my membership of the reactionary NCNC and declaring for the progressive Action Group in order, principally, to help nullify the evil intentions and diabolical plans of the frustrated and shameless Yoruba leaders who have been specifically instructed and commanded by the NCNC/NPC Federal leaders to cause unrest and riots everywhere possible in the West so that this could be used as an excuse by the Federal Government to invoke a section of the constitutional provisions against the envied Government of Western Nigeria. In spite of this, the West is the most quiet, the most tranquil, the most peaceful and the most law-abiding territory in the Federation of Nigeria. I speak from experience (as an old NCNCer) without bitterness and animosity. (*Interruptions.*)

Finally, I appeal to my old colleagues and comrades in the NCNC to sum up courage and desert the undisciplined and dejected army of the NCNC.

(*Mr Layonu then crossed the carpet to the Government side amid cheers from Government Benches.*)

**Mr E. B. Arowojolu:** Mr Speaker, Sir, on the 11th December I decided to resign from the NCNC and declared for the Action Group—(*Interruptions*)—and this is in obedience to the wishes of my people. My people are actually tired of the empty promises of the NCNC. (*Interruptions*). You have already heard on the radio and in the press, so that this is not a new thing to you. I am therefore crossing over to join the Action Group.

(*Mr Arowojolu then crossed the carpet to the Government side.*) (*Cheers from Government Benches.*)

**Mr M. A. Adewunmi:** Mr Speaker, Sir, I, Michael Adeyemi Adewunmi, representing Ibadan Central-East Constituency—(*Interruptions*)—do hereby make the following announcement which has already been flashed in the NBC on the night of 24th August, 1961.

Firstly, I make bold to say that I have resigned my membership from the NCNC Party after mature deliberation and subsequently declared for the Action Group with the full knowledge and consent of my constituents.



[MR ADEWUNMI]

Mr Speaker, Sir, I have taken such a decision because I am convinced that the Action Group is the only political party in the Federation with sound and concrete plans which are designed to improve the country economically, socially and politically. (*Laughter*). Its past performances in the development of the country, such as the free primary education, free medical treatment for the children below eighteen years of age, protection of all its citizens, and its gigantic plan to improve the general condition of its subjects, are but an eloquent testimony of its stability.

The question may be asked as to what prompted me to resign from the NCNC. (*Opposition Benches: Have you a nervous disease?*). It is because the records of the NCNC show endless governmental crisis, recurring party indisciplines and perpetual internal rifts and strifes, leading to chaos and confusion, instability and thereby lacking any plan worthy of emulation.

I hope those who still follow the NCNC blindly will soon learn their lessons and retreat their steps from the sinking boat of the party.

From now on my colleagues and I in the Action Group will join hands together to work for the progress of Western Nigeria in particular and the Federation in general, in order to bring life more abundant to the people.

**An hon. Member:** Members shall not read newspapers.

**Mr Adewunmi:** Mr Speaker Sir, I beg to cross. (*Mr Adewunmi then crossed the carpet and was cheered by Government Benches*).

**The Government Chief Whip (Mr N. A. B. Kotoye):** Hon. A. T. Rerri, Member for Urhobo West I, and Mr Okumagba, Member for Warri East, have been expelled from the NCNC and, in accordance with Standing Order No. 3, I think the Speaker of the House will be called upon—(*Laughter*)—to make new sitting arrangements.

**Mr Speaker:** There is no official notification of the expulsion.

**Mr P. V. Okwesa:** What has the Chief Whip at the back of his mind?

**Mr V. I. Amadasun:** It may be an addition to the number quoted by the Chief Whip. No member of the NCNC can be expelled unless such expulsion is ratified by the NEC of the NCNC. Therefore they are not expelled. You do not know anything about our constitution.

**Mr A. T. Rerri:** Mr Speaker Sir, I think I am competent to speak for myself. (*Interruptions*). I have not been expelled from the NCNC, and I have not received any expulsion order—(*Interruption*)—and as a member of the NCNC, if anyone, be he from the Government side, feels contrary, let him shew it. I am still a member of the NCNC. I want the Speaker of the House to take note.

**The Minister of Finance and Leader of the House (Chief J. A. O. Odebiyi):** I think what the hon. Member should do is to sue those newspapers, which have stated that he has been expelled, for libel.

**Mr D. E. Okumagba:** The anxiety of the Members of the other side is that they will never get people like us on their side. (*Interruptions*): Even if I leave the NCNC, I have no intention of going to their side.

**Mr Speaker:** The ruling is that if anybody declares for the Government party, he will be accordingly seated in this House—on my right hand side; if any person declares as an Independent, he will sit in front of me. (*Interruption.*) I shall take notice of what is going on in the country. (*Laughter*). I have ruled.

## BUSINESS MOTIONS

### Suspension of Standing Order 4 (2)

**Chief Odebiyi:** I beg to move that Standing Order 4 (2) be suspended this day to allow the House to continue sitting after 1.00 p.m. if necessary.

**The Minister of Local Government (Chief Adegbenro):** I beg to second.

*Question proposed.*

*Question put and agreed to.*

### Suspension of Standing Order 41 (1)

**Chief Odebiyi:** I beg to move that Standing Order 41 (1) be suspended this day in respect of the following Bills:—

(i) The Official Oaths (Amendment) Bill, 1962;

(ii) The Local Government (Amendment) Bill, 1962;

(iii) The Judicial and the Public Service Commissions (Protection and Privileges) Bill, 1962;

(iv) The Pensions (Amendment) Bill, 1962.

It is intended that tomorrow we will take the Income Tax (Amendment) Bill and then on Friday, if there is no overflow of business, it is hoped that this House will be adjourned.

**Chief Adegbenro:** I beg to second.

**Mr G. I. Oviasu:** We on this side of the House oppose the motion.

**Mr Speaker:** The Question has not been proposed. (*Interruptions.*)

*Question proposed.*

**Mr Oviasu:** We see no reason to justify the suspension of Standing Order 41 (1). We notice, Sir, that during the last Budget Session, no work was properly done. Since the last Budget Session—and that was in August—the Legislature met for only one day to appoint a Senator of the Action Group, and here we are today for the third time to do business and Government is rushing up everything. I do not see the reason why the Leader of the House is pressing. He has something to hide. This Government has committed grievous crimes which they are trying to hide, and that is why the Leader of House is pressing that the Order shall be suspended. We must have at least a day's notice before the presentation of Bills, and the Bills which are coming before us today are supposed to have been published in the Official Gazette. (*Interruptions.*) We do know that the Opposition must have its say and that the Government should have the final say, but they must not do so dishonourably, as they are trying to do now.

**Mr P. K. Tabiowo:** It is wrong for the Leader of this House to suspend this Standing Order (*Interruptions*). The people who run this Government owe it to the public that every Bill of this House is clearly and thoroughly dealt with, and not merely coming here to rush Bills on Members. Members should be given due notice and given a chance to read the Bills and study them so as to come here and contribute intelligently to the Debates. Moreover, the Bills were not sent to hon. Members. Some of us are not new Members in this House, and this has never been the practice in this House before. The Action Group cannot eat its cake and have it. The Leader of the Action Group, who is Leader of Opposition in the Federal Legislature, was criticising the Federal Government for rushing Bills and trying to hide them. What do we now do here in the West?

**Chief Odebiyi:** I do know that the Ministry of Communications and Aviation is manned by somebody from the NCNC which forms the Opposition in this House. As far as I know, Sir, these Bills have already been published in the Gazette and posted to Members in their Constituencies. (*Inter-*

*ruptions.*) The point, Sir, is that what we are trying to do here is to enable Members to have copies—(*Interruptions*)—because the Bills are short and—(*Interruptions.*)

In any event, the NCNC on the floor of this House are noted for one thing: when they find it hard going for them they always walk out. I hope that on this occasion they will stay and perform their duties and earn the pay given to them by the electorates. (*Interruptions.*)

**Mr F. H. Utomi:** We would like to extend our sympathy to the Action Group for ignorance. We were written that on arrival we would get our particulars. On arrival this morning we were told by the leader of the House that we would get our papers. It is just unfortunate that it is only this morning that we collected our papers. It is unfortunate.

**Chief Odebiyi:** Copies of the Gazette are different from copies of Bills.

**Mr R. A. Akinyemi:** I am always in sympathy with the Action Group. (*Interruptions.*) In actual fact, I saw the Leader of the House this morning. I discussed this matter with him and he told me that these Bills had been sent to Members. I told him that the Bills in the *Gazette* were dated the 12th, and he said it might not get to the Members' addresses and that he had instructed the Clerk of the House to get some ready for us here. Then we would not get the Bills until this morning, and we are entitled to a day's notice!

**Mr Speaker:** Order, order. I take it that on the words of the Leader of the House the Bills were embodied in the *Gazette* that were posted to Members, many of whom have not received them. But, most unfortunately, the law says ".....at the date of the posting of the Law"; the sender is therefore exculpated. So that if they have not been received. I think it is due to some fault in the post. (*Interruptions.*) Under the circumstance, I shall ask for the opinion of the House as to whether this Standing Order should be suspended or otherwise, and as such I would like to put the question, because we do not want to waste the time of the House unnecessarily.

**The Premier (Chief S. L. Akintola):** I suppose that my friend opposite, with whom I am always in friendly terms, is sufficiently timorous even to tear me occasionally. (*Laughter.*) I say this because I am personally in sympathy with the point raised. The

[CHIEF AKINTOLA]

fact remains that whether it was the fault of the Post Office or our fault, they have not got copies of the Bills, and I am very sorry for this. I am making this promise that there will not be a future repetition of it. (*Hear, hear*). Let us proceed with the day's work. If you find any difficulty whatsoever whilst the Bills are being considered, there is no reason why we should not defer further consideration to, say, tomorrow, or any other day. I assure you that there will be no repetition of this any more. Somebody has suggested Monday. I am sure that the Bills, when you see them, will be uncontroversial, and we can then go ahead with them. May I repeat the assurance that in future we will try to see to it that copies of Bills reach you in good time. (*Hear, hear*).

**Mr Akinyemi:** I have to thank the hon. Premier for making, for the first time, an interesting and uncontroversial speech, and I hope that other junior Ministers and some of the back benchers of the Action Group will follow this example.

*Question put and agreed to.*

#### PRESENTATION AND FIRST READING OF PUBLIC BILLS

The following Bills were presented and read the First time:—

1. The Judicial and the Public Service Commissions (Protection and Privileges Bill, 1962—(*The Premier*). (*To be read a Second time tomorrow*).

2. The Pensions (Amendment) Bill, 1962—(*The Minister of Finance*). (*To be read a Second time tomorrow*).

3. The Local Government (Amendment) Bill, 1962—(*The Minister of Local Government*). (*To be read a Second time today*).

4. The Official Oaths (Amendment) Bill, 1962—(*The Minister of Justice and Attorney-General*). (*To be read a Second time this day*).

#### ORDERS OF THE DAY

#### THE LOCAL GOVERNMENT (AMENDMENT) BILL

#### SECOND READING

*Order for Second Reading read.*

**The Minister of Local Government (Alhadji D. S. Adegbenro):** Mr Speaker, Sir, I beg to move the Second Reading of the Local Government (Amendment) Bill, 1962.

Mr Speaker, Sir, the main purpose of this Bill is to amend the Local Government Law, 1957, to confer upon the Governor in Council the power to suspend any council which has defaulted in the performance of any of its statutory functions. As the Law stands at present, Mr Speaker, if a council has defaulted in the performance of any duty, the Governor in Council can invoke sanctions by dissolving that council, but in some cases some councils have defaulted in respect of certain specific functions and Government may be satisfied that such councils ought not to be dissolved but to be suspended, and may appoint a group of persons to remedy the situation, and as such the council can be installed without the process of going through an election. With the Law as it stands at present, when a council is dissolved, that council cannot be re-installed unless, by an election, and the process of an election is what the amending Bill seeks to amend. Once a council is suspended for a minor default, the members, including traditional members, ought not to be subjected to the process of direct election. Direct election is a waste of money and also a waste of time. The Governor in Council also decides that the time is ripe for a Bill of this type to be presented to the Legislature for enactment.

The other important amendment to the Bill is in respect of section 87 of the Law which relates to the appointment of Administrators and their terms of office.

Mr Speaker, Sir, I beg to move.

**Chief Odebiyi:** I beg to second.

*Question proposed.*

**Mr V. I. Amadasun:** Mr Speaker, Sir, I beg to oppose this very Bill which has been presented this morning by the Minister of Local Government, because his explanation is entirely at variance with the Objects and Reasons as stated in the Bill.

Now, Mr Speaker, what I understand from this Bill is that the Governor in Council will be given power to suspend any council, its President, and Members of that council, and replace them with an Administrator who will be in charge of that very council for an unknown period. (*Interruptions*).

**Mr Speaker:** I hope you are talking to him through me? (*Laughter*).

**Mr Amadasun:** He is presenting what is not written here. It means you are having an opportunity to settle certain issues after dissolving councils belonging to the Action

[MR AMADASUN]

Group. The fact is that after dissolving councils belonging to the Action Group, there is trouble in your party and you are finding a way to settle these problems; that is why you have the effrontery to come here this morning to this hon. House to give reasons which are entirely at variance with the Objects and Reasons written here in the Bill. We have been telling you not to make amendments. (*Laughter*). You are warned today. Mr Speaker, I am warning him.....

**Chief Odebiyi:** The hon. Gentleman should direct his speech to the Speaker.

**Mr Amadasun:** I am directing my speech to the Minister.

Now, Mr Speaker, Sir, we are enjoying our second year of independence, and for the Government to say now that the accredited representatives of a group of people should be set aside and be replaced by an Administrator, is against the soul of democracy at this time of Nigeria's independence. So that, Mr Speaker, this very Bill is a very bad new year message to the people of the Region.

I want him to underline what I have said. There is nothing in it. It is as damnable as any decision on earth. Even, Sir, in my own city, a well constituted council was dissolved two or three years ago and then replaced with a Management Committee which was as corrupt and as bad as anything on earth. Sir, what I want the Minister of Local Government to do now is to see that once a council is dissolved or suspended there should be a new election, or if that is not practicable, then there should be a time limit of, say, six or nine months during which the Management Committee or the Administrator should run the affairs of the Council. The Management Committee should not be left there for ever. It is against the soul of democracy to allow an administrator to do what about fifty accredited representatives have been doing.

Mr Speaker, Sir, with all these very lucid explanations and criticisms, I beg to oppose the Bill.

**Chief F. Oputa-Otutu:** Mr Speaker, Sir, I rise on behalf of the Opposition to oppose this Bill. The Local Government Law of Western Nigeria has caused this Region a great deal of money. This House had been summoned in the past to debate an amendment to the Local Government Law. Sir, experience has shown that all these amendments have been proposed primarily to provide a machinery, or rather, to maintain

the Action Group Party in power in the West, to dissolve NCNC Councils and set up caretaker Committees, or to inject traditional members—the so-called puppet traditional members—into local government councils.

**Mr Speaker:** But Action Group-controlled councils have also been dissolved.

**Chief Oputa-Otutu:** Yes, Sir, but NCNC councils are always dissolved on flimsy excuses in order to take them over.

Mr Speaker, Sir, the whole Local Government Law of the hon. Alhaji Adegbenro, the Minister of Local Government, should be in a dustbin now. Last June, Sir, the Minister of Local Government assured this honourable House that local government elections would be held throughout the whole Region. Within two months of this assurance in this House he was challenged by a member on this side of the House that the Action Group had not the guts to face local government elections. Today, there are still more than six local government councils, particularly in the Midwest, into which elections had not been held.

Mr Speaker, Sir, coming to the Bill itself under the Objects and Reasons—With your permission, Sir, I would like to read it—

*“Objects and Reasons”*

“The main purpose of this Bill (*see* clause 3 thereof) is to amend the Local Government Law, Cap. 68, by conferring upon the Governor in Council power to suspend the President and members of a local government council which has defaulted in the performance of any of its statutory functions (other than those under the Education Law, Cap. 34) and appoint in its place an administrator instead of taking action in such a case under section 90 of the Law which confers on the Governor in Council power to enforce statutory functions of councils. Upon the administrator ceasing to hold office the hitherto suspended President and members will resume their offices in the council without any new election being held unless, in the case of members other than traditional members appointed directly by the Instrument, their terms of office would in the meantime normally have expired under section 21 of the Law, or in the case of an individual member, unless his or her seat as an elected, nominated or traditional member has in the meantime become vacant under section 22 or section 23. Clause 4 of the Bill contains a consequential amendment to section 88 of the Law.

[CHIEF OPUTA-OTUTU]

"2. Clause 2 is designed to clarify some of the provisions of section 87 of the Law which relate to the appointment of committees of management and administrators and their terms of office."

Mr Speaker, Sir, this is strange. It is only in the Western Region of Nigeria that we can have such things.

Mr Speaker, Sir, you will agree with me that from the reasons given under the Objects and Reasons, it is obvious that the Minister is only seeking power to suspend any council or president and in the interim to find means of trying its members, and after they have passed his examination he will then go back and reinstate them. That is exactly what is at the back of his mind. I can picture that from his mind.

Mr Speaker: Order! That is imputing motives.

Chief Oputa-Otutu: In any event, Sir, that is my own personal feeling about these intentions. Sir, I will say that it is a very strange law. It is only in Western Nigeria that we can find obnoxious laws of this kind. We on this side of the House would like to call upon the Premier of this Region to repeal what I would call this obnoxious document called "Local Government Law" and replace it, Sir, with one that fits into 1962 independent Nigeria. Every amendment to the Local Government Law, Sir, has been proved to have some motive behind it. I will not say "ulterior". I say, Sir, that the amendment is unnecessary. It is undemocratic. What it seeks to do is to make most of the councils in the Region to cease to exist, and for them to exist only at the pleasure of the Minister of Local Government. There was a time in this Region when a local government council defied certain orders of the Minister because such orders were considered to be undemocratic. How many of these councils today have the effrontery to challenge any action of the Minister of Local Government?

Mr Speaker, Sir, let the Action Group borrow a leaf from the Federal Government Local Government Law. (*Government Benches*—"Who made it?") (*Mr Oputa-Otutu*: "It has been amended") The Western Nigeria Local Government Law is now out-dated and considered by all reasonable and honest persons to be a fraudulent document.

Mr Speaker, Sir, I beg to oppose.

The Minister of Health and Social Welfare (Chief J. O. Osuntokun): Mr Speaker, Sir, I just want to make a brief reply to the point raised by the hon. member for Benin Central. (*Opposition Benches*: "Are you the Minister of Local Government?"). Mr Speaker, Sir, I am not the Minister of Local Government, who eventually will reply to the points raised. I am only contributing my own quota to the debate of this House.

The member for Benin Central said that the Minister's speech was at variance with the Objects and Reasons of the Bill, and, in my simple mind, he has not proved it. What is the practice today? The practice today is that, after a warning, a council is dissolved if that Council does not heed the warning of the Minister of Local Government. But now, what does the Bill say? Instead of dissolving both innocent and dishonest members of the Council who are usually members of the NCNC.....(*Interruptions*). Now the Minister, instead of dissolving the whole Council, intends to suspend either all the members, including the President and the Chairman, or certain individual members who might be guilty of certain ill-practices. I think all reasonable beings will agree.....(*Interruptions*). Mr Speaker, Sir, I shall give an analogy. For a man who has been sick of headache, the usual remedy had always been a sort of surgical operation.....(*Interruptions*).....but instead of going all that way, all you need do nowadays is to make him lie on his bed for a day or two and treat him with Aspirin or A.P.C. That is all the Bill is saying, and I think, as I said earlier, that reasonable beings ought to see the reasonableness of this amendment. (*Opposition Benches*: "Where is the reasonableness?") I will repeat again. Instead of dissolving the council *en masse* just like that, the council will be suspended for some time until the wrong has been righted, instead of going through a general election, wasting time and energy. (*Interruptions*).

Mr Speaker, Sir, I ask for your protection, but members on the other side of this House know that I can always hit back if I want to.

Another point which the Member for Benin Central has made is that the Minister of Local Government has been guilty of amending the laws always, and often and often, and that he has always held the view that these laws should not be amended, that is, the laws should be as they are—the laws which were drawn up during the days of Metuselah should even remain as they are.....(*Interruptions*). Even, Sir, I shall come

[CHIEF OSUNTOKUN].

forward by saying that amendments to laws are extremely necessary. In fact, human beings themselves change; nature changes, and even God amends His way. If I may say this, Sir, what I mean by nature amending even its own way is that at certain times of the year in a temperate region we have winter, at another time we have summer; at another we have spring; and other times autumn. But in tropical areas sometimes we have rain, sometimes we have the dry season. That is nature amending itself to suit the convenience of human beings living on the earth. Why is it that we don't have rain all the year round?

Again human beings always amend themselves. In this I will give one example. When the hon. Member for Benin Central, Mr Amadasun, had been feeding himself on *Iyan* or *Eba* he might suddenly find—*(An Opposition Member: "What are you saying in this House?") (Interruptions)*—that it is not particularly good for his own health.

The Member for Aboh West said that we should emulate the Lagos Town Council Law. I would like to tell him that it is the Action Group which actually enacted that Law. *(An Opposition Member: "It has been amended")*. And then somebody jumped up on that side to say that it has been amended. Well, something which is good for the NCNC whatever the NCNC does, if the Action Group does it, they will say no. If their NCNC can amend the Local Government Law in the Lagos Town Council, why is it that the Action Group Government cannot amend its own Law?

The Member for Aboh West said that the Minister of Local Government—*(Interruptions)*. He alleged that the Minister is merely seeking power in order to take action against councils which fall out of favour with him or which fail to carry out his instructions. Let us agree for the sake of agreement that that is the reason. But is that not still better than for the council to be dissolved outright and to be asked to face the rigours of another election?

Mr Speaker, Sir, before we came to this House I thought this Bill was going to be okayed without any waste of time and energy. As Members of the Opposition I am not surprised that they began to say all sorts of childish and unnecessary things against this Bill.

In any case, I beg to support this Bill.

**Mr Speaker:** This appears to me to be a convenient time for a short break. And I would say this straightaway now, that some members may like to meet the Member of Parliament from the United Kingdom—one of those who went and presented a Mace to the Parliament in Sierra-Leone. He is here now. He watched us this morning. We can then go to the buffet and probably meet him and have a chat with him and know from the horse's mouth what is going on in the Parliament in Great Britain, and he will tell us his opinion about our own Parliament here. Under the circumstance, we should have a short break now.

*Sitting suspended at 11.37 a.m.*

*Sitting resumed at 12.30 p.m.*

**Mr R. A. Akinyemi** Mr Speaker, Sir, I rise, on behalf of the Opposition, to oppose this amendment on the following grounds. Mr Speaker, I would like the Minister of Local Government to listen.

Now, perhaps there has been enacted a law, a provision whereby a management committee and a sole administrator shall be appointed. But the order appointing them has got to specify the number of years or months. I can assure you, Mr Speaker, that the Minister of Local Government had appointed sole administrators and management committees for a long time without specifying in the Order how many years or how many months.....*(Interruptions)*.....and he is bringing this amendment surreptitiously to legalise an illegality. And that is why he is bringing this amendment as an afterthought to legalise an illegality he had committed when he dissolved the NCNC-controlled councils and appointed some Action Group members at Benin and sole administrators at Abeokuta in order to satisfy his whims and caprices. Now again, the Minister of Health and Social Welfare was talking about the question of money: that there is no need for surgical operation when there is a possibility of swallowing some pills in order to get well. I can make a complete proposition or suggestion (may I put it that way) that if the Minister of Local Government finds that, instead of dissolving councils and calling for a new election, he will prefer to suspend some members, I can suggest an avenue for him. It is possible for him to cut his basic allowance of £74 every month on car without doing anything on mileage on his salary of £3,000 per annum; then I can say you will get money to run local council elections. Now what is the motive behind these amendments every time?

[MR AKINYEMI]

I would submit, with the greatest respect, Mr. Speaker, that it has become the duty of the Action Group every time to bring these amendments, and they do so only to have a loophole through the local councils where the NCNC has been in control. For instance, if this law is allowed to pass, then what will happen is that the Minister of Local Government can take his pen and say, "I am dissolving Akure District Council", after ejecting some untraditional members there. The Leader of the House is here. He is looking at me. The Leader of the House is looking at me. (*Laughter*). After doing that he will go and hand-pick some Action Group "good boys", some people who lost local council elections, and make them chairmen of local councils. There is no need to allow these people to go through elections. They say "statutory laws" because they are paid for their statutory duties. What are the statutory duties? They are devised. The Minister of Local Government can take up his pen only to satisfy his whims and caprices at the expense of the people and say this is another statutory duty and another council is dissolved. For a long time, the NCNC is tired of the Minister of Local Government, and at times we have decided to call him the Minister of Dissolution and not the Minister of Local Government—(*Laughter*)—because we have been able to know how many local councils he has been able to dissolve during this short span of time; and furthermore, that is the greatest difficulty which is confronting the Government of the Western Region today—the Minister of Local Government has been responsible for all its ramifications.

We of the Opposition, therefore, are opposing this amendment on these grounds, and we feel that we are not going to allow the Action Group Government of the Western Region to continue to use the local government instrument as an instrument of oppression and persecution against our people, and the time has come now when we must tell them clearly. (*Chief Odebiyi: "They have won already"*.) If the Minister of Finance and Leader of the House is not careful, and he continues to heckle me, I shall retort with all the force at my disposal. (*Laughter*).

I would say that we on this side of the House are opposing this amendment.

**Mr Speaker:** I would like the debate to be conducted in a sort of decorum befitting this honourable House, and hon. Members should understand the theme of the Bill.

It is taking away the power of dissolution of councils from the Minister or from the Governor in Council. There are times when it may be necessary to suspend instead of dissolve councils and, as such, I should like the opinion of members of the Opposition in this House before we put in a vote. I am therefore calling on the Member for Benin Central, Mr Oviasu, to speak, and then, when we have heard one or two more from that side, Government should wind up. I think that is the opinion of this House (*Both sides of the House indicated assent*).

**Mr G. I. Oviasu:** Mr Speaker, Sir, having heard the debates by hon. Members I have got to give you six reasons why the Opposition is rejecting this Bill.

We on this side of the House are opposing this Bill for the following reasons. The Bill is a classic example of the Western Region's lawlessness or a way of trying to ride rough-shod of the law. I am going to explain that.

It is a matter for regret that when justice is in the hands of those who perpetuate evil, there is nothing we can do but crave for fairness. This Law, or this Bill, which we are being asked to pass into Law, shows clearly how cleverly, too, this Region can break its own law. It is clear to you, Mr Speaker, Sir, that in Ishan Division, for instance, there are eight councils which have already been suspended. They were suspended before this Bill was made, and, as one of the previous speakers has said, this Bill seeks to legalise what is already existing. (*Shouts of "Shame! shame!" from Government benches*).

Seven or eight Councils in Ishan Division have been suspended. There is no power in the Local Government Law empowering the Governor in Council, otherwise the Minister of Local Government, to do so. That is my first point.

The second point is that this Bill is undemocratic, because in this case the prosecutor is also the judge: Section 87 of the Law refers. The prosecutor is also the judge. Wherein lies the principle of democracy? I have to embody in my points, Mr Speaker, Sir, that these councils are usually suspended or dissolved before formal enquiries, so that the person who is accusing the council of not carrying out its statutory function is also the person who is sitting in judgment over the council.

The third reason, Mr Speaker, Sir is that these measures which are being proposed here today are in no way to help to check corrup-

[MR OVIASU]

tion. (*Interruptions*). It is in no way to inculcate a sense of responsibility in the Minister, whom I shall tell you later is the seat of many questionable activities (*Fire! fire!*).

The fourth point, Sir, is that this Bill does in no way state the time limit for the suspension or dissolution of any district council. This is a fragrant violation of section 87, sub-section (2), of the Western Region Local Government Law. Very often, Sir, many councils have been dissolved or suspended. The Minister of Local Government has not had the goodness or the sense of justice to state clearly in the Dissolution Order that its management committee or sole administrator shall remain for so long. But, in law, it is stated that where a committee of management or administrator is appointed, the term of office of the members of the Committee or the administrator shall be stated. The term of office of administrator or management committee has never been stated in the orders. The Benin Council was dissolved in 1960; new elections were held all over Western Region on 16th May, 1961. The management committee has had its time extended and will hold its seat there. In Aniocha District Council in Asaba Division, which was dissolved over two years ago, there was no time limit stated in the order, and there are so many other councils which have been dissolved and which, for political convenience, have not got democracy and justice to respect their own law. Section 87 is not made by Oviasu. (*Laughter from the Opposition benches*). It is a threat on democracy, Mr Speaker, that we should be treated in this way, and the Government ought to be ashamed of themselves.

The Premier, too, ought to feel some sense of humour in him that he should allow one man to misuse him and his Government. The Premier and his Government should be charged for conspiracy against democracy. For the purpose, undemocratic suspension, Mr Speaker, Sir, is synonymous with dissolution, because there is nothing in this Bill preventing the Minister from extending suspension over three years, even if we all know that the life of a council is only three years. (*Interruptions*).

My fifth reason for opposing this Bill is that the Minister of Local Government has not given a satisfactory reason to explain why he and his Government ceased to evade section 90 of the Law. Section 90 of the

Law empowers the Governor in Council to force any council to perform certain specific duties in which it has failed. (*Interruptions*). If this Bill is passed, Mr Speaker, it will be a dangerous weapon in the hands of the Law Officers and they will use it to finish the few existing NCNC supporters.

Then the sixth and last reason, Sir, why we are opposing this Law is—I ask a question: What is really the motive force behind the bringing out of this Bill? There are many types of motive. The first type of motive is called the dynamic motive, the second motive is the end motive. The dynamic motive always precedes the end motive, but the end motive should sublimate the dynamic motive. In this case, the dynamic motive behind this Law is purely based on ego. (*Interruptions*). This Bill which constitutes a flagrant violation of democracy is purely a dynamic motive.

And now, to come nearer home. I will still explain it. The Minister is guilty of what the psychologists describe as “rationalisation”. The reason he gave here for bringing this Bill is not the reason. A boy one day saw a snake. He ran as fast as he could. The mother asked him: “Why do you run so fast?” The boy said: “No mammy, I am not afraid, I am only testing my legs to see how fast I can run”. That reason which he has given is a rationalisation. But his main reason was that he was afraid of the snake. (*Interruptions*). What is in the mind of the Minister for bringing this Bill? I will tell you. Why does he choose to rationalise? We all know, Mr Speaker, Sir, hon. Members of this House know, that the Minister of Local Government is suppressing a sincere fear. (*Interruptions*). He is further in hell fire in his constituency. They have passed a motion of “no confidence” in him. The Egba-Owode District Council recently passed a vote of no confidence in him. (*Interruptions*). In some of the councils controlled in Egba Division, we know, Sir, that, as I have said, although he dissolves some Action Group Councils, he does it officially, in necessity. But there is one in which he has said that all of the councillors are corrupt: that was in Egba. The councillors said to him: “You say we are corrupt; remember when you point one finger at somebody, three are already pointing towards you.” Even the Secretary of the Council has put him to court. (“*Shame, shame*”.) That was why they told the hon. Minister of Local Government that he is the source of the corrupt practices. We know of Ministers



who do not allow councils to insert in the Estimates any vote for the purchase of **tipper and tractors** so that their own might be hired for the use of the Council. (*"Shame, shame"*).

**Mr Speaker:** This appears to be a specific charge, and I think, if it is directed to anybody, that person can be answerable for his action, not in this House, but somewhere else, and, as such, I would like the hon. Gentleman not to impute motives to the behaviour or to the actions of the Minister or anybody in this House. But if the motive is a good one, well it is quite a different thing. (*Interruptions*).

**Chief Odebiyi:** Excuse me, Sir. Standing Order No. 27 (6). The hon. Member is imputing motive on the Minister of Local Government who is the only authority that can approve Estimates of Local Government Councils, and he has got to do that on a substantive motion; if he cannot do that, he ought to withdraw his personal speech.

**Mr Speaker:** Order. I was not unaware of the provisions of this Standing Order, but the hon. Gentleman did not direct his statement to the Minister of Local Government. (*Interruptions*).

**Mr Oviasu:** Mr Speaker, Sir, I was trying to prove it. I am still saying it, as my sixth and last reason, that the motive of bringing this Bill to this House is to restore his unseated councillors in those areas very well known to him. (*Interruptions*).

Mr Speaker, Sir, for the reasons I have stated above, we Members of the Opposition oppose this Bill.

**Mr F. H. Utomi:** I really, till last year, had my sympathy for the hon. Minister of Local Government. But, like the Napoleon of old, whose soldiers, we were told, deserted him when abstention was useless, I say boldly that I have actually lost my sympathy for the hon. Minister of Local Government because his Ministry is a liability to the Western Region Government. (*Interruptions*).

We originally sympathised with him because, then, we were in a pioneer stage; but now we still advance. I would say it is high time that justice, honesty and sweet nationalism should be introduced into the councils. I look into this Bill from two aspects. One: It is to have an opportunity to settle internal disaffection in Action Group-controlled Councils and then reinstate them. Two.....(*Interruptions*).

**Mr Speaker:** Order, Order. I beg your pardon. You mean that is your opinion or that is the motive you think is behind it?

**Mr Utomi:** My opinion.

**Mr Speaker:** Well that opinion should be withdrawn. (*Interruptions*).

**Mr Utomi:** It is the motive.

**Mr Speaker:** Hon. Gentleman, when we say a word here or a sentence, I think we could know that it has been made once, so that we don't have to repeat it. Well, I have told an hon. Gentleman that this imputation of motive is against our own Standing Orders and perhaps you will agree with me and, having spoken on it at some length, I think we had better not repeat ourselves. And that is why I urge the hon. Gentleman to withdraw that particular statement of his because it has been said once and we have concluded that it is improper.

**Mr Utomi:** I withdraw. We have got what we call clean intentions, and then the intention to destroy.

Well, in my first aspect, I said before that the intention I suspect is to have the opportunity to settle matters within a particular camp and then re-appoint them again to offices. In the second aspect particularly that of controlling a council, it is to give opportunity to those who have gone in without a certificate of the electorate to control the council, and, here now, I quote the Aniocha District Council as an example. This Council, if I am not mistaken, and if I am also asked to present a record, has been commended by the Ministry as the best council in the Western Region manned by brains, nationalists, self-sacrificing gentlemen from the NCNC. For the sake of a handful of disgruntled gentlemen who every day sent delegations to Ibadan and so trying to split the Council area—not that there was any charge of maladministration or inefficiency or inability to collect tax, or corruption—an enquiry was set to this Council, only to see the possibility of splitting it. Till today, the Report of the Commission has not been released. But, however, as sources very close to the Ministry and to the Party revealed, it is said that there was no need for the split, and then this Council was dissolved only with a view to splitting it, and the Committee appointed comprised members of one Party, that is the Action Group. (*Interruptions*). I make bold to say that the Chairman of this Committee was imprisoned in Ibadan. The Chairman of the Management Committee of the Aniocha District

[MR UTOMI]

Council went to Ibadan three times for forgery. About 90 per cent of the members of the Management Committee are jail-birds. ("Shame, shame"). We left this Council with a reasonable asset. (*Interruptions*). But when the Management Committee was dissolved, it had only a balance of £2. A Sole Administrator appointed in two days discovered that 320 members of the Action Group who were assessed £1 17s 6d refused to pay their tax because they are party members, and then 400 people were exempted when we.....(*Interruptions*).

**Mr Speaker:** I beg your pardon: I should like to know what what you are saying has got to do with the Bill. (*Opposition Members: "Local Government, Local Government"*).

That is the motive that the Standing Order says we should not impute. (*Interruptions*).

**Mr Utomi:** It is an opportunity for me to expose all that we see practically in the Provinces about local government. These Appointment Committees are an apology. (*Interruptions*). When my Council was dissolved we got ourselves satisfied with the old Local Government Law that no Management Committee can last more than six months; it has lasted for two years. ("Shame, shame"). But then, this is my fear. Although the Sole Administrator ceased to hold office, he yielded to the hitherto twelve suspended President and members who resumed their offices in the Council without any new election being held; unless, in the case of members other than traditional members as quoted directly by the instrument, the terms of office would in the meantime normally have expired under section 21 of the Law, or, in the case of an individual member, unless his or her seat as an elected, nominated or traditional member has in the meantime become vacant under section 22 or 23. Imagine now, if they are allowed, by the end of the tenure of office of the Sole Administrator to go back, they have ruined and impoverished the area. Well, here is a point which must be given serious consideration. I think that the best way to sound the opinion of the public is by election. We do not care whether the Action Group control the Council provided they get a certificate of the electorate, or whether the NCNC control the Council, if we win the election. That is my point. But, from our own practical experience, it seems, at least in the Provinces, that the Ministry of Local Government backs up riff-raffs and moribund people.

The Council has been dissolved because they have actually committed the Government—they have actually committed the Ministry. Delegations upon delegations! Imagine the Aniocha District Council balancing £2. Imagine the Asaba Divisional Council which was controlled by the NCNC for seven years, balancing £12. You could just imagine that! ("Shame, shame"). And as this was the protest ever sent to the Minister, I appreciate, as I said before, he has got his handicaps. But, when he risks his own personality, his prestige, in the interest of the Government, well, I am afraid, I do not know towards what ill move he will incline: whether it will lead to pacifism, anarchism or to death. The Governor in Council, if satisfied that it is necessary, may, by a subsequent order, revoke the appointment of a Committee of Management and appoint in its place an Administrator or revoke the appointment of the Administrator and appoint in his place a Committee of Management already popularly rude. ("Shame, shame").

I am afraid, Sir, this is a subtle move to control Councils, so that I recommend one suggestion: When a Council is dissolved because it is corrupt, is inefficient, unable to collect taxes, unable to have autonomous sense of responsibility, why not order an election, so that if it is the Action Group that will rule, it may rule, provided it is the choice of the people? If it is the NCNC let it control the Council, if it is the choice of the people.

With this, Mr Speaker, Sir, I oppose the Bill.

**Alhaji Adegbenro:** Mr Speaker Sir, I am not at all surprised at the attitude of the Members of the Opposition to this Bill because, always, when an Amendment, however reasonable, is brought before the House, on the Local Government Law, the attitude of the Opposition has always been that there is an ulterior motive behind it. (*Interruptions*).

I would like to reply briefly, Mr Speaker Sir, and I would like to mention, Sir, that I am appealing to Members of the Opposition to listen to my replies to the points which they have raised. It is only cowardice that can lead a person to have his own opportunity and to refuse to hear the other side. Not only cowardice; it is injustice. I remember that on one occasion Mr Speaker Sir, the Member for Benin West put before the House—that was at the last sitting of the House—certain unfounded allegations against the Minister of Local Government, and by the time I got up to give him back, this hon.

[ALHAJI ADEGBENRO]

Member for Benin Central got up, packed and went away. What can you call that? Cowardice. (*Laughter*). And now that he is here, I will hear a little more of what he is going to say. Again, Sir, I appeal to Members on the other side to listen carefully to my replies to the points which they have raised.

The Member for Benin Central, Mr Amadasun, had indicated that the purpose behind the presentation of an Amendment to this Bill is to effect a settlement to party disputes in the rank and file of the Action Group, and that the Bill is intended to wipe out the few NCNCers in the Western Region. This is also the view held by the.....(*Interruptions*). The existing Law provides for the dissolution of councils but this one is an addition; so that where it is found by the Governor in Council that the offence committed by a council does not justify dissolution, the Governor in Council may suspend the council for some period and allow it to run.....(*Interruptions*). But the point I want to mention, Sir, is that the Bill, when passed into Law, cannot have a retrospective effect. After all, the Bill still goes to the House of Chiefs tomorrow, and I can assure Members that the Bill when passed into Law will not have a retrospective effect. (*Interruptions*).

The Member for Aboh West, my friend Mr Oputa-Otutu, has referred to six councils which have been dissolved because they got orders of the Minister of Local Government. But unfortunately, Sir, he failed to indicate which Councils.....(*Interruptions*). If I am right, he said that the orders were given by the Minister and, therefore, they were dissolved, and that this is an opportunity for me to restore them when this Law is passed. The same answer to that is that that cannot happen under the present Law. When passed, the Law will not have a retrospective effect. (*Interruptions*).

The Member for Ikeja has not actually said anything that is worthy of note. The only point he made is that we are trying to legalise illegality. Well, I am not a lawyer, and I do not know what is meant by legality. (*Laughter*). My friend, Mr Akinyemi, knows that I have trained people that are even better. (*Interruptions*).

The hon. Member for Ikeja made a point about the Akure District Council: that the Akure District Council has recently been.....(*Interruptions*). It is unfortunate, Mr Speaker, Sir, that my friend the Member for

Akure is not here, because he can testify to this. Well, if there is anywhere today where the acts of the Action Group Government of the Western Region have been approved as being helpful in restoring peace, law and order, it is in Akure. (*Laughter*.) For the information of my friend, I say that if there is any place in the Western Region today in this year of our Lord, nineteen hundred and sixty-two,—(*Laughter*)—where the Action Group-controlled Government of the Western Region has worked to restore peace, law and order, that place is Akure.

I shall let you know, Sir, that I have here with me a letter dated the 14th of January, 1962 ("*Read it, read it*"). This letter was signed by all the members of the NCNC in the Akure District Council. The letter was addressed to the Chairman of the NCNC Western Working Committee, Ibadan. With your permission, I would like to read it, Sir. It is only one paragraph. (*Interruptions*).

**Mr Speaker:** I allow you to read the letter.

**Alhaji Adegbenro:**

"Sir, we beg to inform you that we are resigning from the NCNC and declaring for the Action Group in accordance with the wishes of our supporters and for the unity and progress of Akure Division".

The letter was sent to the chairman of the NCNC Working Committee, copied to the News Editor, NBC, Ibadan, and copied to the Minister of Works and Transport, Ibadan. The letter came to me just this morning. I have only read this piece for information, and my friend says, he now knows this for the first time.

Mr Speaker, Sir, I would like to associate myself with the views put forward by my friend from Asaba South (*Mr Utomi: I have not spoken anything*). The two views were expressed by my friend, Mr Utomi, and by my other friend Mr Oviasu. Mr Oviasu stated that eight councils in Ishan Division were suspended whereas the Minister of Local Government has not had the power until this Bill is passed into Law, and that I dissolved the eight councils even though I have not got the power. It is unfortunate that some people who arrogate to themselves leadership of their people always fight shy when trouble looms high into the horizon in their areas of jurisdiction. Mr Oviasu claims to be a leader in Benin Province but when trouble started in Ishan Division he was hiding away in communist countries. He fled the country when houses were being burnt down, when the people were being

[ALHAJI ADEGBENRO]

killed and all types of crimes were being perpetrated in Ishan Division in Benin Province. The hon. Minister of Economic Planning and Community Development who was then deputising for the hon. Premier asked me to rush down to Ishan Division and try to bring peaceful settlement in an attempt .....(What attempt?) (Interruptions). The exercise which I performed in Ishan was only to try to restore peace—(Interruptions)—and if he thinks that I have not answered his question, he has the right to challenge me to bring me down to the points he has made. (Laughter). In that situation, it occurred to me that I should call a meeting of the two major political parties of the NCNC and the Action Group in that Division to reason together and see whether they could not come to a peaceful settlement. Both the NCNC and the Action Group put up their views and we came to the conclusion that a peace committee ought to be set up to go round together in a van supplied by the Police and that they should appeal to their supporters that peace should be maintained at all costs; and, in order to maintain peace both parties agreed—it was not an order from my Ministry—that councils should be suspended. It was an agreement between the two parties in an open meeting that the activities of local councils should stand still for a time and that committees of the councils shall go ahead working, but that council meetings should be suspended until peace is actually restored in the Division.....(Interruptions). Dr Okojie who led the NCNC delegation has my respect, Mr Speaker, Sir, because he is unlike the unreasonable elements on the other side. (Withdraw, withdraw).

**Mr Speaker:** He is talking of elements and not persons. (Laughter).

**Alhaji Adegbenro:** Dr Okojie agreed without any reservation that that would be the best solution.

I have since received a letter from Dr Okojie saying that he was very grateful towards the attitude of Government and to the settlement which I have arranged, and also that peace has been restored in Ishan Division. I say this in answer to the request made by Mr Utomi, Member for Asaba South, to the effect that the Ministry did not order suspension, nor myself.

The next point he made is that the terms of office of any dissolved council—(Opposition Benches: *Suspended Council*)—are not indicated and that the amending Bill which is being proposed is to empower the Governor

in Council to prolong the terms of office of an Administrator. May I say, quite frankly, that I have no apology for bringing the clause into this Bill, because if councils are to be judged by the acts of those who control them and those who are leading the councils, it is only the Governor in Council who is competent to determine at what stage the wrong that has been done is righted, and no other body could be regarded as competent. After all, that is one of the cardinal principles of government. People have talked about fluctuations in terms of office: in the past, the Government has not indicated that, and so on and so forth. In order to regularise that position, and to remove any anomaly, that particular clause has been inserted.

To the allegation of Mr Oviasu that Benin Council was dissolved and that a Management Committee was set up and no election was being contemplated by Government, may I say that I am thinking of no election in that particular constituency. He can go back home and tell them. I will tell them why. Before the Council was dissolved, serious allegations of fraudulent practices against the Chairman of the Council who is the Member for Benin Central West, and also leading members of the Council were made. (Shouts of "Shame! Shame!"). I must take immediate steps to see that the damage was removed. But I could not believe that a man in my friend's position could be accused of that. Therefore, I should conduct an impartial enquiry into his activities. I appointed a very senior officer of my Ministry, who is a very efficient officer, to go to Benin and conduct the enquiry. He also invited three other senior members of the Local Government Divisional Office, to assist him. I brought the findings of this small enquiry into this House and I read it on the day my friend left. In there, my friend was castigated and one of the disclosures was that he, being a Chemist and Druggist, was in the habit of supplying drugs and dressings to the Benin Council. I can understand that, that being his profession. (Opposition Benches: "Answer questions put to you".) (Government Benches: "Are you worried?"). He did not limit his activities to the supply of drugs and dressings but extended them to the supply of hoes, spades, etc. (Interruption.) And what is more.....(Opposition Benches: "And what is dishonest about that?").

**Mr Oviasu:** On point of Order. Order 30 (1). Debate upon any Motion, Bill or Amendment shall be relevant to such Motion, etc. (Interruptions).

**Mr Speaker:** Order, order. The debate so far is relevant to the dissolution of the Benin Council. (*Hear, hear*).

**Alhaji Adegbenro:** I told him that I have no apology for not conducting an election into the Benin District Council. In fact, the damage which he and his Council have done to that Council will take a long time to repair. I would say Sir, that even if he supplies all these things, we may still excuse him. We are magnanimous on this side of the House, but the most damnable act is that the prices quoted by the supplier were such that can never see the light of day, and in the Benin City Council area, you have the provincial medical stores where the Council purchases its drugs and, instead of buying from firms and dealers who will sell wholesale to the Council, my friend prefers to go to the retailers to buy, and then he supplies, so that the cost to the Council of the bedsteads was then considered to be four times the normal price in the local market. That is what the Commission of Inquiry found. I brought the file here, and I read the whole thing to the House, but he could not wait because he spoke with venom that day. Now that he is here, I think, for his advantage and for the benefit of his colleagues, he should go back and tell them that I refuse on the floor of this House to conduct an election into the Benin Council; but if I see signs of repentance, signs of good behaviour, signs of honesty, I will certainly ask the hon. Premier to let me do so. (*Hear, hear*).

Mr Speaker, Sir, the last speaker spoke about Egba Council. He even concluded that I am no longer popular in that constituency. Mr Speaker, I am not prepared to reply to that. I will bless my star any day I am rich enough and wealthy enough to buy a lorry or even a tipper, and I will bless my star if I see my bank return and I am not in red. I will even invite him to a dinner to show that I am now swimming in wealth. I will take his comments as a prayer for my further success.

**Mr Speaker:** In other words, you say that the allegation is not true.

**Alhaji Adegbenro:** May I say, Sir,..... (*Interruptions*). The hon. Members must develop an attitude of give and take. You have given; you must be prepared to take back. I tell you why councils were dissolved. For as long as I remain, by the grace of the hon. the Premier, the Minister of Local Government, I will look with disfavour—it

does not matter which party controls the council and it does not matter in what particular Division the Council is—I will look with disfavour upon any Council that develops an attitude of dishonesty or corruption; and any council which flouts the authority of Government as represented by all Ministers in this Cabinet. Therefore, if I can dissolve the Benin City Council because of its malpractices, what argument have I not to dissolve Councils in the Egba Division which are in debt and are not run in the way Government expects them to be run, simply because I am an Egba? That is the last thing I will do. I think I have been able, through the co-operation of the Cabinet, headed by the Premier, to discharge that duty even though it is a painful duty for me to perform. I would like to repeat that I enjoy the confidence and also the prayers of my people in Egba Division today.

Mr Speaker, Sir, I beg to move the Second Reading of the Amendment Bill.

*Question put and agreed to.*

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

*Bill immediately considered in Committee.*

(In the Committee).

*Clauses 1 to 4 agreed to.*

(Mr Speaker resumed the Chair.)

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

#### OFFICIAL OATHS (AMENDMENT) BILL—SECOND READING

*Order for Second Reading read.*

**The Minister of Justice and Attorney-General (Mr S. O. Ighodaro):** Mr Speaker Sir, I would be insulting the intelligence of this House if I were to make any elaborate speech on the necessity for the introduction of this amendment. The amendment itself is self-explanatory; it generates no controversy, and I am sure that no one would doubt the logic or the wisdom of making it possible for those who will sit with magistrates at Juvenile Courts to take the same Oaths as Magistrates.

I beg to move.

**Chief Odebiyi:** I beg to second.

*Question proposed.*

**Mr Akinyemi:** I am not opposing the Motion. I beg to support.

**Mr Amadasun:** Mr Speaker, Sir, the Opposition does not oppose this Bill, but I must sound a note of warning to the hon. the Minister of Justice and Attorney-General

[MR AMADASUN]

and his men that, next time, they should be very careful about the way they punctuate, because lack of punctuation and lack of co-operation has brought this big difference.

**Alhaji Adegbenro:** On behalf of my colleagues on this side of the House, I welcome the views expressed by members of the Opposition and—

**Mr Akinyemi:** Mr Speaker, Sir, the Minister is saying something else. We are not opposing this Bill, since we have decided to support. First, the Mover happens to be one of the people who gave me the opportunity to be able to oppose the Action Group from the floor of this House (*Laughter*). That is why I don't heckle him. I am happy the Premier is here, and he will see that we are... (*Laughter and interruptions*).

**Mr Speaker:** The statement by the Minister of Local Government does not necessarily appear to be meant for hon. Members, because they are no juveniles. They are adults.

**Mr A. T. Rerri:** Mr Speaker, Sir, we have been told that the Opposition is not opposed to this Bill, and I want it noted, because some members of the Government Back Benchers may have been in the habit of thinking that the NCNC Opposition has formed the habit of opposing every Bill. We do not oppose Bills for the sake of opposing. This is a good Bill, and the unanimity with which the Opposition supports the Mover of the Motion ought to convince the Speaker and the Leader of this House that the NCNC Opposition is a very constructive one and will support any good Bills. But certainly it will oppose any opposable Bills.

*Question put and agreed to.*

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

*Bill immediately considered in Committee.*

(In the Committee.)

*Clauses 1 and 2 agreed to.*

(Mr Speaker resumed the Chair.)

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

#### ADJOURNMENT

**Mr Ighodaro:** Mr Speaker, Sir, I beg to move that the House do now adjourn.

**Chief Osuntokun:** Mr Speaker, Sir, I beg to support.

*Question proposed.*

#### Appointment of nominated Female Members to Local Councils

**Mr P. V. Okwesa:** Mr Speaker, Sir, very often we on this side of the House are left wondering as to whether Government is always serious in its policy statements. I cannot deal in detail with the many points which have made me say this. I shall take one example. I am referring to the appointment of nominated female members of local councils. During the last Budget Session, a Bill was passed into law for women to be nominated into local councils in spite of vehement opposition by Members of the Opposition. Now, before the Premier left on his recent tour of Europe and America, he made one statement. He said that the appointment of nominated female members of local councils will reflect the strength of every political party represented in the local council. Now, how can that be possible without consultation with leaders of each political party? Up to now, the leaders of the NCNC have not been taken into consultation before appointing women to local councils. I can mention three names of Action Group women who have already begun to dance and rejoice in my own district that they have been appointed Action Group-nominated members for the Ndosimili District Council. The worst of all is that these three women come from the same town.

Now the NCNC has larger elected membership in the Ndosimili District Council but the three women who have been tipped for the local council, and who have been recommended to the Ministry of Local Government are all Action Group women, and I am sure that if we keep quiet, one day these women will appear in the *Gazette*, and the decision will be that of the Governor in Council! When will the Minister of Local Government, or the Premier, consult the local NCNC leaders in each district council area so as to know which and which women and which party will have the greater number of these nominated women, if they are really coming into the council? I think it is the leaders that will be consulted and not the local council leaders alone. NCNC local leaders should be consulted, especially where the NCNC controls the greater majority of the elected membership of a council. But that is not done, and there must be some source through which these women have heard that they are going to be nominated, and if it is approved—I know that their

[MR OKWESA]

names have been sent to the Ministry of Local Government and they have been assured by their local leaders and that is why they are rejoicing—now I must stress that if we continue to keep quiet like this, their names are going to be gazetted and they will be the nominated women to the council. I say this because that has been the case with traditional members; where Action Group members are the only members qualified to be traditional members, NCNC members are never qualified to be traditional members. Now that we have to nominate women, they will soon be the only women qualified to be nominated women.

Well, I have made the point that it is understood that in the case of my own District Council area, three women come from the same town. I think this is a very bad distribution.....(*Interruptions from Government Benches*). I want my points to be well understood: that is why I craved for the indulgence of Mr Speaker to make them.

**Alhaji Adegbenro:** Mr Speaker, Sir, I gave my consent to my hon. Friend raising this point when he told me this morning, because I found out that he was completely out of touch with his party leaders and that it would be of tremendous advantage to those of his men on the other side to know the exact position of the nomination of women into the councils. He has exhibited his ignorance of the arrangements being made to this effect; in other words, to implement the assurance already given by the hon. Premier that nomination of women by the Governor in Council would certainly reflect the political strength of all parties in the district councils, and therefore there will be no bid at all to make nominations with a view to enhancing the political strength in any council.

I issued invitations to the leaders of the NCNC and leaders of the Action Group—the two known political parties having representatives in all the district councils in this Region. I invited them to my office and the meeting took place on Thursday, the 11th of January—that was Thursday last week. Three representatives of the NCNC from the Western Working Committee from the Secretariat at Ibadan attended that meeting. There we came to an agreed principle of nomination. Before that, I sent out a schedule to all the councils in this Region with the corresponding political strength—members of the Action Group in the councils and members of the NCNC on the other side, and also other representatives, which I cannot

specify, and the quota of nominations to which each council is entitled. And the law says “not less than two female elected members and not more than six”. We sat down together and adjusted the whole thing, noting that in a council consisting of thirty members, where Action Group has so many and NCNC so many, we could distribute. We came to an agreed principle. Although I cannot say that our agreed principle is all that perfect, yet we came to an agreement. I am sure, if my hon. Friend would draw nearer home to the headquarters of the NCNC, he would be more educated about the procedure already laid down. I would like to say here—and we are not going back from the words of our hon. Premier, rather we are doing our best to implement the assurance given by the Premier—that the nomination of women into these councils would be done in a way to reflect the strength of political parties in those councils. (*Cheers*).

#### Case for Frequency of Meetings

**Mr Tabiowo:** Mr Speaker, Sir, I gave notice this morning to say that I would raise a question on the motion for adjournment asking Government to say why the House of Assembly has failed to meet since its last meeting up to date. Well, Mr Speaker, I have reason for asking this question. We all here are the representatives of the people of the Western Region, and this House of Assembly is to serve the people of the Western Region in democratic principles (*Interruptions*).

Mr Speaker, if the Government still believes in legislation, then there is need for this House to meet from time to time, unless the Action Group which controls the Government of the Western Region does no longer believe in legislation; then it can run the affairs of the Western Region by acts of the Executive. In the Centre, where the Action Group forms the bulk of the Opposition, they have persistently argued that Parliament did not meet often. If the Action Group would be singing that song in the Federation, why is it that the Action Group in the Western Region would not do the same? Of course the Minister there (the Minister of Midwest Affairs) would tell me that it is because some members would draw travelling allowance. What about his mileage when he goes to the Midwest area? I know he lives in Warri; he does not live in Ibadan, and he has no reason for doing that. He is almost an errand Minister; he goes for the Premier; he goes for the Minister of Local Government; and he travels between here

[MR TABIOWO]

and the Delta Province sometimes three times in a month. (*Interruptions*). That is my query.

Mr Speaker, we have not been elected to sit down at home. Members of the public have always said that we have not done our duty; we are being paid to go to legislate for the Region. We would like Government to explain.

**The Premier (Chief S. L. Akintola):**  
(*Prolonged cheers from Government Benches*). May I thank my hon. Friend for raising this important issue. I think the question was motivated by a desire to place the services of all hon. Members at the disposal of the people of this Region. It is a great credit. But may I say this, that the duty of an hon. Member is not limited to attendance at the House here.....(*Interruptions*). I am perfectly satisfied that all the Members on both sides of this House have been busy serving the best interests of the people of the Region. The meeting of the House is held in order that hon. Members may have an opportunity of expressing their views either on the legislations proposed by the Government or on any important money issue of the moment. As far as I know, under the Constitution, there is no statutory provision that the meetings of this House must be held so many times a year. So, by not holding the meetings, I am satisfied that we have not offended against any written law. But that does not mean that we do not have a moral duty to give hon. Members the opportunity to express their views. That opportunity was given

last August. We held a meeting here last August and during this period a number of legislative measures were passed, and also certain policy decisions were taken by the Legislature, and the duty of the Government to continue to look into the discharge of these various duties endorsed by this honourable House. We have done no more than carry out the decision of this honourable House. I am quite sure my hon. friends on both sides of the House are interested in the affairs of the Western Region. They take notice of their movements. (*Laughter*). I am quite sure that hon. Members will try to maintain tranquillity during meetings and not to disturb the meetings as we cannot hold a legislature in this way.

This is the first month of the year (*Interruptions*). I am not saying this to show that a meeting should have been held. The acting hon. Premier, the Minister of Economic Planning and Community Development, has the respect and honour of all sides of the House. Meetings should be held whether I am here or not. The hon. Minister of Finance accompanied me on my tour, together with the Minister of Trade and Industry. I feel confident that this House should have confidence in my Ministers. And the fact is that a meeting has not been held before now, not because I am not conscious of it, but because of other tasks. This is the earliest opportunity I have in summoning you together.

*Question put and agreed to.*

*Adjourned accordingly at 2.20 p.m. until tomorrow, Thursday, 18th January, 1962, at 10.00 a.m.*



## WESTERN HOUSE OF ASSEMBLY

THURSDAY, 18TH JANUARY, 1962

(The House met at 10.10 a.m.)

### PRAYERS

(Mr Speaker in the Chair)

### PAPERS PRESENTED

Report of the Commission of Enquiry into the alleged failure or miscarriage of Plans to effect a revision of the Producer price of Cocoa in January 1961.

To lie upon the Table.

### ORAL ANSWERS TO QUESTIONS

#### LABOUR

##### Trade Union Organisations

10/276. Mr A. L. Adenekan asked the Minister of Labour how many Trade Union Organisations are at present registered in this Region and how many of these are up to date in their accounts with the Registrar of Trade Unions.

The Minister of Labour (Mr K. S. Y. Momoh): The registration of Trade Unions is the responsibility of the Registrar of Trade Unions who is an officer of the Federal Minister of Internal Affairs.

I am advised that there are a total of ninety-eight registered Trade Unions functioning in Western Nigeria. Of these, eighty-three are Regional and the remaining are National Unions.

Of the eighty-three Regional Unions, 55 per cent are up-to-date in their accounts with the Registrar of Trade Unions. Although the rest have submitted their accounts, these accounts are not in the required manner.

##### Enlistment in the Army and Navy

10/335. Mr O. O. Gbolahan asked the Minister of Labour if he is aware that persons of Western Nigeria origin find it more difficult to enlist in both the Army and Navy than other persons from other parts of the Federation and if so, to ask what measures are being taken to rectify the situation.

Mr Momoh: I am not aware of the suggested difficulty. I am informed that every effort is made to maintain, as far as it is possible, the Federal nature of the Armed Forces. Towards this end, each recruit into the Royal Nigerian Army, for instance, can only be enlisted at the Recruiting Centre in his Region of origin. Even

though there is no particular problem with recruiting generally in the West, the Royal Nigerian Army is at present taking steps to produce posters designed to attract recruits into its technical branches. With regard to the Royal Nigerian Navy, no special arrangements exist as such for recruitment in the Western Region since the number of applications received from that Region far exceeds the number of places available.

##### Displacement of employees of Western Region origin by the Northern Region Government

10/337. Mr O. O. Gbolahan asked the Minister of Labour to state the number of (a) the employees of Western Nigeria origin who had been laid off by the Northern Nigeria Government as a result of its Northernisation policy and (b) those who had been employed by the Western Nigeria Government.

Mr Momoh: About 700 such persons have registered in the office of the Director of Recruitment and Training since November 1959. About 100 of them have been absorbed into the service of the Western Nigeria Government. Wherever possible, they were appointed into the same cadres and on the same points of entry of the salary scales which they enjoyed in the Northern Region.

#### AGRICULTURE AND NATURAL RESOURCES

##### Rice Irrigation Projection Agenebode Bush

10/272. Mr M. A. Idodo asked the Minister of Agriculture and Natural Resources if he would consider resuscitating the investigation regarding the rice Irrigation Project in Agenebode bush—a project which was abandoned in 1954 after the death of one Irrigation Officer, Mr Mark Komma.

The Parliamentary Secretary to the Minister of Agriculture and Natural Resources (Alhaji Z. A. Opaleye): The Government would be willing to resuscitate the investigation regarding the rice irrigation project in Agenebode area whenever it can recruit an Irrigation Expert. Efforts to recruit one over the last few years have not been successful but we persist in the efforts.

##### Admission of young men from Akoko Division into Farm Institutes in the Region

10/161. Mr S. T. Adelegan asked the Minister of Agriculture and Natural Resources how many young men from Akoko Division are admitted into any of the Farming Institutes in the Region.

**The Regional Minister in the Ministry of Agriculture and Natural Resources (Mr C. I. Akere):** The number of Akoko District boys admitted into the Ilesha Farm Institute is twenty-two.

#### Establishment of Farm Settlements in Akoko Division

10/162. **Mr Adelegan** asked the Minister of Agriculture and Natural Resources whether Government has it in plan to establish Farm Settlements in Akoko Division and if so, to indicate when such Scheme will be begun.

**Mr Akere:** Government will be glad to give due consideration to the establishment of a Farm Settlement in the Akoko Division whenever a suitable land is offered for the purpose in adequate size on reasonable conditions.

#### Indiscriminate burning of bushes by Farmers

10/141. **Mr E. O. Oke** asked the Minister of Agriculture and Natural Resources what ~~steps are being taken by the Minister to~~ discourage the indiscriminate burning of bushes by farmers preparatory to farming in view of the inherent disadvantages of such a method.

**Mr Akere:** Nothing is at present being done to prevent indiscriminate burning of bushes by farmers preparatory to farming because it is not yet clearly proved that such an act is disadvantageous. It often saves labour in a tremendous way. Besides, the effectiveness of any machinery of control is open to doubt.

#### Establishment of Farm Settlement at Irepodun District Council Area

10/90. **Mr J. O. Adeyemo** asked the Minister of Agriculture and Natural Resources whether the Regional Government would consider establishing a farm settlement at Irepodun District Council Area.

**Mr Akere:** The Regional Government would be glad to give due consideration to the establishment of a Farm Settlement in the Irepodun District Area provided a suitable land in adequate size could be offered on reasonable terms.

#### Number of Farm Settlements in Each Division and Corresponding Number of Students

10/221. **Mr A. Ajibola** asked the Minister of Agriculture and Natural Resources the number of Farm Settlements in each Division

in the Region and the number of students in each Settlement.

**Alhaji Opaleye:** The following are the Farm Settlements at present in the Region as follows:

Warri Division—Nil;

Western Ijaw Division—Nil;

Urhobo Division—Nil;

Aboh Division—One settlement, four settlers;

Benin Division—Nil;

Asaba Division—One settlement, two settlers;

Ishan Division—One settlement, seven settlers;

Afenmai Division—Nil;

Ondo Division—One settlement, eight settlers;

Ekiti Division—One settlement, five settlers;

Owo Division—Nil;

Okitipupa Division—Nil;

~~the Oyo Division—Nil;~~  
Ilesha Division—One settlement, eight settlers;

~~the Ilesha Division—Nil;~~

Oyo Division—One settlement, three settlers;

Oshun Division—Two settlements, nine settlers;

Ibadan Division—Nil;

Abeokuta Division—One settlement, fifty settlers;

Egbado Division—One settlement, fifty one settlers;

Ijebu-Ode Division—One settlement, fifty-seven settlers;

Remo Division—Nil;

Ikeja Division—Nil;

Badagry Division—Nil;

Epe Division—Nil.

**Mr V. I. Amadasun:** Would the Minister of Agriculture give briefly the difficulties which made it impossible for Benin Division to have a Farm Settlement?

**Alhaji Opaleye:** Investigation is going on as to getting suitable land in that area.

**Mr Amadasun:** Will the Minister of Agriculture and Natural Resources say whether there are two farm settlements in one Division and others have only one each?

**Alhaji Opaleye:** Before farm settlements were started by Government, letters were sent to Obas and Chiefs asking for land for farm settlements in their areas. We have plenty of land from Egbado Division. N

I inform the Speaker that in his area, there has been plenty of trouble, and that is why we could not get land for a farm settlement.

**Mr F. Osuhor:** Will the Minister of Agriculture and Natural Resources state why the farm settlement for Asaba Division has gone defunct?

**Alhaji Opaleye:** I am not aware of that.

**Number and Location of Farm Settlements in the Region**

10/48. **Alhaji B. O. Fawehinmi** asked the Minister of Agriculture and Natural Resources to state the number and location of Farm Settlements already established in the Region.

**Mr Akere:** Please see the answer to Question 10/64 posed by Mr N. A. Adibi.

**Establishment of a Farm Settlement in Egba North-West Constituency**

10/309. **Mr A. A. Babayemi** asked the Minister of Agriculture and Natural Resources whether Government would consider the advisability of establishing a Farm Institute in the Egba North-West Constituency—an area which has proved to be the most fertile land in Egba Division.

**Alhaji Opaleye:** The Government is not intending to establish another Farm Institute in Egba Division as there is already one at Odeda. Consideration is, however, being given to the establishment of a Farm Settlement in the Egba North-West Constituency provided the land offered for the purpose is reported by my Professional Officers to be suitable both in size and fertility and the conditions of offer are sufficiently generous and attractive.

**Percentage of output of cocoa from each Region for the last three years**

10/51. **Alhaji B. O. Fawehinmi** asked the Minister of Agriculture and Natural Resources what percentage of the total output of cocoa in this country for the last three years comes from each Region.

**Alhaji Opaleye:** The percentages of the total output of cocoa produced over the last three years by the various Regions, excluding Southern Cameroons, are as follows:

	West	East	North
	%	%	%
1958 ...	97.5	2.	0.5
1959 ...	97.8	1.9	.3
1960 ...	98	1.6	0.4

**Establishment of a Farm Settlement in Egbado South II Constituency**

10/323. **Mr V. A. Aina** asked the Minister of Agriculture and Natural Resources, whether the Regional Government would consider the advisability of establishing a farm settlement in Egba South II Constituency.

**Alhaji Opaleye:** The Regional Government is not at present thinking of establishing a Farm Settlement in Egba South II Constituency as no suitable land for the purpose has been offered by the people of that area.

**Establishment of a Farm Settlement at Iwo**

10/292. **Mr I. O. Aniyi** asked the Minister of Agriculture and Natural Resources whether Government would consider establishing a Farm Settlement at Iwo in order to ease present congestion.

**Alhaji Opaleye:** The Government would be glad to consider the establishment of a Farm Settlement in the Iwo area at some time provided suitable land for the purpose can be offered on reasonable terms.

**Monthly tonnage of fish caught in the Region and Market Outlet**

10/278. **Mr A. L. Adenekan** asked the Minister of Agriculture and Natural Resources to state the average monthly tonnage of fish being caught in the Region at present and also to indicate what plans Government has, if any, for the marketing of this commodity.

**Mr Akere:** The average monthly tonnage of fish being caught in the Region at present is approximately 4,000. Government has applied to the United Nations Organisation to make a survey of the fishing resources of the Region to recommend how best this can be exploited and to initiate a pilot project on processing, marketing and distribution of fish throughout the Region. This application has been approved and the arrival of the United Nations is now awaited. The Western Nigeria Co-operative Fishermen Association is also organising co-operative marketing of this commodity by establishing stores and selling centres in the Region and at present such stores are now in operation in Warri and Sapele.

**Establishment of Co-operative Farm Centre at Ossissa and Obikwele in the Ndosimili District of Aboh Division**

10/210. **Mr P. V. Okwesa** asked the Minister of Agriculture and Natural Re-

sources to state what efforts are being made by Government to carry out the proposal of establishing a Co-operative Farm Centre at Ossissa and Obikwele in the Ndosimili District of Aboh Division.

**Mr Akere:** A farm settlement already exists at Utagba-Uno in Aboh Division and it is not the intention of Government to establish another settlement in that Division in the immediate future. Any suitable land offered anywhere in the Division will however be accepted for use in the not too distant future.

**Mr P. V. Okwesa:** Will the Minister of Agriculture and Natural Resources say if it is Government's policy to establish more than one Farm Settlement in one Division.

**Mr Akere:** The policy of Government is to establish a Farm Settlement in each Division. I am not aware that Government has established more than one Farm Settlement in any one Division.

#### Establishment of Agricultural Farm in Ede/Ejigbo Area

10/101. **Mr J. O. Kehinde** asked the Minister of Agriculture and Natural Resources whether Government had any plans now or in the future to establish an Agricultural Farm in Ede/Ejigbo Area.

**Alhaji Opaleye:** Government has no plan yet to establish a Farm in the Ede/Ejigbo area.

#### Establishment of Two Provincial Agricultural Training Schools in the Midwest Area

10/287. **Mr A. E. E. Atohengbe** asked the Minister of Agriculture and Natural Resources to consider the advisability of establishing two Provincial Agricultural Training Schools in the Midwest Area to serve as feeders to the main School at the Moor Plantation Ibadan in view of the rapid developments taking place in the Region and also of the considerable distance between the main School at Ibadan and the Midwest Area.

**Alhaji Opaleye:** The two Schools of Agriculture at Akure and Ibadan are meeting the needs of the Region in respect of the training of Agricultural Assistants, and the establishment of another school in the Midwest cannot at present be justified. It is considered best at present to concentrate

our limited resources in the existing Schools and build them up to maximum standard of efficiency before considering the establishment of another School of Agriculture.

Hon. Members will be glad to note that of the five Farm Institutes at present in this Region for the training of modern farmers, two are located in the Midwest; one being at Agbadu in Delta Province and the other at Asaba in Benin Province.

### TRADE AND INDUSTRY

#### Progress Report on the Oke Ogun Cattle Ranch

10/65. **Mr N. A. Adibi** asked the Minister of Trade and Industry to state what progress has been made at the Oke Ogun Cattle Ranch.

**The Minister of Trade and Industry (Chief A. O. Adeyi):** The estate, which lies sixteen miles north of Iseyin, covers 26,000 acres. The site was originally used in 1952-53 as mechanised farm for production of food crops. Because of heavy capital outlay on machinery and high depreciation rates, the mechanised farming was replaced with stock-rearing in 1954. The primary objective is to produce beef cattle *commercially*, employing modern methods of stock and grassland management.

The Ranch was started in 1954 with a small breeding herd of 110 heads of cattle. In spite of prevailing scarcity of breeding cattle for sale in West and South-West Africa, the Development Corporation has successfully raised stock population at Upper Ogun Estate to the present stading of 2,100 heads, mainly by sound management practices. The herd are in three main categories:

- (a) Pure Ndama Breed
- (b) Pure Keteku Breed
- (c) Crosses of Ndama and Keteku.

#### Herd Health:

After the early teething veterinary difficulties, a satisfactory condition of "herd" health has been built up over the last six years, and is carefully maintained with regular immunisation, worming, dipping and spraying against common diseases and pests. Evidences of the good health are the substantially reduced mortality and high birth rate. During this period mortality fell from 7.90 per cent to 0.80 per cent and births rose from 136 to 467 per annum.

[CHIEF ADEYI]

*Pasture Development:*

At the outset, fifteen to twenty acres of wild grazing were required per head to provide nutriment for the cattle. But with a system of pasture improvement by which savannah grasses are replaced with mixtures of star-grass and legumes, about five acres of cultivated pasture are now required per head. 4,000 acres of such improved pasture, divided into paddocks and supplied with pipe-borne water, have now been established. Ultimately, it is planned to establish 20,000 acres of such sward.

Growing numbers of fattened steers are being offered for sale to the public.

*Subsidiary Enterprises:*

(a) *Sheep-Raising* as a side-line to beef production was started in 1954 with a nucleus of thirty breeding sheep. Lamb crop of upwards of 100 per cent of the number of breeding ewes has been consistently maintained. Because of the high susceptibility to pneumonia and tape worm infestation, maintenance of good "flock" health has been a difficult task. Nevertheless the multiplication of the flock which now number 490 has been satisfactory. During the 1960-61 financial year, 163 sheep were sold to the public for provision of mutton.

Investigations into right selection and introduction of new blood into the flock are in hand.

(b) *Cashew Nut*: 1,050 acres have been put down to cashew crop primarily to investigate the desirability of developing pasture in conjunction with cashew plantation. The findings, so far, have been quite encouraging, and so an additional area of 2,000 acres is earmarked for cashew and pasture development.

**INFORMATION**

**Expansion of Radio Facility to Rural Areas**

10/282. Mr A. L. Adenekan asked the Minister of Information what steps his Ministry is taking to expand radio facility to the masses in the rural areas of this Region.

**The Parliamentary Secretary to the Minister of Information (Mr S. A. Okeya):** A high-powered transmitter for sound broadcast has recently been installed for the transmission of Western Nigeria Broadcasting Service programmes so that

these programmes are now heard throughout the whole of the Federation.

The programmes could be heard on private radio sets, and I would like to advise listeners to avail themselves of the opportunity of listening by purchasing cheap transistor radio sets which are invaluable in areas at present not supplied with electricity.

**LANDS AND HOUSING**

**Appointment of a Body of Experts to survey and report on Mineral Discoveries in Western Nigeria**

10/346. Mr J. O. Adeyemo asked the Minister of Lands and Housing to state the time Government would appoint a body of experts to survey and report on the mineral discoveries in the Western Region.

**The Parliamentary Secretary to the Minister of Lands and Housing (Mr C. A. Williams):** The hon. Member's attention is drawn to the fact that the exploration of the country's mineral resources is a Federal subject. Considerable progress has been made especially within the last five years in the geological mapping of the Western Region and arrangements have already been made to obtain expert advice on the possibility of carrying out airborne geophysical surveys in Nigeria with a view to locating new mineral deposits.

**HEALTH AND SOCIAL WELFARE**

**Medical Facilities in the Region**

10/218. Mr A. Ajibola asked the Minister of Health and Social Welfare to state, how many Government hospitals are in each division of the Region and what arrangements are being made by Government to provide the small towns and villages with maternity centres and dispensaries.

**The Minister of Health and Social Welfare (Chief J. O. Osuntokun):** It is the policy of Government to ensure that every Division in the Region is provided with a General Hospital, either owned by the Government or owned by one of the Voluntary Agencies. This policy has been successfully implemented and there are now in fact some Divisions having more than one hospital. Below is a list showing all the hospitals in the Region and their locations.

LIST OF HOSPITALS IN WESTERN REGION—1960

GOVERNMENT HOSPITALS

Number	Name of Hospital	Town in which Located	Agency or Proprietor	Postal Address
1	General Hospital	Abeokuta...	Western Region Government	General Hospital, Abeokuta
2	Aro Hospital	Abeokuta...	Western Region Government	Aro Hospital, Abeokuta
3	Lantoro Mental Institution	Abeokuta...	Western Region Government	Lantoro Mental Institution, Abeokuta.
4	General Hospital	Agbor	Western Region Government	General Hospital, Agbor.
5	General Hospital	Akure	Western Region Government	General Hospital, Akure.
6	General Hospital	Auchi	Western Region Government	General Hospital, Auchi.
7	General Hospital	Badagry	Western Region Government	General Hospital, Badagry.
8	General Hospital	Benin	Western Region Government	General Hospital, Benin.
9	General Hospital	Epe	Western Region Government	General Hospital, Epe.
10	General Hospital	Forcados	Western Region Government	General Hospital, Forcados.
11	Adeoyo Hospital	Ibadan	Western Region Government	Adeoyo Hospital, Ibadan.
12	Jericho Nursing Home	Ibadan	Western Region Government	Jericho Nursing Home, Ibadan.
13	Chest Clinic	Ibadan	Western Region Government	Government Chest Clinic, Ibadan.
14	General Hospital	Iddo-Ekiti	Western Region Government	General Hospital, Iddo-Ekiti.
15	General Hospital	Ijebu-Ode	Western Region Government	General Hospital, Ijebu-Ode.
16	General Hospital	Ilaro	Western Region Government	General Hospital, Ilaro.
17	General Hospital	Ikeja	Western Region Government	General Hospital, Ikeja.
18	General Hospital	Iwo	Western Region Government	General Hospital, Iwo.
19	General Hospital	Kwale	Western Region Government	General Hospital, Kwale.
20	General Hospital	Ogbomosho	Western Region Government	General Hospital, Ogbomosho.
21	General Hospital	Okitipupa	Western Region Government	General Hospital, Okitipupa.
22	General Hospital	Ondo	Western Region Government	General Hospital, Ondo.
23	General Hospital	Oshogbo	Western Region Government	General Hospital, Oshogbo.
24	Leper Settlement...	Ossiomo	Western Region Government	Leper Settlement, Ossiomo.
25	General Hospital	Oyo	Western Region Government	General Hospital, Oyo.
26	General Hospital	Sapele	Western Region Government	General Hospital, Sapele.
27	General Hospital	Shagamu...	Western Region Government	General Hospital, Shagamu.
28	General Hospital	Warri	Western Region Government	General Hospital, Warri.

MISSION HOSPITALS

29	Sacred Heart Hospital	Abeokuta...	Roman Catholic Mission	Sacred Heart Hospital, Abeokuta.
30	Maria Assumpta Maternity Hospital	Ado-Ekiti	Roman Catholic Mission	Maria Assumpta Maternity Hospital, Ado Ekiti.
31	Ile-Abiye Maternity Hospital	Ado-Ekiti	Church Missionary Society	Ile-Abiye C.M.S. Maternity Hospital, Ado-Ekiti.
32	St Joseph's Maternity Hospital	Asaba	Roman Catholic Mission	St Joseph's Maternity Hospital, Asaba.
33	St Philomena's Hospital	Benin City	Roman Catholic Mission	St Philomena's Hospital, Benin City.
34	Baptist Hospital	Ekue	American Baptist Mission	Baptist Hospital, Eku, via Sapele.
35	Catholic Mission Hospital	Oke-Offa, Ibadan	Roman Catholic Mission	P.O. Box 1110 Mapo, Ibadan.
36	Seventh Day Adventist Hospital	Ile-Ife	Seventh Day Adventist	P.O. Box 23, Ile-Ife.

LIST OF HOSPITALS IN WESTERN REGION—1960—continued

GOVERNMENT HOSPITALS

Number	Name of Hospital	Town in which Located	Agency or Proprietor	Postal Address
37	Wesley Guild Hospital ...	Ilesha ...	Methodist Church Mission ...	Wesley Guild Hospital, Ilesha.
38	Baptist Hospital ...	Ogbomosho ...	American Baptist Hospital ...	Baptist Hospital, Ogbomosho.
39	St Mary's Catholic Hospital ...	Ogwash-Uku ...	Roman Catholic Mission ...	P.O. Box 28, Ogwash-Uku.
40	St Louis Combined Hospital ...	Owo ...	Roman Catholic Mission ...	P.O. Box 39, Owo.
41	Baptist Hospital ...	Shaki ...	American Baptist Mission ...	Baptist Hospital, Shaki.
42	St Camillus Hospital ...	Uromi ...	Roman Catholic Mission ...	St Camillus Hospital, Uromi.
43	Catholic Maternity Hospital ...	Ijebu-Igbo ...	Roman Catholic Mission ...	Catholic Hospital, Ijebu-Igbo.

PRIVATE HOSPITALS

44	Ankuri Nursing Home ...	Agege ...	Dr O. O. Sofunde (Doctor) ...	P.O. Box 163, Agege.
45	Cowan Estate Hospital ...	Ajagbodudu ...	Pamol Limited (Doctor) ...	Cowan Estate Hospital, Ajagbodudu.
46	U.A.C. Hospital ...	Burutu ...	United Africa Company ...	United Africa Company Hospital, Niger River Transport, Burutu.
47	Alafia Hospital ...	Ibadan ...	Dr Agbaje ...	P.O. Box 542, Ibadan.
48	Oke-Ado Hospital ...	Ibadan ...	Dr T. O. Oruwariye ...	P.O. Box 591, Ibadan.
49	The Clinic Oyo Road ...	Ibadan ...	Dr (Mrs) Ighodaro ...	P.O. Box 934, Ibadan.
50	Joan's Hospital ...	Ibadan ...	Dr Lawson ...	P.O. Box 435, Ibadan.
51	Olaojubu Nursing Home ...	Ibadan ...	Dr T. Alade Doherty ...	P.O. Box 579, Ibadan.
52	Omowumi Nursing Home ...	Ibadan ...	Dr F. A. Awobodu ...	Omowumi Nursing Home, P.O. Box 718, Ibadan.
53	Oshodi Hospital ...	Ibadan ...	Dr S. Mbanefo ...	P.O. Box 829, Ibadan.
54	Northumbria Nursing Home ...	Igbobi ...	Dr K. M. Wood ...	P.M.B. 2124, General Post Office, Lagos.
55	A.T. and P. Clinic ...	Sapele ...	A.T. and P. (Nigeria Limited) ...	African Timber and Plywood (Nigeria) Limited, Sapele.
56	Dr Pratt's Clinic ...	Ijebu-Ode ...	Dr Pratt ...	Dr Pratt's Clinic, Ijebu-Ode.
57	Esiri Infirmary Hospital ...	Warri ...	Dr O. Esiri ...	P.O. Box 36, Warri.
58	Zuma Memorial Hospital ...	Irrua ...	Zuma Memorial Company ...	Zuma Memorial Hospital Incorporated, Irrua.

[CHIEF OSUNTOKUN]

With respect to maternity centres and dispensaries, it is not the responsibility of the Government to provide these institutions but, nevertheless, since 1959, Government has built and fully equipped 160 dispensaries and eighty maternity centres for local councils throughout the Region, whose responsibility it is to provide these amenities.

We have a number of private hospitals all over the Region which might not be mentioned here; but, in addition to what I have read out to you, we have, either completed or are at the stage of being completed, Government Hospitals at places like Asaba, Uromi, Okene, Kwale; and we also have health centre being built or being completed all over the Region.

With respect to the health centres I am describing to you, it is not the responsibility of the Government to provide these institutions, but, nevertheless, since 1959, Government has built 160 dispensaries and eighty maternity centres for local councils throughout the Region whose responsibility it is, really, to provide these institutions.

**Chief F. Oputa-Otutu:** When will this Government enact a law to compel all lepers in this Region to be kept in leper settlements?

**Chief Osuntokun:** Mr Speaker, Sir, we have various Infectious Diseases Hospitals all over the Region and the relatives of these lepers, including my hon. Friend, are expected to bring their patients into the infectious disease hospitals; and, in any case, we would have to wait until the other Regional Governments have embarked upon such legislation, because the greater bulk of the lepers in the whole Federation are somewhere else.

**Mr P. V. Okwesa:** May I know from the hon. the Minister of Health and Social Welfare whether he considers a maternity centre, manned by midwives without any doctors, a maternity hospital?

**Chief Osuntokun:** My hon. Friend is getting mixed up. We have what we call a maternity centre, and then we have what we call a maternity hospital. He often parades himself as an authority on medical matters—(Interruptions)—and now he cannot distinguish between a maternity centre and a maternity hospital. A maternity centre is always owned and run by local government councils and midwives are in charge of such centres. But the maternity hospitals are, in fact, next in rank to general hospitals and they concentrate mainly on the treatment

of pregnant women and children, and so on and so forth, and in such hospitals, at least, we always have a doctor. (Applause).

**Mr Okwesa:** Would the Minister of Health and Social Welfare tell me whether a maternity centre is the same as a maternity home?

**Chief Osuntokun:** When a direct question comes from the Speaker, I will answer that question.

**Mr Speaker:** I will not do that (Laughter).

## JUSTICE

### Judges and Party Politics

10/327. **Mr T. E. Igugu** asked the Minister of Justice to state whether Customary Court Judges are allowed to take any part in Party Politics.

**The Minister in the Ministry of Justice (Chief J. E. Babatola):** Customary Court Presidents and Members are not allowed to take any part in party politics. This does not mean, however, that like all other citizens of Nigeria, they would have no opinions of their own on matters of general concern to everyone, but any opinions so held must in no way be allowed to influence them in the discharge of their judicial functions, which must be carried out with absolute impartiality and without fear or favour.

**An Opposition Member:** What step did Government take to be aware of the fact that Customary Court Judges are not taking part in active politics?

**Chief Babatola:** I am not aware that Customary Court Judges are taking part in active politics.

**The Premier:** Hon. Members, we are sure that justice awaits us in a court of law. The future of this country will be very gloomy indeed if every judge is always suspected of playing politics. Wherever you have such judges, and reports of them are made to the Local Government Service Board, as far as I am aware, appropriate actions are always taken.

The Local Government Service Board will take appropriate action, and if any of you is aware of any judge who is not above-board please direct your representations, not to me, not to any Minister, but to the Local Government Service Board. All offenders, whether belonging to the Action Group or the NCNC, go before this Board. The whole thing is taken out of the arena of politics. There are



people who are responsible for the discipline of these judges. Judges who are lawyers are under the Judicial Service Commission, and those that are not lawyers are under the Local Government Service Board. You should not accuse the Government if any of the judges does not play board.

**Mr Akinyemi:** I know of a judge in Owo who is an active member of the Action Group. He campaigned for the Action Group during the last elections.

**Chief Akintola:** Prospective Leader of Opposition! (referring to Mr Akinyemi) (Laughter) I am sure, in the absence of the Leader of Opposition, I know who the leader is. (Laughter). He knows the procedure. If any of the judges is not playing board he should direct his representations to the appropriate quarters. And he referred to Owo and mentioned somebody in Owo. We want people to be straightforward. If your complaint is genuine you should lodge it to the appropriate quarters. We never appointed these judges; they were appointed by the Local Government Service Board.

**Mr Akinyemi:** Through the Speaker, Sir. Are you talking to me? (Laughter).

**Chief Akintola:** I am not at all directing my statement to any particular individual. If a judge is not playing board, if he is prejudiced, he is a liability to the whole of the Region. Why not direct your appeal or representations to the Local Government Service Board or the Judicial Service Commission? Until you do that, it is unfair. May I say that my Friends on the opposite side have my sympathy; they are always customers of these judges. (Laughter).

### PERSONAL EXPLANATIONS

**Mr M. A. Adedigba:** Mr Speaker, Sir, I am a member of the Opposition at present, although not a member of the NCNC. I have to explain that in this House I belong to the NPC as from today and from now on.

**Chief J. L. Tifase:** Mr Speaker, Sir, having considered the circumstances which led to the resignation of my councillors and supporters from the NCNC, I have no hesitation whatsoever in declaring my support for their action. I strongly believe, Sir, that the unity of Akure Division is greater than party politics, and I think, Sir, that it will not be too great to sacrifice our party ideology for the peace, unity and progress of Akure land.

For too long now, Sir, we have breathed the atmosphere of disunity and hate in Akure Division because of party politics.

Many have given up hope of a fundamental solution to our disunity. And today, Sir, I am leaving this side of the House because I believe that the Action Group is the common denominator on which every one in Akure Division can find unity and progress.

Sir, what we really need in my constituency is not only politics but a new solidarity and unity, with one aim, one mind and one goal.

Sir, the Action Group in Nigeria has not only championed democracy but has also a comprehensive programme adequate for the whole country and for each Region, and a programme that provides inspiration and liberty for the youths and the common man of the country.

Sir, I am returning to the Action Group because, during the first year of our Independence, the Action Group has built for democracy in Nigeria an unshakable framework of actively selfless and self-giving leaders whose determination to build a new Nigeria cannot be altered by any beckoning of personal advantage.

I take my decision to return to the Action Group, Sir, because I believe that the youths of the country are already forming a new public opinion which demands a new quality of leadership. And I realise that this new type of leadership, Sir, can only be found in the Action Group.

Sir, during my two years experience in the NCNC I have been able to examine very carefully the merits and demerits of both the Action Group and the NCNC, and I have realised, Sir, that only a political realignment can usher in an era of prosperity in Akure Division.

Sir, I am resigning from the NCNC, not because I have any difficulty to go on in the party, but I am doing so in obedience to the wishes of my supporters and the unity and progress of my constituency.

(Chief Tifase then crossed the carpet to the Government side amid cheers from Government Benches).

### BUSINESS MOTION

#### Suspension of Standing Order 4 (2)

**The Minister of Finance and Leader of the House (Chief J. A. O. Odebiyi):** I beg to move that Standing Order 4 (2) be suspended this day to allow the House to continue sitting after 1 p.m. if necessary.

**The Attorney-General and Minister of Justice (Mr S. O. Ighodaro):** I beg to second.

*Question proposed.*

*Question put and agreed to.*

#### NOTICE OF BILL

Notice to present the following Bill was given:—

The Western House of Chiefs (Selection of Chiefs) (Amendment) Bill.—(*The Minister of Finance*).

#### PRESENTATION AND FIRST READING OF PUBLIC BILLS

The following Bill was presented and read the First time; it was ordered to be read a Second time tomorrow:—

The Income Tax (Amendment) Bill, 1962.—(*The Minister of Finance*).

#### ORDERS OF THE DAY

#### THE JUDICIAL AND THE PUBLIC SERVICE COMMISSIONS (PROTECTION AND PRIVILEGES) BILL—SECOND READING

*Order for Second Reading read.*

**The Premier (Chief S. L. Akintola):** Mr Speaker, Sir, I rise to move that the Bill for a Law to be entitled "The Judicial and the Public Service Commissions (Protection and Privileges) Bill, 1962" be read a Second time.

There is nothing strange in this Bill. These protection and privileges have been possessed by the Public Service Commission since 1955 when they were confirmed by the Public Service Commission Regulations of that year. The Constitution at that time, Sir, provided that the Commissioner should make Public Service Commission Regulations. The Independence Constitution provides that the Commissions should make their own regulations, subject to certain provisos. It is appropriate that such power as has been envisaged should continue as in the past and in the case of the Public Service Commission, to confer upon the Commissioners that power. The accredited body is this Legislature. That is why this Bill is put before this House. In fact I do not think that any agency of the Government or any subordinate body of the Government can protect itself out of the law of the land. The Commission may go against the law of the land by making its own regulations. This protection is to be given by this honourable House. I am sure, Sir, that all members will agree in the public interest that the Judicial and the Public Service Commissions in which the Constitu-

tion confers the power of appointing and disciplining staff should be covered by protection and privileges. This should be extended to duties under the High Court Law of Western Nigeria, and it may be asked why it is necessary for Public Service Commission members to ask for protection. It is part of their duty to examine candidates, frankly assess their worth, and make recommendations for appointment or otherwise. In so doing they may make statements either orally or in writing, and in so doing a member of the Public Service Commission may run the risk of libel action which will prejudice the function of the Public Service Commission. In order to perform their duties without fear or favour in the best interest of the service of the Region, we should give them the protection which we now seek.

Sir, I beg to move.

**Chief Odebiyi:** I beg to second.

*Question proposed.*

**Mr B. O. Olowofoyeku:** Mr Speaker, Sir, the immunity which this Bill seeks to confer on members of the Public Service Commission is rather too wide, and for that reason we on this side of the House are going to oppose the Bill.

The Mover of the Bill, the hon. Premier, has told the House that such are the reasons for covering members of the Public Service Commission in the discharge of their duties because they are under the constant fear of being sued for libel. I am sure the hon. Premier knows well that if in the discharge of their duties members of the Public Service Commission made certain statements or write certain letters, they are covered under official privileges. It is not necessary to give them any further immunity. The case of judges is a much different one. Judges occupy a privileged position. It is necessary for judges to have certain immunities in respect of the act which they have done in the performance of their duties. The section to which the hon. Premier refers gives judges immunity only in so far as they are active in the discharge of their judicial functions. It does not give immunity to them outside as judges of the High Court. There is a proviso that judges must be active in good faith.

If I may read from section 68 of the Western Nigeria High Court Law:

"68 (1) No judge or other person acting judicially shall be liable to be sued in any court for any act done or ordered to be done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction:

[MR OLOWOFOYEKU]

“Provided that he at the time, in good faith, believed himself to have jurisdiction to do or order the act complained of”.

What do we have in the present Bill? Protection of the Chairman and other members of the Public Service Commission! In section 3 of the Bill—

“The Chairman and every Commissioner shall have such and the like protection and privilege in case of any action, suit or proceeding brought against him for any acts done or omitted to be done or any words spoken by him, in the exercise of his functions under the Constitution.....”

In other words, if a member of the Judicial Service Commission or the Public Service Commission has neglected his duty under the Constitution, he is going to be protected under this Bill.

**Chief Akintola:** Read the section please.

**Mr Olowofoyeku:** The immunity covered by the word “omitted” is too great to be covered by the Public Service Commission.

I will also humbly say that the duties of the judges are different from those of the members of the Public Service Commission.

Even assuming that the House confers immunity on members of the Judicial Service Commission because they are trained lawyers, there is no necessity for conferring such immunity to members of the Public Service Commission who are merely civil servants and should be answerable for any acts which infringe the rights of other members of the public. Therefore, Mr Speaker, we oppose this Bill.

**Chief F. Oputa-Otutu (Aboh West):** Mr Speaker, Sir, I support the last speaker. He has given his reasons for opposing this Bill, and we hope, Sir, the Premier will consider those points; but, Sir, I would like to say a few words at this juncture on the position of the Judicial Service Commission.

Mr Speaker, Sir, it is indeed surprising that even the Premier of this Region has not, up till now, initiated any move to end regionalisation of the Judiciary. (*Interruptions*).

**Mr Speaker:** Order, Order.

**The Premier:** May I say that, as far as this Region is concerned, not only is the judiciary not regionalised, but it is also internationalised, because our Chief Justice is from Ghana. (*Loud applause*).

**Chief Oputa-Otutu:** Sir, I feel that the Judiciary is a very sacred institution.

**Mr Speaker:** I think that we are not saying anything about the judiciary now, and in fact that is beyond our own competence. We cannot discuss the Constitution of Nigeria here.

**Mr R. A. Akinyemi:** Mr Speaker, to add to what the Member for Aboh has said, I have this to say: that this amendment is seeking to deprive the ordinary man, or the citizen, of his common law rights; that is, if any member of the judiciary or the Public Service Commission makes any statement and circulates it by malice, and not *bona fide*, then the citizen will have no remedy in the law court either for libel or for slander. Therefore it is imperative.....(*Prolonged interruptions from Government Benches.*) (*Government Member:* “You are working yourself for a job”).

I do not know, Mr Speaker, if the hon. Minister of Health realises that the hon. Premier is here. I do not like to term him one of the Back Benchers, but I think he is making too much noise. If he cannot respect me—I don’t beg him—let him respect his hon. Premier and the Speaker of the House.

As things stand now, anything done by any member of the Public Service Commission or the Judiciary is protected, either qualified privilege or otherwise. Except where actuated by malice, then the privilege is lost and that is where the ordinary citizen or any person, if any of the members have made any libellous or slanderous statement or written a libellous letter, will have no opportunity of getting a remedy in a court of law. And I am saying that, comparing this with the High Court, the hon. Premier knows well that—afterwards he is the Premier of the Region—he appreciates that we are professional colleagues, and he will realise, that the powers of the High Court is too wide a power to be given to an ordinary citizen; and on that score, Mr Speaker, we oppose the Motion.

**The Parliamentary Secretary to the Minister of Economic Planning and Community Development (Alhaji B. O. Obisesan):** Mr Speaker, Sir, I rise to support this Bill. The Bill as moved by the hon. Premier is very lucid. It would not have been necessary to speak on this Bill but for the fact that my colleagues on the other side of the House find themselves unable to support a Bill unless they are forced by circumstances to do so. I would say, Sir, that the hon. Member for Ilesha has seen, on reading, that he has made a mistake in opposing this Bill. I would only refer to section 3 of the Bill:

[ALHAJI OBISESAN]

“The Chairman and every Commissioner shall have such and the like protection and privilege in case of any action, suit or proceeding brought against him for any acts done or omitted to be done or any words spoken by him, in the exercise of his functions under the Constitution or under any Regulations, as are by law given to acts done or words spoken by a judge of the High Court in the exercise of his judicial functions.”

I would say, Sir, that the hon. Member has not opposed the power given to High Court Judges. If he has not, he would see that a similar power and the same meaning has been placed on the protection being sought for the members of the Public Service Commission. I would say, Sir, that there is nothing to criticise in the Bill, and I wholeheartedly feel that my hon. Friends would have regretted having opposed this Bill.

**Mr A. T. Rerri:** Mr Speaker, Sir, the Bill seeking to confer certain privileges and rights on members of the Judiciary is a very delicate one. Delicate, in that there are two aspects of the privileges now being sought. The first is to see that in doing their duties, such as interviewing candidates, and so on, they can be very frank, very sincere and forthright, in what they do. I think that is a very desirable aspect of any legislation that seeks the welfare of the people. I also think that such privileges will enhance the sincerity, integrity and the fearlessness with which such officers will do their duties. But I think that to say that they should be given these privileges and that their records should not be produceable in a court of law is an undemocratic attachment to the privileges. Because if I should know that I am serving my God and my country sincerely in arriving at certain conclusions, I should have no fear when such conclusions have to be brought in any court, because I know I have acted in the best of faith and that what I have acted on would invariably satisfy the tenets of the law of the land. On that score, then, Mr Speaker, it seems to me that to pass these unbridled privileges on the Chairman and Commissioners and, at the same time, exonerate them from being questioned in a court of law, is undemocratic, in the sense that if they are privileged nobody will seriously quarrel about that, but they should have the fear right at the back of their minds that they dare not go wrong and that if they went wrong they should have the shame of being told or having their records produced in a court of law.

The hon. Premier who presented the Bill listed the advantages that could accrue. I agree with him that some of the advantages are actually being obtained. But he did not go into what pitfalls these privileges may bring in their way. They may bring in their way certain undesirable practices. Knowing that what action they take cannot be questioned in a court of law, or even be revealed in a court of law, the tendency will be to take certain actions which cannot be in the best interest of the people of this Region. Because it is a well-known law of human nature that if a man is aware of the fact that his actions are likely to be questioned, sooner or later he tends to become more cautious and more judicious.

And on this score, Mr Speaker, I beg to oppose particularly the second portion of the Bill which seeks to make the records of procedure unproduceable in a court of law.

**Mr J. O. Awopaju:** Mr Speaker, Sir, I rise to support the Bill which is now being presented to the House. May I say that the Opposition Members have always been complaining and grumbling about Customary Court Judges, High Court Judges, Magistrates, and so many types of Judges. Now it is necessary that undesirable characters should not be recruited and should be prevented from serving as Judges, and the men who appoint these persons will not be doing this Region good service if they do not say what they know about these candidates, because they will constantly be under the fear of running into the clutches of the law, and we know what that means. So that, if these Commissioners are given the liberty to say whatever they know about any of these applicants or prospective candidates to be appointed, the Region and the administration of Justice might be saved from any undesirable characters who might find their way to adorn the Bench.

I would say that this Bill is very vital, and that is why we should provide the necessary umbrage or palladium for these Commissioners to discharge their duties in the committee fully and freely, because the slightest mistake made by any of these chaps might involve a lot of difficulties or hardships on our people.

Mr Speaker, I would support this Bill. My hon. Friend on the Opposition was talking of Common Law, and so on. I should like to remind him that it has been said that Common Law is common sense, but I may add that common sense is sense which is not common. May I also affirm that Common Law decisions do not lend themselves to common sense conclusions at all times in the bid of the Judges to do substantial justice.

[MR AWOPEJU]

And that is why some lawyers complain about Judges making law instead of interpreting it as they claim to do.

When this House presents a Bill which will incorporate certain things into our Statute Book—and we know that Statute Law overrides Common Law—there will be no question of misunderstanding the law or trying to make any distinction, because the Statute will have to be enforced and applied as it is written.

I therefore, say, Mr Speaker, that I support this Bill and that the Government should be congratulated for this kind of move which has now been made.

**Chief Akintola:** Mr Speaker, Sir, I think we have had a lot of saying on this. May I correct one impression created by my Friend, the hon. Member for Ilesha. The Members of the Public Service Commission are not civil servants, and special provision is made for them under the Constitution. They are practically on identical level with the Judges of our courts because the Judges too, are not civil servants. There is such provision made for them under the Constitution, and I do not want to disturb the minds of my Friends opposite, but I would appeal to them to remember that charity starts from home. The Party represented by them controls the Government of another place, and may I mention to him that a similar legislation in identical words—commas, semicolons, everything identical—has been passed in the Eastern House of Assembly. *(Applause)*.

If you turn to a Supplement of the *Eastern Region of Nigeria Gazette*, you will find, on page B 410, section 10, "Privileges", that the Chairman and any other member shall have such and the like protection and privilege in case of any case or suit brought against him for any act done or omitted to be done in the execution of his duty under this Regulation as by law given to the act done or words spoken by a Judge of the High Court in the exercise of his judicial office. This refers to the Public Service Commission in the Eastern Region, but what we are doing is to follow what has been done by the Eastern Region Government of the NCNC. *(Interruptions)*. That is the law in the East. If you feel that this is bad as far as my Friends opposite are concerned, they should start reformation from elsewhere. That is not all.

Under the Local Government Law, section 98, a similar protection has already been given to members of the Local Government Service Commission, and this law was

passed unanimously by members of this honourable House. *(Opposition Benches: It was not unanimous. You were not here then)*. But may I read that to you—

"The Chairman and any member of the Local Government Service Board shall have such and the like protection and privilege in case of any action, suit or proceeding brought against him for any acts done or omitted to be done in the execution of his duty under this law and as by law given to acts done or words spoken by a Judge of the High Court in the exercise of his judicial functions";

so that all we are doing is to give to members of the Public Service Commission and the members of the Judicial Service Commission the same power and the same protection which had been given to the Judges of the High Courts.

Well, may I also mention that my Friend, the hon. Member for Ilesha, mentioned that by giving this immunity to members of the Public Service Commission we would be depriving the ordinary citizen of his common law right, or his common law remedy. May I say that every member of this House is privileged to say anything on the floor of this House and to say things which when said outside this House might be libellous; so we have given you protection from the law of libel. It is in the performance of your duty that you have been given this privilege. So, as a legislator here, and in order to enhance your efficiency in discharging your public duties, certain privileges ought to be given to you, and these privileges have been given to you, and all that we are doing here is to extend similar privileges to members of the Public Service Commission in the discharge of their public duties—and no more.

My hon. Friend from Ilesha mentioned that the powers given are too wide. They are not wider than as here defined by law, and they are limited to what is done in the performance of their duties as members of the Public Service Commission, not elsewhere. For instance, a member of the Public Service Commission cannot go to Dugbe market to slander anybody and claim protection, or claim protection for any slander contained in his own private letters to people—a private letter is not a privilege to libel anybody—so we are only limiting this privilege to what is done in furtherance of their public duties.

I do not like to attack my friend, the rare acting Leader of Opposition. *(Interruptions.)* He is the authentic one! In any case, this Law is not intended to give immunity to impudence. That is not the purpose of this

[CHIEF AKINTOLA]  
law. You cannot push elders to the background and feel that this Law will protect you. (*Opposition Benches: But you pushed Awolowo to the background to become Premier of this Region*). May I mention that the hon. Leader of the Action Group was not pushed to the background at all. He is the alternative to the Prime Minister of the Federation. (*Applause.*) The protection which this Law provides reads as follows:

"The Chairman and every Commissioner shall have such and the like protection and privilege in case of any action, suit or proceeding brought against him for any acts done or omitted to be done or any words spoken by him, in the exercise of his functions under the Constitution or under any Regulations, as are by law given to acts done or words spoken by a Judge of the High Court in the exercise of his judicial functions."

Therefore the protection given, the immunity provided by this Law, is not unlimited. It is confined only to the exercise of the functions of the members of the Judicial Service Commission or members of the Public Service Commission, and nothing more than that. I therefore feel that what I have said so far will be accepted by my Friends opposite, and that their tutors also (I would not say they are unlearned) will tell them that this is a desirable law in the interest of efficient administration.

*Question put and agreed to.*

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

*Bill immediately considered in the Committee.*  
(In the Committee).

*Clauses 1 to 4 agreed to.*

(Mr Speaker resumed the Chair.)

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

*Sitting suspended at 11.53 a.m.*

*Sitting resumed at 12.50 p.m.*

## PENSIONS (AMENDMENT) BILL SECOND READING

*Order for Second Reading read.*

**The Minister of Finance (Chief J. A. O. Odebiyi):** Mr Speaker, Sir, I beg to move the Second Reading of a Bill for a Law to modify the provisions of the Law of the Region regulating Pensions and Gratuities to be granted to officers in respect of offices held by them in the Public Service of Western Nigeria.

Under the provisions of the Pensions Ordinance, the Secretary of State was

authorised to grant pensions and gratuities to pensionable officers. But since Independence, it is found necessary to further amend the Pensions Law so as to reflect the present status of the country. The main purpose of the present amending Law is to amend the Law of the Region so as to enable pensions and gratuities to be granted to officers in respect of offices held by them in the Public Service of the Region by substituting the Governor of the Region for the Secretary of State as the authority for determining certain matters under the Law. The few powers which were still vested in the Secretary of State have been in abeyance since the attainment of Independence, and the enactment of this Bill will enable the Governor, acting in accordance with the advice of the Executive Council, to exercise it.

Mr Speaker, Sir, I beg to move.

**Mr Ighodaro:** I beg to second.

*Question proposed.*

**Mr Akinyemi:** If there is anything the Leader of the House has ever done, this is a Bill which I would submit, Sir, is non-controversial. If there is anything he has ever done since he relinquished his post as Principal of Egbado College—(*Government Benches: Six years ago*)—Yes, six years ago, it is this Bill. But this Bill ought to have been brought before this honourable House two days after the 1st October, 1960, and the Opposition is not opposing this Bill but what we are saying is that this Bill ought to have been brought at least a year before now. I think the word "Secretary of State" is so derogatory to the present status of Nigeria as an independent nation and as a foremost country in Africa. The NCNC, in coalition with the N.P.C. being the leader of the country as far as foreign relations.....(*Interruptions*) I would like you to admit that obvious fact. I say, Sir, that we of the Opposition will not be opposing this motion because it is timely, and even the time had been overdue for the Minister of Finance to have brought this type of Bill to this honourable House. We are not opposing it.

*Question put and agreed to.*

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

*Bill immediately considered in Committee.*

(In the Committee.)

*Clauses 1 and 2 agreed to.*

(Mr Speaker resumed the Chair.)

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

## ADJOURNMENT

*Motion made and question proposed:* That the House do now adjourn.—(Chief Odebiyi).

### Case against the Abolition of Benin Divisional Council

**Mr A. E. E. Atohengbe:** Mr Speaker, Sir, I understand that a committee of Uhumwonde Akugbe, Iyekorhiomwon and Iyekovia District Councils have passed resolutions calling on the Minister of Local Government to abolish the Benin Divisional Council, an institution symbolising the unity and solidarity of the Benin People.

Sir, it is common knowledge that we are heirs of many governmental institutions which have been developed and practised by the British people. And among these is our local government system. May I recall to your mind that they have such local government machinery like Parish Council, Rural District Council, Urban District Council, non-County Borough Council, County Councils, and the Borough Councils. They are ancient institutions which tradition and custom have kept. These governmental machineries are set up only in those areas they can best serve the needs of the local people, so upholding their unity.

So, Sir, our Divisional Councils are like the County Councils which still exist in England. In those areas where they are established it is thought that they are best suited to the people of the area as the administrative machinery of Government. So, too, the Benin Divisional Council in Benin is best suited to its people. It is abundantly clear that we cannot have uniform local government systems in this Region. For, the moment the Government embarks on such uniform system, it is that moment that it begins to head for a complete failure and a wash-out.

In Benin land it is not possible to kill or to abolish the Divisional Council because it is one of the indestructible ties which bind the people. Our history, unique custom and tradition show that the Binis are an indivisible whole. To give a few citations, the Oba of Benin confers chieftaincy titles known and celebrated in the town and districts. Festivals are never done until the Oba starts. Will the Government destroy these traditions and customs? No.

Before the introduction of the local government system into Benin Division, there was a Commission of Inquiry to ascertain the wishes of the people. This was the factor which led Government to determine

the present set-up of the Councils in the Division. In doing this the Government satisfied the wishes of the people. I want to make it known to the House and the Minister of Local Government that members of management committees of councils appointed are not the accredited representatives of the people and therefore cannot abrogate their wishes.

In so far as the Government satisfies the wishes of the people, it is democratic; but as soon as a Government imposes its will on the people, it can no longer be said to enjoy the confidence of the electorates. It is then autocratic, and in a democracy this is a lamentable failure. Then the puzzling question comes to this. Will the Government neglect the wishes of the people and heed the calls of a few disgruntled politicians who are self-seekers and have been frustrated by past events?

Before I resume my seat, I want to offer a kindly word of advice to Government, through the Minister of Local Government, that the Benin Divisional Council is a symbol of unity to the Benin people. It has meant much to us: we have cherished it as a sacred machinery of government. No other machinery will serve the people of the area, so as to achieve the administrative acumen the people and the Government desire, apart from the Divisional Council. To destroy it is to destroy the unity of the people (our life blood) which our ancestors had carefully guarded and promoted to the jealousy of other tribes in Nigeria. This nice heritage must not be allowed to perish in our time, but we must bequeath it, too, to our own issues.

Mr Speaker, Sir, as I have said earlier, the Benin Divisional Council is the liaison between the members of the districts and the central Benin people.

**Mr Speaker:** I wonder if this is not the same thing as the dissolution of the Benin Divisional Council which was raised here yesterday and which created a hot argument between the hon. the Minister of Local Government and Mr Oviasu. If that is the same thing, I rule it out of order here and now.

**Mr Atohengbe:** It is not.

**Mr Speaker:** Thank you. You can carry on then.

**Mr Atohengbe:** In order not to bore you, Mr Speaker,—(Mr Speaker: *But I am not bored*). I have made my points, and I would listen to the speech of the Minister. I would only appeal to the Government of the

Western Region not to listen to the cries of the few disgruntled politicians who consider themselves representatives of the Benin people and appeal to you to destroy their own tradition.

**The Minister of Local Government (Alhaji D. S. Adegbenro):** Mr Speaker, Sir, the hon. Member approached me yesterday that he heard rumours that the Government intends to abolish the Benin Divisional Council, and, I told him bluntly that the Government of this Region is not thinking about abolishing the Benin Divisional Council and that therefore he should not worry himself for that. I am surprised, Sir, that the hon. Member—perhaps trying to catch headlines in the newspapers—insisted on raising the matter. I am hearing for the first time that district councils in Benin Division have passed resolutions asking that the Benin Divisional Council should be abolished. These six councils are the units of the Benin Divisional Council and the hon. Member claimed now that the council is the only link between the people in the districts and Benin City, and that Benin people, according to him, are one. The oneness of the Benin people cannot be questioned. Well, it stands challenged now by himself that three out of six councils are now challenging that oneness. I wonder, Sir, whether if these Councils carry their claims forward, whether my hon. Friend will be able to defend his claim of oneness of the Benin people.

I am aware that the Benin Divisional Council was set up in 1955, and I took prominent part, Mr Speaker, Sir, in the setting up of local government councils in Benin Division. I even performed inaugural meetings of all the councils in the Benin Division, and I have given close attention to the performance of the District Councils in that Division. But up till today, I am not aware of any resolution coming forward asking me to consider the abolition of the Benin Divisional Council.

I would like to put it on record, Sir, that members on both sides of the House ought not to listen to rumours. If they have any doubt in their minds I think it is sufficient to see me in my office. Mr Speaker, Sir, I like to talk to members, and if I am not available in the office, members should approach the Regional Minister in the Ministry, who is quite capable and competent to answer questions of this kind, and I am sure he will give adequate replies to such questions. I think I have allayed the doubts of my hon. Friend.

**The Minister of Finance and Leader of the House (Chief J. A. O. Odebiyi):** Mr Speaker, Sir, I beg, for the information of hon. Members, to say that we do not intend to make this an opportunity for all kinds of statements to be raised. Matters to be raised on the adjournment must be definite and urgent, and must not be offered when facts are in dispute. There are no facts stipulating that the Benin Divisional Council was to be dissolved. What the hon. Member ought to have done was to see the Minister in his office. I think, Sir, the hon. the Speaker will do well by making sure that when hon. Members raise matters on the motion for adjournment they are matters of urgent public importance.

**Mr Akinyemi:** Mr Speaker, Sir, the statement of the Leader of the House tantamounts to a vote of no confidence in you. It must be withdrawn.

**Chief Odebiyi:** I have not said so.

**Mr Akinyemi:** Will the Leader of the House be very careful that, in future, either directly or surreptitiously, he does not pass a vote of no confidence in you. (*Interruptions.*)

**Chief Odebiyi:** I think, Sir, that by the grace of God, and by the corporate will of members of this House, I am Leader of this House—(*Further interruptions*)—and it is my duty to advise Mr Speaker on matters of procedure, and it is for Mr Speaker to uphold whatever I say, or not. The matter which has been raised by the hon. Member is not of urgent public importance. The facts are in dispute. (*Interruptions.*)

**Alhaji Adegbenro:** Mr Speaker, Sir, the Leader of the House has not at all challenged the authority of the Speaker in this regard. All that he was trying to do is to show that, in future, members wanting to raise matters on the motion for adjournment comply, not only with the Standing Orders, but with Erskine May.

You were not born when we were friends (*referring to Mr Akinyemi*). I think members ought in future to comply fully with Standing Orders. I did not call the attention of the Speaker because I do not like to suppress the views of hon. Members, especially when matters relating to my Ministry are being discussed. Hon. Members should not listen to rumours. They should put us in confidence and if they have minor complaints they should approach us rather than make such minor points on the motion for adjournment.



I support the Minister of Finance and Leader of the House in his view that not only must a matter for the motion on adjournment be specific, the fact must not be in dispute; so that the Minister who is going to reply will have ample opportunity of doing so. It is not right for members to raise a matter on the motion for adjournment out of context with the Standing Orders. Mr Speaker, Sir, I think you ought to rule that, in future, members must comply with Standing Orders.

**Mr Speaker:** The position with regard to questions that are raised on the motion for adjournment is this. The procedure is that an hon. member who would like to raise any matter on adjournment should let me know in advance, and when he does so I shall direct him to the Minister in charge of that particular matter and, if the Minister agrees, then the matter comes to me and I shall raise it here. I shall then call on the person who likes to speak to raise it, and when he raises it, it is presumed that the Minister who gave leave that it should be raised is prepared to give an answer to such a question. I can assure you that that was exactly what has happened in this instance. If the hon. member deviated from what he put before the Minister I have not been apprised of that deviation, and that was why I allowed him to go on with the speech; so that I have not gone beyond the boundary of our procedure.

I am now calling on Mr Oputa-Otutu to make the statement on the question which he would like to make which affects the hon. Minister of Works and Transport. As for other Ministers, they are not ready with answers in this House.

### Ibadan Water Supply

**Chief F. Oputa-Otutu:** Mr Speaker, Sir, it has often been said that charity begins at home. Sir, this is a matter in which I believe the Speaker and all the Ministers of this Region would agree with me when I say that it is indeed shocking that in 1962 Ibadan people still continue to drink mud in the water supplied by the Ministry of Works. This morning, Sir, I woke up to have my bath and on filling the bath with water I observed a very dark substance. I started to wonder, Sir, whether it was the water from the Ministry of Works or one directly from one of the ponds. The quantity of mud in the water is enough to make it a pond.

Mr Speaker, Sir, this Government has spent a large sum of money on a 20-storey supermarket house costing £½ million. It has in the past spent money in financing

buildings in Lagos. This Government has bought over certain companies from Lagos.

**Chief Opaleye rose—**

**Chief Oputa-Otutu:** Mr Speaker, Sir, this Government must provide first-class water for Ibadan, the capital of Western Nigeria, instead of giving the people water full of worms. Mr Speaker, Sir, I am appealing to the Minister of Works and Transport to ask the Executive Council to give more money to improve the waterworks for the capital of Western Nigeria, to enable the people to drink clean water and not worm water.

*Government Benches: Warm water?*

*Mr Speaker: Water full of worms.*

**Chief Sogbein:** Mr Speaker, Sir, it is a pity that the hon. Member—(*Mr Speaker: I beg your pardon. "Horrible" Member?*) (*Laughter.*) I said "honourable" Member. (*Laughter.*) He should have met me privately to ascertain the facts about Ibadan water supply. I use the water everyday. It is not muddy. He is a casual visitor to Ibadan. Perhaps he is lodging in a place where people seldom use their tap water and, if that is so when one turns water from such a tap it is bound to push out dirt which might have collected inside the pump over a long period of time. Ibadan water supply is in sufficient quantity. It is as pure as any water in the world. I am very happy that this my hon. Friend is a chemist and druggist. He can look into the records for the chemical content of Ibadan water supply.

For his information, when the Ibadan water supply was first planned, it was planned to serve 4,000 people, but now the population of Ibadan has risen to over a million. However, there is a gigantic plan on hand at present. As I am speaking, we have just finished the final design of Ibadan water supply and it is going to cost £5 million, and it will supply Ibadan 16 million gallons per day. And it is not going to supply Ibadan only, it will also supply Apomu, Ikire and Ikoyi, because we are going to take the water from Oshun. It is going to be the first of its kind in Africa. (*Opposition Benches: In the world!*) To cope with this emergency we have also, just now, expanded the water supply; and we have two motors to pump the water supply. (*Mr Akinyemi: Two motor?*) I am a graduate. I am more qualified than you are. You are a quack lawyer (*referring to Mr Akinyemi*) You cannot talk to me; I am an Honours man.

We have also expanded water supply in Ibadan to give us about half a million gallons

more. I checked my glass to see if there was mud in the water, but found no mud. It is an exaggeration to say that Ibadan water supply is muddy. It is as clean as any water in the world. (*Cheers from Government Benches*).

#### **Extension of Road Tarring to Olupona and beyond, and Supply of Electricity**

**Mr J. O. Abiosun:** Mr Speaker, Sir, I seize this opportunity to thank the Regional Government, through the Minister of Works and Transport, for extending the tarring of Ikire-Iwo road to Olupona, about a quarter of a mile to the main road. My people will be much grateful if the Government will please extend further the installation of electricity to Olupona as my people are very optimistic about it. I am sure the Regional Government will not disappoint them. This is the next town to Iwo, both in size and population. Therefore, whatever is sent to Iwo, we pray the Government to avail same to Olupona which is on the main road to Gbongan and Ikire. We also implore the Government to help construct a road from Olupona to Offa, which will quickly shorten our journey to Ibadan by seven miles. We are sure, Sir, the produce

from this area is abundant. Our people are very optimistic about this, and we know that the Government will not fail us.

**Chief Sogbein:** Mr Speaker, Sir, I am thanking the last speaker, through the Speaker, for thanking the Regional Government for providing them with those amenities, and I hope my hon. Friend will not live by word of mouth alone but that he should cross over—(*Cheers from Government Benches*)—because one good turn deserves another, and this is one for which he has shown his appreciation. I shall carry his sentiments to the Government for his new demand. (*An Opposition Member: That is after he has crossed*).

**Mr Speaker:** The House will resume at 10 a.m. tomorrow morning although, according to the Standing Order, it should be 9 o'clock; but it has been moved earlier in the day that the meeting for tomorrow should be at 10 o'clock. I hope hon. Members will take that into consideration and remember it tomorrow morning.

*Question put and agreed to.*

*Adjourned accordingly at 1.35 p.m. until tomorrow, Friday, 19th January, 1962 at 10 a.m.*

## WESTERN HOUSE OF ASSEMBLY

FRIDAY, 19TH JANUARY, 1962

(The House met at 10.15 a.m.)

### PRAYERS

(Mr Speaker in the Chair)

### BUSINESS MOTIONS

#### Suspension of Standing Order 4 (3)

**The Minister of Finance and Leader of the House (Chief J. A. O. Odebiyi):** Mr Speaker, Sir, I beg to move—

That Standing Order 4 (3) be suspended this day to allow the House to continue sitting after 12 noon, if necessary.

**The Minister of Economic Planning and Community Development (Oba C. D. Akran):** I beg to support.

*Question proposed.*

*Question put and agreed to.*

#### Adjournment sine die

**Chief Odebiyi:** Mr Speaker, Sir, I beg to move—

That at its rising this day the House shall adjourn *sine die*.

**The Minister of Health and Social Welfare (Chief J. O. Osuntokun):** Mr Speaker, Sir, I beg to second.

*Question proposed.*

*Question put and agreed to.*

### PRESENTATION AND FIRST READING OF A PUBLIC BILL

The following Bill was presented and read the First time; it was ordered to be read a Second time this day:—

The Western House of Chiefs (Selection of Chiefs) (Amendment) Bill, 1962—(*The Minister of Chieftaincy Affairs.*)

### ORDERS OF THE DAY

#### INCOME TAX (AMENDMENT) BILL SECOND READING

*Order for Second Reading read.*

**Chief Odebiyi:** Mr Speaker, Sir, I beg to move the Second Reading of a Bill for a Law to further amend the Income Tax Law.

Experience in the working of the provisions of the Income Tax Law, as amended up to date, has clearly shown that there are loopholes for any tax defaulter who wants to hide

himself under the provisions of the Law to refuse to pay his tax. Under the present system, Sir, if a man is assessed and he is aggrieved and intends to lodge an appeal, all he is required to do under the provisions of the present Law is to pay 5s by way of an appeal fee, and then to deposit a quarter of the tax which is assessed before he can lodge an appeal. A number of tax payers, therefore, take advantage of that provision of the Law not to pay their tax in good time, with the result that local authority councils throughout the Region are finding it extremely difficult to carry on without Government subvention. It is, therefore, intended, under section 2 of the amendment Bill before the House, to amend the provision of the Law so that, apart from the payment of 5s appeal fee, the appellant will have to deposit what he paid the previous year or what he is now assessed to pay in the current year, whichever is the less.

I will proceed to give reasons for the provision. In many parts of the Region, there have been allegations of arbitrary assessment of taxes. May I say, Sir,—I am speaking for the Government Bench here and for the Action Group Party—that we on this side of the House deprecate most vehemently arbitrary assessment of taxes throughout the whole Region. (*Cheers from Government Benches*). We do not believe that arbitrary assessment can be used to win political opponents into our fold. If a man fails to win by persuasion or by affection or by friendliness I do not think that any other method can really achieve that result. (*Cheers from Government Benches*).

I think, Sir, that the time is ripe for all of us on both sides of the House to agree that throughout the Region we should deprecate arbitrary assessment of taxes, wherever we find them. (*Government Benches: Hear, hear*)—(*Opposition Benches: Initiate it then*).

I do know, Sir, that the Minister of Local Government on several occasions has given effect to this declared policy of Government by even suggesting in some areas, where the council strength of the Opposition and Government is fairly even, to include some members of the Opposition on the Assessment Committee of those councils. I know, Sir, that, particularly in the Midwest, there is a wave of arbitrary assessment of taxes going on over that area—(*Cheers from the Opposition Benches*)—and it is not unlikely that, apart from other factors, such as the excitement in connection with the creation of a Midwest State, most of the disturbances arise out of this action which takes place there. I am not, Sir, holding brief for the Action Group

[CHIEF ODEBIYI]

councillors. We all know how difficult it is for people's income to be assessed accurately. Even when the Inland Revenue Division of my Ministry was tackling the assessment and collection of taxes they depended upon whether the particular individual was assessed, when he is not prepared to come forward to tell the Inland Revenue Division of the Ministry what his income is. We have gone on the presumption that he is worth much more than he says he is worth, and we call that the best of judgment assessment. It is arbitrary, but it is the only scientific method of doing it. You then throw the onus on him, and it is for the particular individual to prove his case. It is for him to show his accounts, calling witnesses to say he is not worth more than he is assessed. So that section 2 of the amendment Bill makes it obligatory on the part of the individual that before he lodges an appeal the amount of money he is asked to pay has to be deposited before an appeal is heard; in which case the particular appellant will not deprive a council of normal revenue for running the affairs of the council.

Secondly, either he pays what he is assessed now or he pays what he paid last year, whichever is the less. We think that will not cause any hardship to anybody.

Section 3 of the amendment Bill makes provision in respect of the present operation of the law; namely, that in respect of an individual who has deposited a quarter of the tax he is to pay. Where he has already lodged an appeal the balance which is still in his hands by the 1st of March, 1962, ought to be paid.

The other provisions, Sir, are sections 4, 5 and 6. Their purport is adequately explained under the Objects and Reasons. Section 6 has been inserted in order to facilitate the early collection of taxes, so that the consent of the Director of Public Prosecutions will be unnecessary before anybody who is a tax defaulter is prosecuted in a court of law.

Mr Speaker, I beg to move.

**The Minister of Justice and Attorney-General (Mr S. O. Ighodaro):** Mr Speaker, Sir, I rise to second this Motion.

In doing so, I would be doing injustice to myself if I just sat down without saying a word further. Lawyers are fond of nutshells. I would like to say, in a nutshell, that what this Bill means is that an aggrieved person must pay the whole amount of his tax before lodging

an appeal within the specified time. If he fails to do so he may be taken to Court by way of criminal proceedings or civil proceedings. In the criminal court the burden of proof is on the person charged. I support the Motion on the following grounds.

In the first place, the payment of the whole sum cannot be considered as causing any hardship or of being oppressive. There is no evidence in this legislation of oppression or suppression. If there is any evidence of anything, it is just to express our belief that the time has come when matters of tax or income tax should be placed above politics. There is no suggestion of arbitrary assessment in this Motion. In fact, it is to negative any arbitrary assessment that you have a choice—a choice of paying the tax of the preceding year of assessment. If there is any harshness in asking any one to pay the whole sum down, that will mitigate the severity of that harshness.

This provision is not unusual. There are some other laws where you are expected to pay the whole sum. In some other places, the requirement will be fifty per cent, and there is no need reminding this House that, originally, the percentage was fifty per cent. It was later reduced to twenty-five per cent, but circumstances have dictated the need for the revision of Government policy because many a great amount of money has been in arrears and there is need to collect them. The time limit is short—thirty days—where the income tax is below £300, and where it is above £300, sixty days. In some parts of the world—I understand, the United Kingdom—the time limit is twenty-one days, and in several parts of the Federation the time is less and the sum equal. We know that the amount spent has been classified: those with income above £300 and those under £300.

Secondly, I would like to point out that there is no suggestion of what one might mistakenly call "double penalty" by taking criminal proceedings against defaulters and civil action to enforce the payment of tax. I know that that section might generate a bit of controversy, especially when too much attention is focussed on the conjunctive act. My learned Friends, without any hesitation, will know that it does not necessarily follow that both criminal proceedings and civil proceedings will be taken *pari passu*, or that two must be taken by any means. In fact, in many cases, civil proceedings will be enough and there will be no need to resort to criminal proceedings at all. (*Several Opposition Members: Ha! Ha!*) And some meticulous people might say "Why not use a

[MR IGHODARO]

word like "or"? That word has been deliberately left out because, if it were used, it might lead some people to interpret it so wrongly that it could mean one or two. They would not consider that, by the rules of interpretation, "or" might mean "and" or "or". They may interpret it in many ways. There are no two criminal proceedings, so the principle that it is a double penalty, one cannot uphold it. (*Some Opposition Members: Are you anticipating it?*) Oh, yes. I want to disarm you. You cannot say "double penalty" because the purpose of criminal proceedings is punitive and the purpose of civil proceedings is for payment of tax or to enforce a debt due to the State. After all, for the services rendered by the State to the individual, the citizen has some obligation. The Law or Laws do not imply here, as I have said, Sir, that the two steps must be taken. If you look at it very meticulously, you will find so.....(*Interruptions*).

The other point I would like to speak about is the interim measure between now and March 1962. That is to cover the cases of those individuals who deposited their twenty-five per cent and still have their appeals pending and if this were not done, there would have been a lacuna in the Law. The right of appeal, there is no tampering with it. You can still appeal. The bill does not destroy it; it does not even suspend it.

And one other thing is to be noted: the principle of reciprocity. It does not apply here. And my hon. Friends know that as much as you talk of reciprocity in the case of income tax, there is a general rule that it is relaxed when we discuss cases of income tax.

And then one other point. From the tenor of the debate in the House in previous years, I have heard someone might come and say that the measure of proof required is too much, and some people might say that it is very unusual to ask that the burden of proof should rest on the person charged.

**Mr R. A. Fani-Kayode:** Point of Order. I think there are Strangers in the House. (*Laughter*).

**Mr Speaker:** This is respect for our Obas. They should not be standing. (*Several hon. Members: Hear, hear*).

**Mr Ighodaro:** Mr President, Sir, to shift the onus of proof on the person charged is unusual in this kind of legislation. Cases can be quoted from the Federal and other parts of the Federation.

I am sure some Members of the House might have the opportunity of quoting the relevant sections of the Law. Mr Speaker, Sir, I would not like to embark on this, because I do not think that there is anything really controversial in this Bill. It is very simple, it does not advocate any arbitrary assessment. In fact it condemns it; because if you were to face any tribunal that has assessed you arbitrarily, and you want to appeal, you only need to pay what you paid in the previous year. In fact that defeats arbitrary assessment.

Mr Speaker, Sir, I beg to second the Motion which has been so ably moved by the hon. Minister of Finance.

*Question proposed.*

**Mr R. A. Akinyemi:** Mr Speaker, Sir, we on this side of the House are opposing this Motion, or this Bill, as it stands because it is one of the systematic conduct of the Action Group Government of the Western Region to annihilate their political opponents. I would like to say that this Bill, if passed, will automatically take away or repeal the power to appeal. And when I say this to the Minister of Finance, I say it with the greatest respect.

For instance, when there is an appeal in a Court of Appeal, either in the High Court or in the Magistrate's Court, for civil or criminal proceedings, you can still appeal to the Federal Supreme Court. You are not compelled to carry out the decision of the Magistrate's Court pending the determination of your appeal. You can even, if the case was decided in a Magistrate's Court, bring a motion for a Stay of Execution pending the determination of your appeal. But as this Bill stands, I submit, with the greatest respect, that when a man is assessed and he says "I cannot pay £20", he must pay the £20 before he appeals. (*Government Benches: You are wrong, you are wrong*). You must listen, instead of heckling, you back-benchers there. (*Laughter*).

Supposing I am assessed £20 and I cannot afford to pay? A man should be allowed to deposit, say, 5s on appeal, or pay 25 per cent or one-quarter of the amount assessed whilst his appeal is pending. But as the Bill stands, he must either pay what he paid last year or pay the assessment for this year whilst he appeals. For instance, if a man who has not been assessed before is assessed, say, £20 it means he must pay the £20 before he appeals. What I am saying, Mr Speaker, is that there should be no necessity for him to pay the sum assessed when he is going on appeal. Once a man has paid the sum assessed there should

[MR AKINYEMI]

be no necessity for him also to appeal. If one cannot pay this amount one will have to face criminal or civil proceedings. It may not be the Minister of Local Government, or the Minister of Finance, or the hon. the Premier himself; but I must, with the greatest respect, Mr Speaker, say that there is a question of vicarious liability in local council assessments. The local government councils have been using their power of assessment to persecute their political opponents. Let me put it in this way. These local government councils, when they sue Action Group supporters, they say "You must pay £1", but when they sue a supporter of the NCNC they say "You must pay £10". Otherwise, they will bring them to Court.

The Chairman of the Agege District Council has not paid tax for four years. He was assessed and he appealed against it. There was an NCNC man who was taken to court and fined £20, whereas the Action Group man was fined only £1 10s. This is the systematic conduct of the Action Group to annihilate the Opposition in this Region. You all clapped yesterday when Chief Tifase crossed the carpet.

Mr Attorney-General, I am speaking on this Bill because the time will soon come when I should tell you in clear terms that this Bill is being used for political ends but..... (*Interruptions*). I am sorry, Mr Attorney-General, that you were my teacher. I have the greatest respect for you in this House.

The hon. Minister of Finance said that there have been arbitrary assessments of taxes both in the Midwest and other places. If he was aware, why was he not aware of Cabinet responsibility on this? I know you will not be meeting regularly.

I will go further and say that Mr Attorney-General will not be there when instituting criminal and civil proceedings; nor will the Minister of Finance be there. None of the members of this House will be there. I would mention that in the Eastern Region, where the NCNC is in power and had successfully liquidated the Action Group in the last election, there is no time when the NCNC used taxes as an instrument of political victimisation.

**Government Benches:** Go to Uyo!

**Mr Akinyemi:** When some Action Group members were arrested for tax defaulting, some of them were fined only £1 or £1 10s, whereas the NCNC men were fined £10. They are using the question of tax to satisfy their whims

and caprices by gradually annihilating the NCNC. No member of the Action Group will institute criminal proceedings what will happen is that members of the assessment committees will bring criminal as well as civil action if found against the NCNC. They are reading it in the House but they do not know what it is outside.

So, with the greatest respect, Mr Speaker, we are opposing this systematic conduct of the Action Group to control the Western Region. But don't forget that we are in power in the Federal Government. We can make and unmake. (*Interruptions*).

**Mr S. A. Layonu:** Mr Speaker, Sir, there is one aspect of this Bill on which I feel myself irresistibly impelled to say a few words. And that is that, having carefully studied this Bill, I find that there is no part of it where this Government supports arbitrary taxation of anybody in any council area of the Region. All it seeks is the total eradication of tax evasion in the Region. This is a clear indication that the Action Group Government of Western Nigeria strongly objects to any form of excessive taxation, especially where such a measure violates the canon of taxation which deals with the doctrine of ability to pay.

This Bill should not be controversial because it does not, I repeat, it does not seek to increase the present tax which people pay in the Region; nor does it seek to oppress anyone with taxation.

Sir, taxation is an unpleasant subject which has never been popular with anyone. It is an instrument of financial policy which every Government must use from time to time. It is the economic foundation of the Government, the main and indispensable financial basis for the discharge of all Government functions. No Government can exist without it, because all the means of production, factories, transport, maintenance of the machinery of the Government, tarring of roads, supply of health and social services, development projects, are the advantages of taxes. Those who want all these amenities must pay for them; therefore delay is very dangerous in paying taxes. That is why this Government always bears in mind the standard of living of tax-payers together with their earning capacity and purchasing power before formulating a long range programme of action, in order to implement its policy.

Sir, I allude to that wise, that benevolent, and that noble section of this Bill which enacts—

[MR LAYONU]

"The whole amount of any tax due under the assessment appealed against, or the amount paid by that person as tax for the preceding year of assessment whichever is less".

This part will definitely cease tax evasion.

It is said, "The minority is not always wrong and the majority is not always right". In this honourable House the minority is always wrong. From my own point of view, it seems to me that members of the Opposition always criticise simply for the sake of causing confusion and disagreement. The people of Western Nigeria must be warned against the false alarm of naive politicians who have no plans for their welfare. It is only the victims of chaos and confusion and enemies of progress who will oppose this Bill. If the Opposition believes in the principles of tax collection, but only disagrees on their methods, they must be constructive enough to suggest a better alternative.

The Action Group Government of the West is the Government of the workers, the farmers, and all lovers of progress.

Mr Speaker, Sir, I am not an enemy of progress. I want more health and social services. I want more development projects. I want more farm settlements. I want more water supplies and electricity supplies. I want more immediate tarring and improvement of roads, and I want life more abundant for every class of people irrespective of political leaning throughout Western Nigeria. I want more amenities. Therefore, Sir, I support this Bill.

**Mr P. V. Okwesa:** Mr Speaker, Sir, the question of tax assessment is a very serious one. When we hear the members of the Action Group speaking in this House—

**Mr Speaker:** Order, Order. The Leader of the Action Group is not in this House; or are you referring to the Action Group Government?

**Mr Okwesa:** I meant leaders of the Action Group, not the Leader.

When we meet with Ministers in this House and hear their policy statements they give the impression that they mean well and that the trouble arising from these assessment committees do not originate from their advice, but when one goes back into the Provinces and studies the situation there, one cannot avoid coming to the conclusion that what is happening in the Provinces is what is put into the heads of the local Action Groupers from their Oke-Ado headquarters.

A few months ago, if you follow the trend of events, you will agree with me that the Ministers—even the Minister of Finance and the Minister of Justice and Attorney-General cannot deny the fact—that their aim in bringing up this Bill is to liquidate their political opponents. How can I not believe this when the very Ministers of this very Government a few months ago toured the Midwest? These Ministers told their local Action Group supporters: "We have given you the gun; we have given you the powder and the bullet to shoot your political opponents. Why don't you shoot?" (*Interruptions*). Mr Speaker, Sir, what do they mean by this? This simply means: "We have given you power of arbitrary assessment over your political opponents. Assess them arbitrarily in order to drive them to the customary courts and thereby make political converts of them. If they will not come over by persuasion or by any other means, then they must come over to the Action Group by force". In this way, they want to reduce the supporters of the NCNC and other non-supporters of the Action Group, and thereby have only one party in the Region.

Now, as my previous speaker has said, take for instance a man who is just coming to the tax book for the first time in his life, or he might have been aggrieved during the preceding assessment. He appealed, but his appeal was of no avail. He was forced to borrow money in order not to go to prison to pay the arbitrary assessment. During the present assessment he is assessed more arbitrarily than ever before. Now, instead of lodging or depositing 25 per cent according to the provisions of the present law, he is now to pay the whole assessment. Borrow again! Perhaps he has not finished the repayment of what he borrowed during the previous year. He must now be forced to borrow money again or go to prison. (*Interruptions*). Why would the Government not allow this man to appeal by depositing 25 per cent of the assessed amount? Where will he get the money to pay the whole assessment? Then he becomes a borrower. So, either way, he faces the prospect of going to prison: either due to his failure to pay the tax or due to his failure to repay what he borrowed to pay the tax. He cannot avoid imprisonment in either way.

Now, Mr Speaker, Sir, the fact is there, which cannot be argued. A man cannot be regarded as a rich man or a wealthy man simply because he is not in the camp of the Action Group or simply because he is in the camp of the Action Group's political opponents. I am aware of what is

[MR OKWESA]

happening in the Region, particularly in the Midwest, that since the motion for the creation of the Midwest State was passed, local Action Group party men have openly said to the NCNC supporters: "If you do not come over to the Action Group now, we are going to assess you more during the next assessment than you paid in the previous year". And, as if to put their threat into execution, all the names of the members of the assessment committees for the present assessment are wholly names of Action Group supporters. NCNC supporters and members have been excluded from that assessment committee. That is creating trouble in my own Division now. In the past it has been the practice in my own council for councillors to submit from their own wards names of five people to form members of the assessment committee for wards. That is to say, where an NCNCer was the councillor he submitted five names; where an Action Group was the councillor he submitted five names, irrespective of party leaning and things, worked well. But because the aim of that party now is to liquidate political opponents and have one party in the Region, they have excluded NCNC and non-supporters of the Action Group from the assessment committees.

**Mr Speaker:** Order, Order. It appears the arrangement of the local assessment committees is not dealt with extensively, but the hon. Member may refer to it, but I shall definitely rule against particularisation and I would prefer generalisation so that details about it will have to go to the respective councils.

**Mr Okwesa:** I am referring to it only because this trouble about arbitrary assessment takes rise from the actions of the local assessment committees; they are fulfilling the plans made by the Headquarters, and whether they are fulfilling it in a wrong way or in a right way I do not know; but I think it is in the wrong way. Otherwise there would not have been troubles in the Region. (*Interruptions*).

All right. Supposing a member of the Government Party and a member of the NCNC were regarded as equally wealthy or equally poor; both paid the flat rate last year, and this year the NCNC supporter is assessed £10 while the Action Group supporter is assessed at the flat rate of £1 17s 6d. What is it now that has made the NCNC supporter richer than the Action Group supporter? He has bought no motor car; he has not even bought a bicycle, he has

not built a house; he has not won any sweepstake. What is it that has made the NCNC supporter richer than his Action Group opponent or counterpart? It is this that he is not a member of the Action Group but a member of the NCNC, and the aim of the Action Group Party is to liquidate the opposing parties and have one party in the Region. That is why members in the provinces are carrying out their plans. So we cannot believe that leaders of that party, the hon. Ministers, have no hands in the assessment.

**Chief Odebiyi:** That is not true.

**Mr Okwesa:** Something must be done. Mr Speaker, Sir, if this Bill is passed as it is, trouble must arise. (*Interruptions*). Trouble must arise. (*Government Benches: From where?*). But we do not pray for trouble. We want fairplay and justice. What is good for an Action Group supporter is also good for the NCNC. We do not argue about the usefulness of tax. Money collected from tax is used by the Government to provide amenities. We do not dispute that fact; but because it is useful, that should not make it possible for one section of the public to be arbitrarily assessed while the other is normally assessed. We should all be assessed according to our means. So that, as the Minister of Finance has said, you cannot liquidate your political opponent by arbitrarily assessing the members of that party. You may fail. But I am advising the Government to consider well this action of tax assessment, make appeals easier for people, advise Action Group supporters in the Region to assess their members fairly and justly, and when arbitrary assessment is introduced, appeals should be made possible.

In this case this Bill is making appeal against arbitrary assessment impossible. The aim is to imprison NCNC supporters or compel them to leave their party—the party which they believe is the best party for them—to cross over. Many do not like carpet-crossing. I do not like the applause given to carpet-crossers. I like to stick to my party.

**Mr Speaker,** Sir, I oppose this Bill for the reasons I have submitted.

**Mr B. Olowofoyeku:** Mr Speaker, Sir, in joining my colleagues on this side of the House in opposing the Bill, I would say that this House, within the last three years, happened to be faced with a plethora of amendments to the Income Tax Law, and one wonders what is the purpose of all these amendments. We all agree that no Govern-



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ment can survive unless it has made provision for a sound fiscal policy. You will all agree that every Government should collect reasonable tax from the people.

But what we do not agree about is that the amendments which have been coming to this House since the past three years have, as a purpose, the increase of revenue. If we look at the purposes and reasons shown in this Bill, there is nothing at all which indicates that the Government has proposed this amendment with the view of collecting increased revenue. All it shows is that it is to enable appellants to pay some money, to enable people to be prosecuted—that is all the reason which the Minister of Finance has shown in this Bill.

There is no doubt that the fiscal policy of this Government is nothing but sound and there is need for a general reappraisal of the whole taxation machinery in this Region. In reappraising the taxation machinery the efforts should not be to oppress further the poor people. Statements have been made from this side of the House that the taxation policy in this Region is designed to victimise members of the Opposition. Unfortunately, the Member for Ede Ejigbo, who crossed over to the Government side only about forty-eight years—(*Government Benches: forty-eight hours ago, please*). It was only forty-eight hours ago. I wish it were possible for me to collect all the speeches he has made in this House about taxation in the Region. I wish that it had been possible for him to be cross-examined on the speeches he has made in this House, and then we would like to ask him what has caused this change of attitude within only forty-eight hours. But that is not my present assignment.

We support, there is no doubt, that this Region should have healthy finances. We support the view that the Government's finances should be bouyant. But we do not support the view that the poor people of the Region should be oppressed with taxation; that is the only reason why we are opposing this Bill.

If this Government that has paid too much lip service to socialism has come out with a big project for relieving the poor, if the Government has come out, for instance, with a Bill seeking to take all reliefs..... (*Interruptions*).....

Mr Speaker, I don't intend taxation to be abolished. On the other hand, I would like to see in this Region a super-tax. I would like people who have houses of about £4,000 and more to be taken out from reliefs. I

would like to see you abolish all the reliefs in respect of people who have houses of about £4,000 and more, abolish all the reliefs in respect of people who have sent their children to England for education. If you have no money, you cannot afford to send your children to England. Why then should you give such people the reliefs? Instead of doing all these, instead of making the taxation burden high on the rich people and low on the poor people, what do we find? Apart from this, people who are accused of these taxes are people who cannot pay £10, people who cannot pay £15, people who cannot pay £20. There are people like the hon. Minister who, if he is asked to pay £500, can just issue a cheque and not even know that he has paid anything.

I must say, Sir, that clause 3 of this Bill is very onerous. There is no reason, Mr Speaker, why anybody who wants to appeal from excessive assessment should be made to pay an appeal fee of five shillings. What is Government going to do with the appeal fee of five shillings? It is only putting an obstacle in the way of the appellants, and if the intention is to prevent frivolous appeals, as suggested by the hon. Minister of Finance, why not make this five shillings a deposit in respect of the money which the tax-payer is going to pay finally?

Under this same clause the tax-payer is supposed to pay all the money which he is assessed or the money which he has paid the preceding year. I heard the Member for Ede Ejigbo say that this is a very good provision. But it would be a good provision if we are all aware that the economy of the Region as a whole is bouyant. We can say that the man who made a profit of £100 last year is going to gain more profit this year. But if that is not the case, it is possible that the man who made a profit of £100 last year has made only a profit of £50 this year. Why do you expect him then to pay the tax on what he has paid last year when he is complaining this year that he is over-assessed?

The Minister of Finance should realise that what I am referring to is the actual profit. I am not talking about the assessment. If a man has been assessed on £50 this year and was assessed on £100 last year, he has no good case if he goes on appeal. But if a man has been assessed on £200 last year when his total profit was only £100 and he managed to pay an assessment on £200, and this year he is assessed on £300 when his total profit is only £100, how do you expect him to pay the new assessment and how do you expect him to pay the assessment on £200 which he has paid the previous year?

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My humble advice to this Government is that if the 25 per cent which is paid on appeal is considered too low, it might be increased to 50 per cent. But it is nothing good at all to expect a man to pay all the amount of assessment before he goes on appeal.

Similarly, clause 3 of this Bill is onerous, in that under this section the Minister wants anybody who appeals—(*Interruptions*). Oh, Mr Speaker, I wish to refer to clause 3, original:

“Notwithstanding that any appeal is pending before any local committee or any court tax shall be paid in accordance with the assessment of the Board or the area assessment committee, as the case may be, within the period prescribed by or under this Law for the payment thereof and if it is not so paid, criminal proceedings for failing to pay and civil proceedings to enforce its payment may be instituted against the person concerned in accordance with the provisions of this Law:

Provided that any person who before appealing to a local committee has deposited with the Board or the rating authority, as the case may be, 25 per cent of the tax due from him shall be liable to pay, not later than 31st March, 1962, only the balance of the tax due under the assessment appealed against and not so deposited, and any part of the tax already deposited shall be deemed to be part-payment thereof”.

This is what we say will be onerous for the tax-payers. If they are going to pay anything at all, pending the appeal, they should not pay more than 50 per cent.

In respect of the provision about the interim measure, people who have paid 25 per cent are now expected to pay the balance before the 31st March this year. I would humbly say, Mr Speaker, that these people also, even if the Government has not budged in respect of all the other provisions—these people who have paid their deposit of 25 per cent should be allowed to pay the whole of what they have paid last year, if that is also less. If the man has paid £4 last year, and this year you assess him on £20, and he has paid a deposit of £5, how now would you expect him to pay the balance of £15? Why don't you allow him to pay what he has paid last year, which is £4, pending the determination of the appeal. And if the Government has got the interest of the people at heart, as I venture to hope, then the Government will not be averse to making

that provision for making that change enabling people who have paid their percentage to pay the difference between the percentage they have paid and the amount of tax they paid the previous year.

There is no doubt that members of the Government are well aware that the customary courts have become a nuisance in this Region in respect of their dealings with tax assessment. In my constituency, a man was prosecuted in the month of August last year because he paid his tax of £2 12s 0d in February instead of December. He could not pay the amount in December; he paid in February, and in August of the same year, six months after he has paid the tax, he was taken before a customary court because there were local council elections pending, and he was jailed six months without any option of a fine, contrary to the provisions of the Law! And before he was jailed, representations were made to the Local Government Adviser that this man was going to be jailed. An Action Group member for Ilesha had said that the man should be jailed, but the Local Government Adviser said nothing; the Permanent Secretary in the Ministry of Local Government could not do anything, and the man had to go to jail! A man who has paid all his tax six months previously! I think that if these things come to you, you will realise the importance of establishing in this Region something like a tax court to be chairmanned, or to be presided over, by trained practitioners—trained lawyers—and let these people go round when the time comes and sit over tax appeals, than to have people at the time of elections.

If you do this, I think it will lend credit to the Government; but on the whole, Mr Speaker, this Bill, as it stands, is opposed by us on this side of the House.

**The Regional Minister in the Ministry of Justice (Mr J. E. Babatola):** Mr Speaker, I join the band of hon. Members who support this Bill. May I say, as a Minister, that legislation such as this, whether in its original or amended form, should fall into one of three categories.

Firstly, legislation may be unsound or unreasonable in its conception, and consequently injurious in its application in the short run as well as in the long run.

Secondly, a law may, notwithstanding the merits of its conception, impose hardship, real or apparent, in the short run but prove profitable in the long run. The law, as it is at present applied, appears to me to fall in this category.

[MR BABATOLA]

Thirdly, the purpose of legislation may be well conceived and profitably executed to the satisfaction of all concerned. The amendments now being proposed and calculated to raise this Region's income tax law falls in this category of legislation. I come to this conclusion for two reasons.

Firstly, the amendment which stipulates that the tax-payers should deposit the whole of the assessed sum or the amount of tax paid in the previous year, whichever is the less, makes it possible for our local councils to obtain funds with which to maintain the social services for the welfare and convenience of the electorates. If we allow the present state of affairs to continue, the councils will lack the necessary funds which it requires for the health, convenience and welfare of the people. Thus, the amendment corrects a situation which, as I have said, some mischievous politicians apply; that is, politicians who try to mobilise popular sentiment and opinion against the payment of tax. Such politicians, in my view, Sir, are unpatriotic in their motives.

Secondly, Sir, I praise this Bill since it provides that the tax-payer should pay the amount of the previous year's tax, if that is less than the current year's assessment. Thus it becomes abundantly clear that this Government has, as its policy, the convenience of the tax-payers. It is a vindication of our consideration and sympathy which members of this Government have been noted for.

Now to come to one point which the Member from Ilesha has raised, namely, the case of a man who was jailed at Ilesha. I remember, Sir, that when the hon. Member from Ilesha reported this matter to me, I did say at the time that the person concerned should go and appeal and that a report of the Judge concerned should be made to the Local Government Service Board. That, I hope Sir, vindicates our assertion in this House that we do not support unscrupulous members of Customary Courts. We do not know much about the appointment of these Customary Court Judges. There is a Local Government Service Board which makes these appointments, and the Ministers have no hands in these appointments. The Action Group as such, in any of its localities, is not involved in making these appointments. We should not forget that human beings have their frailties, and that these Judges are not, throughout the Region, exclusively drawn from the ranks of Action Group Members. There are some NCNC Members of cus-

tomary courts. (*Prolonged interruptions from Opposition Benches*). That is to say, those who were NCNC members before becoming members of customary courts. But, according to our policy, the Local Government Service Board makes them understand that, immediately they take up their jobs as members of customary courts, they must not play active politics; they must not show any bias as politicians. However, they are allowed to vote; they are allowed to exercise their other political rights short of playing party politics.

Mr Speaker, Sir, I beg to support.

**Mr J. U. E. Agbaza:** Mr Speaker, Sir, I rise to support this Motion, and in supporting it I wish to say that this Bill is not contentious in any respect. It is a Bill which should be supported by both sides of the House. From the Objects and Reasons shown on the draft Bill you will observe that there is nothing which is bad or which is objectionable in the Bill.

Members on the other side of the House have started opposing the Bill while, quite frankly, I don't see any reason why they should do so. The hon. Member for Aboh said that the assessment committees were not good at all. He himself will remember what happened at Aboh where NCNC members went to fight members of the assessment committee.

Mr Speaker, Sir, there is a particular reason why the NCNC members are opposing the Bill. You will notice that under the existing Law one has to pay 25 per cent of the amount before one can appeal. With that type of thing, if a person were assessed on £1 18s 3d he would only have to pay 9s 7½d. He would keep the difference for a period of one year. The result is that the Government will not get the money, and the appeal will not go on.

Mr Speaker, Sir, if I might be allowed to say so, the Member for Urhobo is the chairman of a local council and his council cannot even pay their staff for four months.

(*Government Benches: Fire on.*)

**Mr P. K. Tabiowo:** That is a very serious allegation. It is utterly untrue. It is not correct to say that my council has not been able to pay for four months. On the other hand, it is his own council which could not pay its council staff for six months.

**Mr Agbaza:** Look at him; he lost a local election to an Action Group pupil teacher. That is a shame. He should resign. It is no use for you to come here and make allegations of suppression and annihilation. I am sure you don't even know the facts yourself.

Mr Speaker, Sir, this Government has taken a step in the right direction about the question of tax assessment in this Region. The law as it stood was too loose.

The hon. Member for Aboh said that there would be trouble. He promised to incite the people to commit crime. Those of us who come from Urhobo Division know this to be true: if you go and arrest a rate defaulter he will not accept a demand notice. If you ask him to go and attend a customary court, he will not, for he will tell you that the Midwest Government is coming and that when it comes "we shall attend its court". The NCNC incited them not to go to the customary courts, and if I have to give other instances since this question of their State which they will control when they go to heaven, not even on this earth—(*Applause from Government Benches*)—you will be surprised.

At a place in Isoko, called Irere, when the messengers went to tax defaulters, what did they do? They locked the messengers up and I had to call two policemen in order to release the messengers. At a village, Elu, messengers took a van to arrest rate defaulters. The people broke the van and beat up the messengers, and it also became necessary for us to get the Nigerian Police to release the messengers. NCNC rate defaulters went and beat up customary court members in an open court and the rate defaulter who was taken before the court was released by them by force, and they told him that when they get their own Midwest Government they would try him. They took their man out of the court.

The NCNC in this Region is growing wings. The wings must be cut; otherwise they will continue at this rate and, of course, nobody will entrust the destiny of this Region into their hands. How do you wish to control millions of pounds which are owned by the Government of this Region when you cannot control the accounts of a local council?

Mr Speaker, Sir, I do hope that the time has come when the question of tax policy has to be understood by the NCNC as a measure—it is a measure—alone of the Government. It is not a matter which they should decide. If the Government believed that they had to pay twenty-five per cent down, and now the Government believes

that they have to pay more and the Government rectifies the position, they have to agree that it is so. We on this side of the House believe for once that the NCNC has no right to come here and oppose this Bill. (*Opposition Benches: We have every right to do so. We are the watch-dogs of the people*).

It is not enough to oppose a Bill because you want to oppose it. This Bill is reasonable. That is what I want you to understand. (*Opposition Benches: Go and explain this measure to your electorate*).

Hon. Members on the opposite side know very well that local councils nominate their members for the assessment committees, and these include both NCNC and Action Group supporters, so that once Government has approved the committees the duty of the councils is to work with these committees. It is not right to come to the floor of this House and say that the people you recommended are not good.

A member has said that there will be trouble. He is already anticipating trouble when it has not come. That means that, as usual, he will incite the people.

Mr Speaker, Sir, I think that the Attorney-General should look into the possibility of providing special magistrates to try only rate defaulters because, if there are no magistrates, they will not come to the customary courts and so the councils will be in the same trouble in which they were. (*Opposition Benches: Good. That is one of the points we made*). But I am sure I am talking of the rate defaulters, not of the appeal. You definitely know that, last time in Urhobo, you brought about ten lawyers, and how did you end? The people paid the rate. (*Opposition Benches: How much did you pay?*) Go and ask the Clerk of the House; he will tell you.

Mr Speaker, I would not like to waste the time of the House. (*Opposition Benches: You have already wasted it*). Those whose rates are still outstanding should go and pay. A special arrangement should be made with the Nigeria Police to see that these rates—(*Interruptions from Opposition Benches*).

Mr Speaker, Sir, some members of the Nigeria Police have taken it upon themselves to be the agents of the NCNC in certain parts of the Region. For instance, when an Action Group member goes to the police, they will take no action, and when an NCNC goes they will speed up action. What is happening is this, Mr Speaker. If you take a rate defaulter to the court and a customary court finds him guilty, he runs to the Nigeria Police to report that, because he had not

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given the president £2, that is why he was arrested. The next thing the police will do is to drag the president and all the members of the court to the police station for questioning. If the NCNC continues to do that, it is very bad. Those members of the Police Force who are unscrupulous assist the NCNC in this way.

**Mr Speaker:** This appears to be a convenient time for a short break.

*Sitting suspended at 11.50 a.m.*

*Sitting resumed at 12.45 p.m.*

**Mr D. E. Okumagba:** I have to thank the Speaker for affording me an opportunity today to comment briefly on this Bill.

Anyone who has watched the events in the Western Region in the past four or five years in connection with tax assessment will agree with me that there is nothing in this Bill to recommend it. When the Leader of the House stood up to move the Second Reading of the Bill, I expected that he would give us other reasons than those given in the objects of the Bill to convince us of the necessity for this amendment, but instead, after hearing his speech, I was convinced beyond doubt that the Government has not given us sincere cause for introducing this amendment.

I am most surprised that the Action Group or the Western Region Government, that is made up of people who are from time to time putting up bigger struggles in the attempt to present fundamental human rights, have introduced a Bill that makes it impossible for an individual to seek redress when he considers himself aggrieved. The Action Group must be ashamed to introduce a Bill to this House that will not give an individual the right to appeal. I say this because, in the Bill, the provision for appeal does not help the appellant—the right for appeal is virtually denied. Why should he appeal? Before he is allowed to appeal he is bound to pay the tax for the last year or the one for the following year. I think the majority of people have appealed against their assessments because they find that they cannot pay the amount they have been assessed. But, according to the provisions of this Bill, you have to pay that money, whether you have the money or not, or there is no necessity for appeal.

I meant to challenge the Attorney-General when he said that there is no provision in the Bill that necessitates anything like double punishment. In the Bill, there is provi-

sion for criminal procedure against any tax defaulter. Now, it is common knowledge that in connection with all tax assessments the battle will be, and will always continue to be, a battle between Action Group supporters on the one side and NCNC supporters on the other side. Whether you believe it or not, this is the position. I would like it very much if there were provisions in the Bill stipulating that all appeals in tax matters should go to the Magistrates' Courts or the High Courts. Then we should be convinced that there is sincere intention to correct the mistakes they (Action Group) have already made.

There is another aspect of the Bill which is very, very undesirable. I refer to the retrospective nature of the Bill. At the moment, there are a number of tax appeals all over the Region. In Asaba Division alone, there are tax appeals, which are more than 8,000, that are lying with the High Court, and there are several in other Divisions in the Midwest and all over the Western Region. Now, it is provided in the Law that all people who have been assessed to pay any amount are bound to pay whatever they have been assessed not later than 31st March, 1962. Why should you introduce a Bill that still has effect on the things that have been done in the past? Should the Bill have retrospective effect, I think that would be a very bad trap to be used by the Government of the Region; so, if they are sincere that their only purpose is to make some adjustment in the Bill to make the collection of rates and taxes a little easier, there should be no necessity for making the Bill retrospective.

Now, before I take my seat, Mr Speaker, I want the Leader of the House, the hon. Minister of Finance, and members of the Government to take note that this is a serious matter and there should not be any doubt as to the effect of this Bill if it passes this House today. You have given the instrument of oppression, without any hesitation, to your supporters. They will assess arbitrarily; they will institute criminal proceedings; they will institute civil proceedings against supporters of the NCNC. I have no apology in announcing to this House that the passage of this Bill this afternoon would be an act of declaration of war—civil war—against members of the NCNC, and I here, on the floor of the House, call on the members of the NCNC to come out in this civil war in self-defence. There is no need introducing a Bill that will bring nothing but hardship on the members of the NCNC. If there is any sincere purpose in the introduction of this Bill, we should have seen some provisions in

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the Bill which make it impossible for those who will be responsible for tax assessment to tax people arbitrarily.

When the Leader of the House introduced the Bill he agreed with me when he said that there was no doubt as to whether or not there were arbitrary assessments everywhere. I agree with him, and he should agree with me too that there are people who will be frustrated and who have in fact been reluctant to pay these taxes and rates assessed because they have been assessed arbitrarily. Then, if you are making provisions in the amendment to make possible the easy collection of taxes or rates, one would expect that you (the Minister of Finance) would have thought that there was a necessity to introduce some provisions in the Bill that would make it impossible for those who would be responsible for tax assessment to tax people or assess people arbitrarily. Since there is no provision like that in the Bill, I agree with other speakers in maintaining that the only purpose of the Bill is to make it possible for the members of the Action Group all over the Region to oppress members of the NCNC to submission.

Mr Speaker, Sir, I oppose the Bill.

**Mr A. A. Adesanya:** Mr Speaker, Sir, this declaration of war against tax evaders and tax defaulters is the declaration of war against the supporters of the NCNC; my Party is proud to declare that war. (*Hear, hear*).

Mr Speaker, Sir, I personally cannot think of anything more logical or more sensible than the explanation given by the mover of this Motion and the seconder. It is quite plain, and I thought that perhaps the Opposition would be contented with that, and waste no time. In fact, the learned Gentlemen over there, particularly my learned senior gentleman, the Q.C., will never make any attempt to talk over this matter because.....(*Interruptions*). He only tried to push the juniors forward and say "Come along; you just study it; I will do the game myself and talk on this Bill because it is really proper".

Mr Speaker, Sir, what the Opposition have been talking since morning is this: that there is arbitrary assessment and that, perhaps, this will be used as a weapon by the supporters of the Action Group against the supporters of the NCNC. In that very respect, Sir, I think the assurance given by the mover and the seconder is definitely sufficient. Out of twelve you will definitely get a Judas, and in any party or any association where we

have thousands, we must definitely get Judases. There is no doubt about it. (*Interruptions*). But there are some Judases in the NCNC. (*Interruptions*). The point is this, Sir. When it comes to the question of victimisation, well, human nature being what it is, there are some people who are really over-enthusiastic and who will use the weapon in their hands to do worse things on earth. And it has been said in this House (and I am repeating it) that the policy of the party to which I belong, the Action Group, is that we shall never, never at any time, tolerate victimisation of political opponents.

Mr Speaker, Sir, I will only refer the Opposition to certain points which they think they have made in this House. It has often been said that charity begins from home. What are their attacks on this Bill? Let us go straight to section 2 of the Bill which refers to the question of conditions of appeal. What are the conditions laid down? Pay ordinary 5s. And the second condition is this, that before you appeal you will pay the sum assessed, either the one assessed last year or the new assessment—whichever is less. Well, in the Federal Government, Sir, we have the NCNC and the NPC managing the government of the Federation; and what is the tax law in the Federation? In that case, Sir, I would refer the House, if Mr Speaker permits me, to section 40 (c) of the Income Tax Law as published in the Supplement of the *Official Gazette (Extraordinary)* No. 47, Vol. 48 of 30th June, 1961. That one states that before you can appeal when you are assessed in the Federation of Nigeria, that is the one controlled by the NCNC and the N.P.C., you would be asked to pay a deposit of an amount equal to the tax you paid in the preceding year or one-half of the tax charged by the assessment under appeal, whichever is greater. (*Interruptions*).

Mr Speaker, Sir, the only pity is that the Opposition would not listen; they read their Bills upside down. In the Federation of Nigeria, where the NCNC and the NPC control the government, the condition of appeal, Sir, is that you deposit either the amount assessed for the preceding year or half of the assessment for this year—whichever is greater. (*Interruptions*). Mr Speaker, Sir, what have we done here? The point is this, Mr Speaker. If last year, according to the Law in the Federation, you were assessed £20, and this year you are assessed £60—well, half of £60 is £30—before you can appeal, you have got to pay £30 instead of £20. (*Interruptions*).

What is the position in the Western Region? Here, if you were assessed £10

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last year, and you are assessed £20 this year, before you can appeal, you will pay whichever is the less—which is £10. (*Hear, hear*). The gentlemen of the Opposition will say that this thing is oppressive. If it is oppressive, I would advise the gentlemen in the Opposition to go home and co-operate and try to right the wrongs in the Federation.

Mr Speaker, Sir, as it is not usual for the Members of this side of the House to repeat themselves, I will try as much as possible to be brief.

Let us go to the second point which the Opposition will want us to believe a bit. Well, the fact is they are just trying to play to the gallery. Let us come to the question of double punishment. They say there is double punishment; but criminal action should be taken as well as civil action. That is what they regard as double punishment. In that case again, Sir, I would refer to the Income Tax Law of the Federation of Nigeria, that is, sections 59 and 61. (*Read it*). With the permission of the Speaker, I will read it.

“The institution of proceedings for or the imposition of a penalty, fine, or a term of imprisonment under this Act, shall not relieve any person from liability to payment of any tax for which he is or may become liable.”

(*Hear, hear*). This states that the provisions of this Act shall not affect any criminal proceedings under any other enactment. And what do we get here? It only says what we all believe, and I am sure the Opposition too do believe, that tax defaulters and tax evaders are the enemies of the State. If there are enemies of the State, well, there will be punishment meted out to them. What this Law just states is: because you are an enemy of the State, there must be a penalty for that and the amount you owe to the State, despite all this, must still have to be paid.

Sir, I make an analogy: If somebody, say, a clerk of the Barclays Bank, misappropriates funds, say, about £60 or £600, he is criminally liable for what he has done. But that fact alone would not prevent the Barclays Bank from suing this man or taking him up by civil action to recover that particular amount. That is exactly what the Government of the Western Region is trying to do. Because you are trying to evade tax, you are punished and the amount you owe, whether you like it or not, would be got from you. (*Hear, hear*). I do not know how the question of double

punishment comes in. If after a criminal action is taken somebody pays that amount, the question of civil action would not come up because, by that time, he would no longer be liable because he has paid after the criminal action, and therefore, Mr Speaker, I say, and I am submitting to the members of the Opposition, that I am trying to teach them that there is nothing like double punishment in this particular Act.

The other point the learned Gentleman on the opposite side tried to make before he went away—it is a pity he is not now here—is that the onus of proof, according to this Bill (section 6 of our Bill) takes away what is known as the Common Law right of the citizen. If anybody, without lawful justification or excuse, tries to evade tax or refuses to pay his tax, the proof there lies on the person charged. The hon. Members said that by doing that we are trying to place an embargo in the way of somebody who appeals, and that we are evading the onus of proof to the defendant. Well, Mr learned Gentleman, I am definitely sure that the other two gentlemen, who are really your seniors, could not make such a point. They know it is definitely out of place, and I am really happy that my learned Gentleman over there will never make that point because he knew quite well that it was really irrelevant; because the question of proof in this material case is something that is fully well known to the other side.

In the general law of this country, and any country for that matter, if anybody owns a fire-arm without a licence, and is caught and taken to Court, the onus of proof lies on him to prove that he obtained the licence. It does not lie on the prosecution to say “Oh yes! he has not obtained the licence”. The onus of proving or submitting your licence lies on you, and immediately you come out of that, then the thing can shift.

Well, my learned Gentleman—(*Interruptions*). In that particular respect, Sir, may I refer again to section 45 (4) of the laws of the Federation of Nigeria as far as the question of income tax is concerned. This section of the law confirms that the onus of proof lies with the man who, without any lawful justification or excuse, fails to pay his tax and is subsequently brought to the law court. In this connection, Sir, first, such a person is required to pay the income tax within the period of one month. Again, according to section 2 thereof, such a person shall be guilty of an offence against this Act. What is good for the goose, I am sure, is good for the gander. But the Opposition will

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come here and say, "Never you mind what is going on in the Federation; it will never happen in the Western Region".

Again, an hon. Member from the other side got up to say that the Bill is retrospective. I would like the hon. Gentleman to read the Bill well; if he does not understand it properly it will be his duty to refer it to other hon. Gentlemen in his presence here for them to explain it for him. There is not anything retrospective in this Bill. The Bill says "in March 1962"; it never says "March 1961". (*Interruptions*). How does my hon. Gentleman come about the word "retrospective" in this case? Assuming, Sir, that this Bill is retrospective, the learned Gentleman in the Opposition knows quite well that when it comes to the question of Income Tax Law or Bill, it is definitely allowed that such things should be retrospective. The hon. Gentleman knows that, and that is the reason why the two learned Gentlemen who have spoken in the Opposition never mentioned anything about whether this Bill is retrospective or not; but the unlearned gentlemen in the Opposition definitely hammered it and I wonder if they understand what is meant by parliamentary language. If they had understood it, they would not have raised such a nasty point. (*Interruptions*.)

Mr Speaker, Sir, as I have already said, I would like to be brief on this occasion. (*Interruptions*). Most of the members of the Opposition have now learnt their lesson. In these circumstances, before they come here next time, if we are introducing any Bill in this House, they would know how to attack it. However, I will conclude that the Opposition will have to go home and read the legislation in the East and in the Federation of Nigeria. Ever before they come here to point a finger at us, they should realise that the remaining four fingers are really pointing against them.

Mr Speaker, Sir, I beg to support the Bill.

**The Premier:** Hon. Mr Speaker, I do not want to repeat what had already been said on the floor of this House by hon. Members of this side. But may I emphasise one point, and that is, that no administration can function efficiently without financial support by the public. Whether on the local level, regional level or federal level, it can only subsist on the support which it receives from the community. But one fact has made itself manifest in recent years, and that is that the members of the community—a reasonable section of the members of the community—are now well aware that they

pay for their own progress and that when they pay tax to their own local administration, it is in order that the administration may be able to serve them. When these taxes are collected locally, in any part of the Federation, the taxes are collected to support local administrations—not a penny of tax collected in Ilesha or in Benin or in Ekiti comes here. The tax is for the people themselves, and for the use of the people themselves. If we know that, it follows logically that there are no earthly reasons why I should go to oppress people in Ilesha in order that they may pay for their own profit. (*Interruptions*).

There is no reason why we here should try to oppress people, either in Ishan or in Benin or in Urhobo, to pay their tax. If they pay their tax, they pay for their own profit and, after all, what do they use the tax for? They do not use the tax they collect locally to pay a penny out of the salary of the Minister of Local Government. They collect the tax to pay for their own salaries, to pay for their own chiefs, to pay for their own Policemen, to maintain their own local administration. We all know those who love to support the people to pay in order that they may be able to maintain an efficient administration. Anyone, therefore, who discourages people from paying tax, openly or secretly, directly or indirectly, is an enemy, not only of the whole Region, but of his own immediate community. (*Cheers from Government Benches*).

If taxes are not paid, no local authority could be able to maintain a single dispensary, no local authority will be able to maintain a maternity centre, and no local authority will be able to construct roads or maintain its own roads or be able to support any scheme for supplying urban water. It is therefore not surprising that members opposite used to give the impression that I have not fulfilled my part as a teacher. (*Interruptions*). I am not here to attempt to play the role of a schoolmaster. (*Hear, hear*). I hope that some of my pupils here will have a better retentive memory. (*Laughter and applause from Government Benches*).

We on this side of the House will never oppress anybody as far as the question of tax is concerned. In fact it will be a disservice to the whole country for anybody to use tax as a measure of oppression. I repeat in all honesty that in every fold—in every fold—you have black sheep.

As far as Ilesha is concerned, when an hon. Member of this House used to adorn the chair of the Chairman of the Ilesha District Council, there were persistent complaints



that taxes were being used by those in power to further their own political ends. *(Interruptions)*. I am not in doubt that no hon. Member of this House will subscribe to the idea of using tax as an oppressive measure, but, very often, you may have devotees or followers who are much more zealous than yourselves and it is likely that here and there in the Region you may have people who believe that they could further their political ends by using tax measures as a weapon. We deprecate it on this side, and I am sure that you equally deprecate it on the opposite side. The best for us to do is to co-operate in order that we may discourage these classes of the community who bring no good to either that side or this side. *(Cheers from Government Benches)*.

I am sure that what I am saying represents the will of the Action Group as a Party, and represents the policy of this side of the House, and I have no hesitation whatsoever that it is part of the policy that is animating even the Members opposite me. After all, the Leader of the Opposition used to be with us for many years, and some of the policies which we had jointly evolved then never took him unawares. *(Prolonged interruptions from all sides of the House)*.

I appeal to hon. Members that wherever we find cases of oppression, cases of persecution, cases of people who intend to take the law into their own hands in order to further their own political ends, the best thing is to approach the appropriate Minister, and I am sure appropriate action would be taken.

Referring to the case of Akure, it was only last year that representations were made to the hon. Minister of Local Government on tax assessments in Akure. He lost no time and went to the place, and all the damage was rectified. If similar cases are reported, I am sure appropriate action will be taken by the Government. What we should not encourage is for people to continue to suffer in silence. It is for people to let us know what is happening. We feel that somebody is misrepresenting this Government and that somebody is oppressing the people in the name of this Government. We are prepared to join hands with you to discourage such a thing. *(Cheers from Government Benches)*.

We would like the truth to be known, and will be very wrong for anybody to assume that all the virtues in this world are the exclusive possession of those who are with me. We do have a touch of humanity in us and, occasionally, you concede to us that we are citizens of this country. We love the

citizens of this country as much as you do, and we would not like anything that will tend to oppress them.

May I give one assurance on the floor of this House—that as far as the cases referred to in the Midwest are concerned, we are prepared to deal with all of them with due consideration in accordance with law.

Under section 48 (a) of the Income Tax Law of Western Nigeria, that is, No. 16 of 1957, we are prepared to invoke a provision under it so that the hon. the Minister of Local Government would reconstitute all the local assessment committees and tax appeal tribunals locally. He would reconstitute them in such a manner that they will represent not only the Action Group, but the NCNC as well as the Independents.

I shall be happy if hon. Members can give the Government a chance and you will co-operate with us to give it a fair trial. I am sure it will satisfy most of these areas. *(Interruptions)*. At times, there are cases of unnecessary abuse where, for instance, a man is asked to pay a flat rate and he complains of arbitrary assessment. This is rather discouraging. I am sure that the Opposition will join us so that we can all play our part as good citizens of this country.

We have a duty as members of political parties in this country, and if we have any cause for complaint we can approach the Ministry concerned. I am sure that, by God's grace, all shall be well.

**Mr Fani-Kayode:** Mr Speaker, Sir, before I speak I would like to answer very briefly two points made by the hon. Premier of the Region. The hon. Premier may have realised those happy days when we were Angels. *(Interruptions)*.

**Chief Akintola:** In those good days I always saw you wearing white shirt. *(Laughter)*.

**Mr Fani-Kayode:** In this statement I would like to remind the hon. Premier that this Government should do everything it can to remove the use of the machinery of local government as a political instrument. I repeat, Sir, that allegations from all parts of the Region are so rampant and so continuous, and various events that happened in many parts of the Region are so many as to make it difficult for one to close ones' ears to such allegations. If enquiries are made in the face of the allegations, by the hon. Premier, supported by the facts, I am certain that the Premier will not be failing in his duty in exterminating those members who are driving our supporters to the wall, because there is

[MR FANI-KAYODE]

no doubt that when a man is in fact driven to the wall by the use of methods which are, not orthodox, he will react.

First, Sir, this Bill is innocuous on the face of it. But it could be used very easily as an instrument of political oppression.

So long as direct taxation forms the basis of the economy of the Action Group Government of the Western Region, so long shall we of the Opposition support such a policy—although I personally do not believe in direct taxation as a means of creating an exuberant economy in a developing country.

Yet we of the Opposition shall continue to support the fiscal policy of the Government, but only where such policy is fairly exercised amongst all the people of the Region irrespective of political leanings.

Western Nigeria is an integral part of the Federation of Nigeria. In Nigeria today, despite all the shroud, the paraphernalia and the facade of democracy, the greater part of the country is on the cross-roads between democracy and anarchy. We of the NCNC have, time and time again, stipulated that the machinery of government in the West, especially taxation, has been used as political weapons by the Government against political opponents. The Action Group Party has also seriously levelled similar charges against the Northern Regional Government.

It is useless for the Ministers in this Government, or any other such Government, to give assurances of non-participation in such acts of oppression. Whether they are directly responsible for such acts or not, they are vicariously responsible.

Let us today realise the importance of Nigerian democratic solidarity in the Africa of today. Let us realise that on our country lies all hopes of African union. Let us in the West limit our political struggles within the letter and the spirit of the Constitution.

In my absence from this country, a truce was entered into between the President of the NCNC and the Premier of Western Nigeria. Let us be great enough to struggle constitutionally and peacefully.

The Ministers in this House assure us that they have no hand in the extra-legal activities of their supporters all over the Region. They must go further. They must restrain them. Mr Speaker, Government and Opposition must struggle in harmony. The only alternative is chaos and anarchy. For extra-constitutional methods of sustaining a Government can only be defeated by extra-constitutional methods.

The choice is squarely that of this Government. We of the Opposition would gladly accept the former; but if Government makes the latter choice we on this side of the House shall not shrink from our duties and responsibilities at the appropriate time.

But when the Government is making its choice let it remember that "unmindful of their fates, the little victims play". The world Imperialists have not given up hopes of the colonisation of Africa. Their next step is "exploitation of Africa without consideration"—that is economic exploitation without the financial burden of political administration of the exploited. Chaos in Africa is the prayer of the white man; stability and solidarity among black men his greatest fear. Nigerian solidarity in federation is the greatest example of the possibilities of African union, and African union is the only defensive institution that can not only save the black man from exploitation but also make him a World Power.

The destruction of democracy in Africa will be the greatest victory for the Imperialists for if the much vaunted unit of the different peoples of Nigeria is shattered, what hopes has Africa? (*Applause*).

Mr Speaker, the black man has nowhere in the world to rest his head, except in Africa. Let us in the West, in God's name, set the pace for constitutional progress to the glory of our country, our continent and our race. (*Cheers from all sides of the House*).

Any action on the part of the Government which might break the Opposition must have its own reaction.

**Chief Akintola:** I feel like giving you a kiss!

**Mr Fani-Kayode:** I am speaking for the Opposition. We shall not cease in using every constitutional effort to achieve our objective. Any attempt, Sir, to move one inch outside that orbit must bring chaos to this country, for which we shall all suffer. (*Cheers*).

**Chief Odebiyi:** We have listened to the wonderful speech made by the Leader of the Opposition particularly on his return from America where he has seen the world entirely in its true perspective. All I would say is that if the Opposition follows the spirit of the speech of their leader, then a new Nigeria has dawned and the whole of Africa will be better for it.

*Question put and agreed to.*  
Bill accordingly read a Second time and committed to a Committee of the whole House. Bill immediately considered in Committee. (In the Committee.)

Clause 1

**Chief Odebiyi:** I beg to move to amend Clause 1 to read—

“This Law may be cited as the Income Tax (Amendment) Law, 1962” instead of

“This Law may be cited as the Income Tax (Amendment) (No. 2) Law, 1961”.

*Amendment proposed.*

*Amendment put and agreed to.*

*Clause 1, as amended, agreed to.*

*Clause 2 agreed to.*

*Clause 3.*

**Mr Olowofoyeku:** I beg to move an amendment to the proviso to clause 3 as follows:

“That between the words “against” and “and” the following words be inserted:—

“or the amount paid by that person for the preceding year of assessment, whichever is less”.

In doing that, I would refer hon. Members to the speech made by the hon. Member for Ijebu who cited the example of somebody who was assessed at £20 in the preceding year and assessed at £60 this year. When the hon. Member mentioned this example, hon. Members of the Government Party applauded him. Under the hypothesis that a man was assessed £20 last year and £60 this year and that he has paid 25 per cent of the assessment, it means he has paid £15; and he has appealed. On this amendment then, he will have to pay the balance of £45 before his appeal is heard. (*Several Government Members: No, no.*) Provided that that person, before appealing, has deposited with the Board or Rating Authority, as the case may be, 25 per cent of the tax, he shall be liable to pay, not later than 31st March, 1962, the balance of this tax bill under the amending Act. If the appeal has not been decided, it would be wrong to make him pay the whole of the tax appealed against. He should not be made to pay the whole of the tax, until the appeal is decided. If the appeal is decided in his favour, then whatever balance he has to pay he will have to pay. If the appeal is decided against him, then he will have to pay.

*Amendment proposed.*

*Amendment put and negatived.*

**Mr A. T. Rerri:** Mr Chairman, Sir, I am proposing an amendment to the effect that the whole of the proviso to section 3, sub-section (1), be deleted, because the insertion of the proviso there could encourage a kind of retrospective legislation.

For instance, there could be a man who, at a time in 1961, lodged an appeal against,

say, an assessment of £20 while the Law then was that he should deposit £5 or £25. Under this Bill he will be required, on or before the 31st March this year, to pay the balance of £15 even when the appeal has not been disposed of. In my opinion, Mr Chairman, the effect of that proviso, as a part of the Bill, will be to affect the person concerned in a retrospective manner. That is my reason for saying that in order to give protection to those who have appealed under the old Law, we should delete the whole of that.

As most of us are saying in this House, this Bill is a deliberate move—(*Government Benches: Speak on the amendment*)—to annihilate the NCNC as a party in this Region. I want to point out that, right in my own constituency, there are very many NCNC supporters who have been given any amount of arbitrary assessment and which in fact has caused some sort of trouble in that area which contributed to the breakdown of law and order in the Region.

**Mr Chairman:** The question of breakdown of law and order is not relevant to the amendment proposed. There is no breakdown of law and order in the Region.

**Mr Rerri:** This (*holding a photograph*) is a picture of an Action Group man, a contractor, a rubber owner, who was assessed an amount of £1 12s 6d. This (*showing another photograph*) is another picture of an NCNC supporter, a poor rubber tapper, who, because he has voted for the NCNC, was made to pay £12 15s. (*Loud interruptions from Government Benches.*)

**Mr Chairman:** The hon. Member's time is up.

*Amendment proposed.*

*Amendment put and negatived.*

*Clause 3 agreed to.*

*Clauses 4 to 6 agreed to.*

(Mr Speaker resumed the Chair.)

*Bill reported with amendment, read the Third time and passed.*

WESTERN HOUSE OF CHIEFS  
(SELECTION OF CHIEFS)

(AMENDMENT) BILL

SECOND READING

Order for Second Reading read.

**The Minister of Chieftaincy Affairs (Dr J. O. Omitowoju):** Mr Speaker, Sir, I rise to move the Second Reading of a Bill

[DR OMITOWOJU]

for a Law to amend the Western House of Chiefs (Selection of Chiefs) Regulations, 1960, which is an "existing law" of the Region by virtue of section 3 of the Nigeria (Constitution) Order in Council, so as to enable all the remaining vacancies to be filled as soon as practicable. By virtue of the provisions of the Constitution of Western Nigeria, it is necessary to effect such an amendment by a law enacted by the Legislature of the Region. Certain seats cannot be filled in those areas in which electoral colleges could not be created readily in September 1960. These areas included Asaba North-East and Asaba South-East, constituting Regional Constituencies.....

**Mr Fani-Kayode:** On point of order, Sir. I am loath to interfere, but I think the Government should always give us procedural notices. As far as I know, it is only the notice of First Reading that was given to us. *(Interruptions from both sides of the House).*

I am appealing to the Minister to withdraw this Bill for the time being.

**Chief Odebiyi:** Well, if the hon. the Leader of the Opposition feels very strongly about it, we will come back at 7 o'clock. *(Further interruptions from both sides of the House).*

**Chief Osuntokun:** Mr Speaker, Sir, the main purpose of this Bill is to make it possible for certain areas to have members in the House of Chiefs. *(Interruptions from both sides of the House).*

**Mr Speaker:** I want to know the opinion of the House. To have the Second Reading of the Bill today or now is for the House to decide; if not, it is for the House to decide as well. But one thing I noticed was that when we were told of the Bill this morning, I asked for the time of the Second Reading and I was told by the Minister of Chieftaincy Affairs that it was "this day", and that is why it could not have been on the Order Paper—the Order Paper has been printed before today. As far as procedure is concerned, everything is in order. But I should like to know the opinion of the House. *(Interruptions).*

Order, Order. I am wondering whether the Leader of the House would not apologise for shortness of the notice, and finish the whole thing. *(Applause from the Opposition Benches).* *(Interruptions).*

*Further consideration of the Western House of Chiefs (Selection of Chiefs) (Amendment) Bill deferred until later in the day.*

**Mr Speaker:** By my permission, the hon. the Premier will make a Ministerial Statement at this stage.

## MINISTERIAL STATEMENT

### The Economic Position of the Region

**Chief Akintola:** Hon. Sir, Vital Statistics show that the mortality rate in Nigeria is indefensibly too high. This means that the expectation of life of our people is much too low. The health conditions of the people which are responsible for this situation also have an adverse effect on their productive capacity. In order to reduce the mortality rate and improve the productive capacity of the people we have to provide more hospitals, more dispensaries, and more maternity centres. Communities and areas where these amenities do not exist at the moment are clamouring to have them at the earliest opportunity. Generally more money will need to be spent on the development and expansion of our public health services. Where must this money come from?

We must modernise our agriculture, and widen its scope, thereby creating more avenue for employment for a large number of our youths. This does not mean settling one or ten or twenty thousand but hundreds of thousands of our youths on the land progressively. Where will the money to do so come from?

Our economy will be precarious indeed if it is exclusively agrarian. To diversify it we must embark much more vigorously than ever before on industrial schemes. New industries must be established to provide more employment for our youths and to make it possible for more of our local products to be utilised in our own country. In this respect it is true that we may expect some assistance from outside, both technical and financial. Every area clamours for new industry and every hon. Member in this House wants opportunity of employment to be provided in his area for his own people. We are determined to prevent unemployment or to reduce it to the barest minimum. To succeed in this respect requires planning, careful planning, indeed. And the execution of any plan of industrialisation will cost a lot of money. Where will the bulk of the money come from?

We provide the youths of the country and the leaders of tomorrow with opportunity for free education. We are expanding facilities for secondary education. We foster higher

## [CHIEF AKINTOLA]

learning. All these will lead us nowhere if the products of these institutions have no jobs. Our duty therefore does not end in training the youths of the country. We must provide for them the opportunity of making use of their knowledge and experience. To do that also requires planning, and to execute the plan requires money. Who will provide the money?

To facilitate trade, communications must improve. We shall have to build more new roads, tar some of the existing ones, and maintain them all. In the Creek areas the system of transport must be improved. In any event, the system of agriculture throughout the Region must be modernised. Agriculture cannot be modernised without power or electricity and modern water supply. All our communities must be supplied with pipe-borne water. There must be progressive electrification of all villages and towns in rural as well as in urban areas. All these cost money. Where will the money come from?

The development in Western Nigeria in the last nine years has been most phenomenal. It is our duty not only to maintain the present position but to improve it. The gap between estimated expenditure and foreseeable revenue in our new development programme is likely to exceed £45 million. We can hardly expect outside assistance to bridge more than half of this yawning gap; we must ourselves provide the balance from new or increased taxes *plus* economies in the present commitments.

Independence means nothing if it does not make for progress; and no nation can have progress unless she is prepared to pay for it. Are we really prepared to pay for the progress we envisage?

Forty-two per cent of this Region's revenue is being currently spent on Education; still, provision has to be made in our future development programme for a new University, for further expansion of secondary schools, and for the creation of facilities for higher technical education. Who will pay for all these developments?

Shortly after his inauguration as President of the United States of America, Mr John Kennedy issued to his country and to the world a message containing, *inter alia*, his views on the question of aid to under-developed countries. America, he said, must be prepared to spend much more than she has ever done before on international aid. He stressed, in particular, aid to Africa, Asia, and Latin America. He said, in effect,

that the only string that would be attached to future aid by the United States was that such aid must be spent wisely by the donees and given only to those who were prepared to help themselves; if the Governments of under-developed countries would produce economic development plans in consonance with these conditions, substantial aid for their implementation would be forthcoming from the United States Government.

In the last few months all the Governments of the Federation have been engaged in the preparation of development programmes to cover the next few years. Through the National Economic Council these programmes are now being transformed into a national plan for Nigeria which will reflect the hopes and aspirations of this country as a whole and the priorities that the Governments, acting in concert, attach to the different sectors of our economic development.

It would not be fair to the other Governments of the Federation for me to say any more at this stage on the contents of the national plan than that it is certain to involve a terrific amount of expenditure. If it is to be carried out successfully, we shall require the assistance of our friends not only in the United States, and the United Kingdom, but throughout the world. But, however generous these friends may be, the bulk of the finance for this ambitious plan must be provided by ourselves, and that means you and me. It is sometimes forgotten that Governments have no source of income which does not derive from the people they represent. The money we require can only be raised from the people, which, again, means from you and me. There is no way of raising it painlessly. But it is the duty of a Government to see that everybody carries his fair share of the burden. I am sure, that with your co-operation, we shall be able to discharge this duty successfully.

This is a problem facing the whole country regardless of political affiliation. It is a problem which we must face with concerted action and unity of purpose. It would obviously be a pity if this matter of the economic future of Nigeria should be allowed to be prejudiced by unhealthy party political rivalry. In order to avoid this happening, the Governments of the Federation have been planning together, not only the contents of the national plan, but also the manner in which the revenues required for its implementation might be raised, the nature of the sacrifices that will have to be made, and how the burden may be shared between the several classes in the community. Again, for obvious

[CHIEF AKINTOLA]

reasons, it would not be right for me to give any indication at this stage of the decisions of the Governments. I shall content myself with assuring the House that, in formulating their decisions, the Governments are mindful that this situation is one that requires bold and imaginative leadership, and that they are prepared to give precisely that type of leadership. Not only leadership in words, but, I assure you, leadership in action, leadership in sacrifices; not only leadership in prestige and status but also leadership in true patriotism and self denial.

My colleagues and I of the Western Nigeria Government have most warmly co-operated with the other Governments in this matter. We, in co-operation with our party, the Action Group, and our party leaders, are determined to play our part in ensuring that the right schemes for the raising of revenue are discovered, and that they are equitably administered after, of course, the approval of this honourable House. The solution to the economic problem facing Nigeria calls for great sacrifice in which we as Ministers, Parliamentary Secretaries, Board and Statutory Corporation Members and Legislators must take the lead.

We must prove by the measure of sacrifice we make that we are truly worthy of the position of leadership assigned to us. The extent of the sacrifice that will be required of you all will, within the next few weeks, be made known to you. The people generally, throughout the country, will also be called upon to make sacrifices in the interest of their fatherland.

It is for all of us to make major sacrifices. We are prepared to make sacrifices in the interest of the country and in the interest of posterity. The reasons will be explained later, but may I add this: that I do not go into the details of the sacrifices to be made now for obvious reasons. Consultations have been going on within the past weeks between the Action Group and other parties as to the precise nature and extent of the sacrifices required of us.

Nigeria is free, by the Grace of God, and the Independence we have won should be entirely retained. I know it is not easy to make sacrifices, but I think that in the interest of the nation every hon. Member should be prepared to pay his full share to ensure that our ship of state remains afloat. Young men and women should be prepared to raise their lights for the progress of our own country. I am calling on all of you to be prepared to make sacrifices in diverse ways in order to

ensure the independence of our own country, Nigeria.

May I conclude by calling on all of you to prepare the minds of our people and your own against the call that may be made upon you. Before the next Budget Session I will define the nature and extent of the sacrifices that we expect everybody to make.

I pray and trust that we may all—Government political parties, and the general public—prove equal to this, the greatest challenge so far in our history.

**Mr Fani-Kayode:** So long as Government commands the support of the people for the industrial progress of the country and for its economic development, so long shall we of the Opposition support such a question—but no further. Government must reserve to us the right of criticising constructively any measure that might be introduced for the purpose of economic emancipation. If anything is going wrong in the economy of the Region, it is the duty of the Opposition to criticise. So long as we are taken into confidence, and consultations are made and we see the urgency and the need for fiscal changes, so long, again, shall we co-operate.

But again I must warn Government to reserve to us the right to speak if we believe genuinely that the measures proposed by Government are not for the purpose. This economic emancipation which we are seeking ought really to boost up the budget. Because I must make my stand clear right from the word "go". We of the NCNC, Sir, realise the need for austerity at this stage of our history, and we have made our points and stand quite clear at our recent Convention. But, Sir, let us soak the rich by all means, but let us not be soaking them by destroying initiative. (*Cheers*). Let us tax the poor by all means, but at the same time don't let us break their backs in taxing them.

There must be a means in taxation. We must find somewhere to draw a line. Let us give privilege by all means, because privilege brings profit without effort. Let us look into nooks, plan our budget and find where profit comes without effort. I think your Party has set, through its own organs, ways and means of bringing out these cuts. Let us start it at home. Let us start it here. Let us look at houses worth £3,600 on the open market that are being let out for £240. I am not saying that such ills are found only in the Western Region. Let us look at those salaries that the expatriate has created, not as salary due to him for work done, but as salary to create a prestige of the superiority of the whiteman.

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[MR FANI-KAYODE]

There are many of these salaries. Let us look at them—in the Civil Service, in the Corporations, everywhere—and prune them. But let us do so, Sir, without frustration to those whom we pruned. I am saying that these times need drastic changes, not only in the West, but in the whole of the country.

I think, as I have said earlier, that the new exploitation of Africa is economic exploitation without consideration. I use the word "consideration" again in its legal context, which means you get profit by investing nothing. And we all realise that in the past Britain and France had to spend lots of their internal income for the political administration of their colonies. Now they have removed these expenditures. They have placed these expenditures squarely on our own shoulders, and the next step is to exploit us without our participation. In order to participate in the future industrialisation of Nigeria, capital is necessary. Not only capital from Government or Government agencies, but capital from individuals. In this respect, Sir, I hope that the Government of Nigeria will build a new class of people, and a new type of economy that will not destroy the state at the expense of the Government, and *vice versa*. (*Cheers from both sides of the House*).

I am sure that we are going through the rigours.....(*Interruptions*). But we on this side of the House, whenever we are given the opportunity which, God willing, we shall soon be given one day of ruling this part of the country, Sir, shall show by constructive effort that we can build a new economy in this country without hurting either the well-to-do or destroying the poor. (*Interruptions from Government Benches*).

So I say, Sir, with all seriousness, that we support Government so long as it—(*Applause and interruptions from both sides of the House*).

**Mr Speaker:** This also appears to be a convenient time for another break till seven o'clock this evening.

*Sitting suspended at 2.35 p.m.*

*Sitting resumed at 7.15 p.m.*

#### WESTERN HOUSE OF CHIEFS (SELECTION OF CHIEFS) (AMENDMENT) BILL

*Adjourned Debate on the Question—"That the Bill be read a Second time."*

**Dr. Omitowoju:** Certain seats could not be filled in those areas in which electoral colleges could not be

created readily in September 1960. These areas included Asaba North-East and Asaba South-East, constituting Regional constituencies 7 and 8, and Central Urhobo East, Central Urhobo West, Urhobo East II and Urhobo West I, constituting constituencies 115, 116, 118 and 119 respectively.

Furthermore, the Government decided not to hold an election for the selection of a Chief from Ilesha Urban District Council, comprising constituencies 71 and 72, because of the situation in Ilesha Town at the time. Because of the dissolution of the Ilesha Urban District Council at the time, a breach of the law was threatened and it was felt that the election of a Chief in the area might lead to further trouble.

In the Bill all that clause 3 seeks to do is to enable all the ex-traditional members in a dissolved council to constitute themselves into an electoral college for the purpose of the selection from among themselves of the appropriate number of Chiefs in their constituencies into the House of Chiefs. This amendment is necessary because of the special position of these ex-traditional members of the Divisional Council. In areas where there are no traditional members of the council the Chiefs duly recognised under any law in force in the Region, and who were associated with the communities of the constituencies concerned, will form the electoral college to select among themselves the appropriate number of Chiefs in accordance with the provisions contained in the fourth column of the Second Schedule of this Bill.

The Bill is quite straightforward and I recommend it for the support of this honourable House.

Mr Speaker, Sir, I beg to move.

**Mr Igbodaro:** Sir, I rise to second.

*Question proposed.*

**Mr A. T. Rerri:** Mr Speaker, Sir, I have a number of objections against this Bill. I would like to say that the delay in bringing up proposals for filling vacancies in the House of Chiefs from Urhobo Division and from Asaba Division is deplorable. Well, it is deplorable because it is clear that those who are competent to vie for entry into the House of Chiefs have been deprived of their right to do so, and in bringing in this Bill other sources of complaint have been brought in.

Look, for instance, at the way in which the definition of "Chief" has been altered. Well, the old definition is to be desired more than the new definition because the new definition tends to create an atmosphere of

[MR RERRI] artificiality. By the new definition anyone recommended, maybe by local Action Group members from the particular area concerned, can easily get recognised and be called a Chief for this purpose, whereas by the old system Chiefs are chiefs in their own right. (*Government Benches: What about the Eastern Region?*) Well, it does not interest me what other Regions do. Chiefs are chiefs in their rights. Those of you who are Chiefs on the other side know what I am talking about. They are not artificially made overnight. The appointment of a Chief for the purpose of forming an electoral college is undesirable. The idea is that, in the first instance, a number of Chiefs have to be recognised. Who by? By the Governor in Council! And the Governor in council scarcely knows the persons concerned; they have to be recommended by local party members of the Action Group.

Mr Speaker, Sir, the point is this: Invariably the chiefs, the artificial chiefs, if I may be more accurate, become—well—they are not exactly stooges but persons who are very, very prone to dance to the tune of the Action Group. And the net result will be this: that the electoral college of Chiefs, which is the competent authority to select members to the House of Chiefs, becomes more or less a one-party affair instead of a group or a college which is capable of selecting a candidate to go to the House of Chiefs, no matter the political leaning of that Chief.

Mr Speaker, Sir, I am very, very serious about this point, because I remember that during the Budget Session—(*Government Benches: You don't look serious*). I could not be more serious, my Friends. I remember that, of the 124 members envisaged, there is not one of them who belongs to a party other than the Government party—I mean the Action Group. The reason for that is not that there are no NCNC chiefs in the Region but because the gadget for selection has been so previously arranged that prospective chiefs who have party leanings other than the Action Group are automatically knocked out, no matter how influential or how good they are in their areas.

Mr Speaker, Sir, I would like to be challenged on that; but I would like to know how many of them are there. There is not one chief who is a member of the NCNC or the NPC. (*Government Benches: What about the Oba of Benin?*).

**The Speaker:** It does appear that the Obas are not interested in party politics. They should not be brought in.

**Mr Rerri:** That advice is sound and, like most pieces of advice from the Speaker, they are not generally taken seriously by the Members on the other side. I am therefore warning Members on the other side to think seriously about that advice and not allow our chiefs to take part in party politics. As I said before, for there to be a properly constituted House of Chiefs in which all the Members belong to one party, the net result is that the essence of democracy—constructive criticism—is ruled out, and that is the objection which I have to this Bill.

The other point, Mr Speaker, is this. On the Second Schedule, we find four Constituencies: Central Urhobo East, Central Urhobo West, Urhobo East II and Urhobo West I. In these Constituencies—I will confine myself to where I come from, of which I have detailed knowledge, and that is Urhobo Division—the hon. Minister of Midwest Affairs, Mr J. E. Obo, knows as much as I do that there is a well-established traditional method of arriving at our Chiefs, be they the village Chiefs or the traditional Chiefs, as described by the Chiefs Law of the Region. Now, in the old House of Chiefs, we knew how members were selected into that House. The machinery of selection has not been dismantled. It is therefore a matter that puzzles the Opposition that, without dismantling the old machinery, we suddenly find that Chiefs are being manufactured. These Chiefs now being manufactured are prototype, and the result of what they are going to produce is a foregone conclusion; and that is why we, on the Opposition side, are opposing the present Bill because it has not the respect our tradition in Urhobo has for it. Why, for instance, was the Chief representing Urhobo West I not selected before now, when in fact the machinery whereby a Chief was elected to the old dissolved House still exists, and why also was there difficulty in Government stepping in and thrashing out chieftaincy disputes in Urhobo Division when there has been a law on this?

Now, Urhobo Division has its own ways of arriving at its Chiefs. If we want Chiefs to represent that Division in the House of Chiefs, it is only proper that this House should give all the respects that that Division has deserved, namely, to allow the people to use their traditional methods of arriving at their Chiefs.

Mr Speaker, Sir, what I am saying is this, that the members who ought to form this college ought to be selected by the people themselves, so that when they meet as they



[MR RERRI]

did meet in the past, to select members to the House of Chiefs, the selection would be entirely their own business and not that of any local party member pointing hands at A, B, or C, and saying "You have been gazetted as a Chief". They are no Chiefs.

Incidentally, Mr Speaker, there has been quite a move of late for persons whose fathers were no Chiefs, and who have no Chieftaincy titles in their family, to make curious moves to get themselves recognised as Chiefs. As I said, this is my Region, so that, Mr Speaker, the object given at the end of the Bill, namely, that the Bill seeks to amend the Western House of Chiefs Regulations, 1960, which is an "existing law" of the Region by virtue of section 3, is unnecessary. It is not necessary to effect such an amendment by a Law enacted by the Legislature of the Region. My objection, Mr Speaker, is that we should not make the issue an artificial one.

Mr Speaker, Sir, I beg to oppose.

**Mr W. Aghahowa:** I rise to associate myself with the last speaker in his views. The House of Chiefs is not a political institution, but the Government of this Region has turned the whole thing into a political institution. If the Government maintains that it has equal opportunities for every member of the community of this Region, I wonder why this has not taken place earlier than now?

Mr Speaker, Sir, I oppose.

**Mr T. E. Igugu:** Mr Speaker, Sir, I align myself with the previous speakers on this side of the House. This Bill, Sir, is being designed to oppress the NCNC Chiefs.

Mr Speaker, Sir, I wish to make a few points on this matter. In fact, there is nothing wrong in making provisions for Chiefs who have not already come to the House of Chiefs to come to the House of Chiefs. My fear is this, that the Government might use it as a weapon to overthrow the senior Chiefs in the area and perhaps manufacture some chieftaincy titles and bring them into the House of Chiefs. For instance, Sir, in Urhobo Division, Chieftaincy titles vary from area to area and from clan to clan. You have the Ovie as the Senior Chief in Urhobo Division. In Ughelli clan, for example, the Ovie is the senior chief in the area, and the Oghovbori is the junior Chief. In the case of the Ovie, who is the senior chief in the area, he should be given priority in the selection.

Mr Speaker, Sir, already there is a rumour in the area where I come from that some minor Chiefs in the area are among members selected into the House of Chiefs. Mr Speaker, what I am trying to say is this, Sir: we want to be assured by the Government that this Bill will not be arbitrarily used. What we need is that the unity and welfare of this Region should be a matter which the Government should think of first and foremost. The Government should not allow itself to be led by local politicians.

In conclusion, Sir, I appeal to the Government Bench to search their hearts and ask God for the retouching of their souls so that justice and fairplay by this Government might be the order in this Region. I appeal to the Government to see to it that the present wave of disorder in this Region is constitutionally wiped out. I appeal to those on the Government Bench who are responsible for the misuse of this legislation to ask God for the retouching of their souls.

**Mr P. K. Tabiowo:** Mr Speaker, Sir, I rise to speak on the Bill now before the House. I rise to do so in view of my position as the Member for Urhobo Central. I have no objection to the process by which Government is trying to recognise chiefs in the areas where they have not been before, in order to bring them into line with their counterparts in other Divisions in the Region, in the House of Chiefs. It has often been said that we do not give recognition to chieftaincy titles. Mr Speaker, Sir, there is nothing farther from falsehood than that. It has often been said that those in the Central Urhobo District were the chief obstacles in selecting chiefs in the District to represent them in the House of Chiefs. That is also not correct. What I wish to tell Government is this: due care should be taken in the process by which these Chiefs will be recognised; to see to it that the right type of people are duly recognised. They know much about it.

I say, Sir, that in the process of recognising these people, due consideration should be given, and care should be taken that Government should not do things in a rush or do so through the back door. By doing this representations are bound to be made to the Minister responsible for Chieftaincy Affairs in respect of the recognition of chieftaincy titles in the Central Urhobo District. We do realise that there are natural title holders and that, in due course, the process by which title holders should be selected will be forwarded to the Government.

**The Minister of Local Government (Alhaji D. S. Adegbenro):** Mr Speaker, Sir, I am very much grateful to the last speaker for having taken the floor of the House in the way he did. All the speakers and Members from Aboh Division and Benin Division have all been got out of this Debate because they know that it is unnecessary to dabble in a Debate of this kind. Unfortunately, this has not been the case with Urhobo Central Division.

For quite a long time now, we have been having a lot of trouble with trying to get the right type of chiefs in Urhobo Division, but there have always been difficulties in recognising them. We have always found ourselves not at ease in selecting these chiefs as a result of too many chieftaincy title holders in Urhobo Division. I am sorry to say, Sir, that people from the Midwest can bear me out that, excepting Isoko District, they have always claimed that they are not Urhobos. They have made it quite clear to us that they are not Urhobos and would therefore like to be separated in the House of Chiefs. If therefore there have not been any chiefs in the Western House of Chiefs from Urhobo Division, the fault is theirs because, at that time, there was no properly established custom. We have now considered it necessary that this Law should rectify this, particularly in Urhobo Division, by amending the Chiefs Law of 1957 by inserting Part 3 (a) of the Chiefs Law, so that the competent council in that area will be empowered to make proposals to the Minister of Chieftaincy Affairs which will be considered by the Government with a view to recognising those chiefs who are recommended by the competent councils.

We are now being told not to rush things but, for the past two years, the chairman of the council has not been able to tell us who and who should represent them. We are now bringing this Bill to allow the people themselves to tell the Government who and who should be chiefs, Ovies, Okakuros—*(Laughter)*.

Mr Speaker, Sir, I think all the members from Urhobo Central will support this Bill. I sympathise with them that they have not been able to take their proper place in the scheme of things.

**Mr Tabiowo:** Mr Speaker, Sir, you know that there is no council which is in authority that can interfere in chieftaincy matters. In respect of Part 3 there has not been any authority in respect of the Central Urhobo Council, and we are in the process of

forwarding declarations to the Minister for Chieftaincy Affairs about this.

**Mr D. E. Okumagba:** Mr Speaker, Sir, I rise to oppose this Bill because chiefs everywhere in the Region should be expected to be the leaders of their people. As regards the method of selection as proposed by the Government, any method that is unsatisfactory in ascertaining the wishes of the people is in no way democratic. In the Bill we have found that in the fourth column of the Second Schedule, it is the intention of the Government to see to it that traditional chieftaincy title holders are selected into the House of Chiefs. One would expect to find in this Bill that the proposed method of ascertaining the wishes of the people should be invested in various committees.

The Minister of Local Government has just explained that it appears that in Urhobo Division it is difficult to find out the traditional method of selecting chiefs, and other things. It is interesting to note that there is no satisfactory method of selecting chiefs in the Bill. If you have found the remedy, then you should make it known to us. The method of selecting these chiefs should have been left to the elected representatives of the people. If it is true that the Council was asked to do so only a few months ago, what is then the necessity for rushing to Parliament to get this Bill passed? As Members of the House of Assembly we have always been told that it is in the interest of the people to appoint chiefs to the House of Chiefs. There should be no hypocrisy in the appointment of those chiefs. They are the people with the mandate to appoint the chiefs who should represent their people.

*Question put and agreed to.*

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

*Bill immediately considered in Committee.*

*(In the Committee.)*

*Clauses 1 to 4 agreed to.*

*First Schedule.*

**Mr Ighodaro:** Mr Speaker, Sir, I beg to move that, immediately after "regulation 7" under the First Schedule, the following "regulation 9" should be inserted: "Delete the words 'The Governor shall appoint such Electoral Officers as he may consider necessary' and substitute therefor the words 'The Public Service Commission shall appoint such Electoral Officers as may be necessary.'"

for

*Amendment proposed.*

**ADJOURNMENT**

*Amendment put and agreed to.*

*Motion made and Question proposed, That the House do now adjourn sine die.— (Chief J. A. O. Odebiyi).*

*First Schedule, as amended, agreed to.*

*Question put and agreed to.*

*Second Schedule agreed to.*

*Resolved: That the House do now adjourn sine die.*

*(Mr Speaker resumed the Chair.)*

*Bill reported with amendments, read a Third time and passed.*

*Adjourned accordingly sine die at 8.06 p.m. pursuant to the resolution of the House this day.*

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APPENDIX

WRITTEN ANSWERS TO QUESTIONS

EDUCATION

**Minimum Requirements for Secondary Grammar Schools**

10/103. **Mr J. O. Kehinde:** To ask the Minister of Education what are the minimum requirements to be met before Government can approve the establishment of a Secondary Grammar School in the Region.

*Answer—*

**The Minister of Education:** The following are the conditions which are still current and which must be satisfied:—

(i) The proposed school must be educationally necessary having regard to the existing educational facilities in the area concerned.

(ii) The proprietor must have a valid title to the land on which the school is to be situated.

(iii) The site must be approved by the Medical Officer of Health or his representative.

(iv) A suitably qualified Principal and another pivotal teacher must be immediately available without depriving any existing institution of essential staff.

(v) Sufficient capital of at least £4,000 must be immediately available to carry out recognised expenses of the proposed school. The School will not be grant-aided until its fourth year of successful establishment.

**Discrepancies in Secondary School Building Grants**

10/178. **Mr S. T. Adelegan:** To ask the Minister of Education why there are discrepancies in the Secondary School Building Grants for elder and younger Secondary Schools, and whether the differences could be equitably adjusted.

*Answer—*

**The Minister of Education:** The question itself is not very clear, but it is presumed that the Hon. Member seeks to know why Secondary Grammar Schools established prior to 1956 attract a higher level of building grants than those established subsequent to that period.

Up to 1956, the maximum building grant paid to Secondary Grammar Schools was £15,000. As from January 1957, the amount has been reduced to £10,000. The Ministry of Education is continually reviewing School building plans and construction with a view to making them cheaper and more efficient. Simpler building plans have since been evolved and it is now possible to construct less expensive buildings than before. Since building grants which are given by Government represents only 50 per cent of the estimated costs of these buildings, the process of reducing building costs must materially assist Proprietors in establishing Secondary Grammar Schools.

Further, the rate of the expansion of Secondary Grammar Schools since January 1957 makes it essential to review building grants if an undue proportion of Government resources is not to be disbursed on buildings. The Regional Advisory Board of Education, in view of the rapid expansion of Schools and the fact that cheaper buildings can now be produced, recommended that the maximum grant for new Schools be reduced to £10,000 as from January 1957.

**Delays in Payment of Allowances to Headmasters and Inspectors**

10/204. **Mr P. V. Okwesa:** To ask the Minister of Education why there has been a delay in the payment of the Headmaster's Allowance, 1960 and the transport and out-of-pocket expenses to special Inspectors who carried out certain inspections during October, November and December 1960 for the purpose of Primary School grading.

*Answer—*

**The Minister of Education:** Until recently, Headmasters of Primary Schools have received annual responsibility allowances at varying rates. In order to reflect the need for higher standard in Primary schools and to offer greater financial reward to Headmasters who merit them, the existing system has been changed. Headmasters' Responsibility and Efficiency allowances are now based on the results of inspections conducted by this Ministry. After

each inspection, during which a number of factors are taken into consideration, schools are graded (A), (B), (C), and (D) and paid a new rate of allowance which was retrospective from 1960.

Payments of Headmasters' allowances at the old rates were made to Secretaries to Bodies Managers, Supervisors and Proprietors in October 1960 but instructions were issued subsequently stating that disbursement to individual Headmasters should not be made pending the results of the first inspection then being conducted. The mass inspection which was later conducted took three months and it was completed only by the end of the last financial year, 1960-61. Headmasters' allowances were therefore paid after the results were known. The claims by special Inspectors came in instalments and could not therefore be met in the financial year and these were paid early in the new financial year of 1961-62.

**Custody of Expenses Grants**

10/205. **Mr P. V. Okwesa:** To ask the Minister of Education whether Government would consider the advisability of leaving other Expenses Grants in the hands of Headmasters rather than in the hands of Secretaries to the Body of Managers who tend to misappropriate the funds for their individual interests.

Answer—

**The Minister of Education:** Under the Grants-in-Aid Regulations, the Body of Managers is legally responsible for the proper disbursement of "Other Expenses" grants. In view of this, Managers must continue to exercise control over these grants. My Ministry is taking all action to ensure that allegations of irregularity are investigated and to see that these grants are spent for the purpose for which they are provided.

**Considerations for the Appointment of "School Supervisor"**

10/220. **Mr A. Ajibola:** To ask the Minister of Education whether he would consider it advisable that appointment to the post of "School Supervisor" should be based purely on "merit" and that the post should be given a Special salary Scale so as to give encouragement to holders of such post in the Voluntary Agency and Local Authority Schools.

Answer—

**The Minister of Education:** The appointment of Supervisors is made by Voluntary Agencies and Local Education Authorities and approved by me. My Ministry has always ensured that persons appointed as supervisors are qualified and suitable in other respects. The question of a special salary scale does not arise as the post of voluntary agency supervisors is being abolished as from 1st April, 1962.

**Comparative Primary School Passes into King's College, Lagos**

10/254. **Mr S. Onasanya:** To ask the Minister of Education to state how the number of passes from our free primary schools in the Western Region into King's College, Lagos compare with those from other Regions (including the Federal Territory of Lagos) in 1960.

Answer—

**The Minister of Education:** The total number of boys from all the Regions of the Federation of Nigeria (including the Federal Territory of Lagos) who took the examination for entry to King's College, Lagos, in 1960 is 3,580. Fifty-nine of these were successful in gaining admission to the College. This number is divided among the Regions as follows:

Region	No. of Candidates gaining Admission to King's College
Federal ...	22
Western Nigeria ...	13
Eastern Nigeria...	14
Northern Nigeria	10
<b>Total</b> ...	<b>59</b>

### Secondary Grammar Schools in the Region

10/255. **Mr S. Onasanya:** To ask the Minister of Education to state how many Secondary Grammar Schools existed in the Region in 1951 and to indicate what the number is at the present time.

*Answer—*

**The Minister of Education:** In 1951, there were forty-two Secondary Grammar Schools. In 1961, there were 177 and another fourteen have been approved to open in 1962.

### Introduction of Commercial Subjects in Secondary Modern Schools

10/256. **Mr S. Onasanya:** To ask the Minister of Education to say how soon would commercial subjects like Shorthand, Typewriting, Book-keeping, etc., be introduced into the Secondary Modern Schools.

*Answer—*

**The Minister of Education:** The introduction of commercial subjects into the Secondary Modern Schools has already started. In 1958, we received assistance from the International Co-operation Administration of the United States Government to establish a special course for the training of commercial subjects teachers for Secondary Modern Schools and the first products completed their course in 1960 and started work in about thirty schools in January 1961. The course is still being run and additional teachers completed their courses in 1961.

To assist the Secondary Modern Schools which are conducting these commercial subjects, special grants of £600 each were made to twenty-six schools for furniture and equipment in respect of these courses.

### Payment of Hardship Allowances to Teachers

10/267. **Mr C. O. Olamigoke:** To ask the Minister of Education whether Government would consider paying hardship allowances to teachers situated in very difficult and inaccessible areas in the Western Region particularly in the Creek areas in Okitipupa Division.

*Answer—*

**The Minister of Education:** No Sir. Government does not intend to pay any such allowances. It is unprecedented in Government's planning and disbursement of public funds.

### Equipment of Schools in Rural Areas

10/268. **Mr C. O. Olamigoke:** To ask the Minister of Education whether he is aware that many schools in rural areas in this Region are still ill-equipped and also to state what are the possible remedies.

*Answer—*

**The Minister of Education:** I am aware that many schools are not as well equipped as they should be having regard not only to the size of grant which we pay for equipment but also to the efficient administration of these grants. However, the whole question of the administration of grants for equipment is under active consideration and some of the decisions will begin to produce results in the new year in the form of more efficient administration and a slightly different system for the payment of these grants.

### Voluntary Agency Supervisors in the Region

10/305. **Mr A. A. Babayemi:** To ask the Minister of Education to state the number of Voluntary Agency Supervisors in the Western Region.

*Answer—*

**The Minister of Education:** The number of Voluntary Agency Supervisors in 1961 was 142.

### Grading of Voluntary Agency School Supervisors

10/306. **Mr A. A. Babayemi:** To ask the Minister of Education whether Government would consider a Special Scale of Salary, preferably that for Executive Officers, for Supervisors of Voluntary Agency Schools in view of the tremendous responsibilities that devolve upon this class of workers.

*Answer—*

**The Minister of Education:** No Sir. The question of a special salary scale does not arise as the post of Voluntary Agency Supervisors is being abolished as from 1st April, 1962.

## WORKS AND TRANSPORT

### Installation of Electricity in Egbedore and Aiyedade

10/183. **Mr Y. L. Ogunyele:** To ask the Minister of Works and Transport when, in view of the increasing development programmes now being undertaken in Nigeria, will the Regional Government instal electricity at Egbedore and Aiyedade.

*Answer—*

**The Minister of Works and Transport:** The question of electricity for the whole Region is engaging the mind of Government. Egbedore and Aiyedade will not be forgotten in the future programme for electricity.

### Contractors for Roads and Buildings

\*10/131. **Mr J. A. Odutuga:** To ask the Minister of Works and Transport the total sum of the contracts awarded by the Regional Government to both the Indigenous and the Alien Contractors respectively for (a) Roads, and (b) Buildings during the financial year, 1960-61.

*Answer—*

**The Minister of Works and Transport:** The total value of the Road and Building Contracts awarded in 1960-61 was as follows:

<i>Roads</i>	...	£344,024 to indigenous Contractors.
		£634,219 to non-indigenous Contractors.
<i>Buildings</i>	...	£1,301,811 to indigenous Contractors.
		Nil to non-indigenous Contractors.

### Provision of Ferry Service for Agenebode and Idah

10/274. **Mr M. A. Idodo:** To ask the Minister of Works and Transport if he would consider the advisability of providing a ferry boat for service on the Niger between Agenebode and Idah.

*Answer—*

**The Minister of Works and Transport:** In view of the fact that the Igala Native Authority maintains an efficient ferry service on the Niger between Agenebode and Idah, and having regard to the comparatively light traffic of vehicles per week being carried by this ferry service, it is not considered advisable to operate another ferry service. The hon. Member may, however, wish to know that the Regional Government gives a grant annually to the Etsako District Council towards the maintenance of the approach ferry ramp.

### Grant of Financial Aid to Benin City Council for extension of Streets and Electricity Services

\*10/313. **Mr E. O. Imafidon:** To ask the Minister of Works and Transport whether the Government would consider the advisability of granting substantial financial aid to the Benin City Council, to improve and to complete the extension of all important streets of Benin and also electricity services.

*Answer—*

**The Minister of Works and Transport:** With regard to the first part of the question, I should say that township roads are the responsibility of the Local Councils and Government does not consider it necessary to make grants towards their improvement or completion.

With regard to electricity services, the hon. Member is reminded that there is electricity in Benin and that the question of its extension is the responsibility of the Local Council concerned. Government does not intend to give grants for this.

### Pipe-borne Water for Igbetti, Kishi, Igboho, Shepeteri, Offiki, etc.

\*10/331. **Mr O. O. Gbolahan:** To ask the Minister of Works and Transport when Igbetti, Kishi, Igboho, Shepeteri, Aha, Offiki and other towns in Oyo North-West 1 Constituency will be provided with pipe-borne water.

*Answer—*

**The Minister of Works and Transport:** Igbetti, Kishi and Igboho are in the 1960-65 Water Supplies Development Programme.

Igbetti has reached an advanced stage of investigation whilst Kishi and Igboho are in the planning stages. Consideration will be given to Shepeteri, Aha, Offiki and other towns in Oyo North-West in future development programmes.

#### **Tarring of Asaba/Ibusa/Ogwashi-Uku/Umunede Road**

10/339. **Mr F. H. Utomi:** To ask the Minister of Works and Transport to state when the tarring of the thirty-four mile Asaba-Ibusa-Ogwashi-Uku-Umunede road which is an officially recognised route for transport allowances will be completed.

*Answer—*

**The Minister of Works and Transport:** The tarring of the Asaba-Ibusa section of the road has been completed. It is hoped that the tarring of the Ibusa-Ogwashi-Uku-Umunede section of the road will be included in a future Road Development Programme.

### **AGRICULTURE AND NATURAL RESOURCES**

#### **Methods for the improvement of Agricultural Products**

167/60. **Mr V. I. Amadasun:** To ask the Minister of Agriculture and Natural Resources to state the methods which the Agricultural Department of Western Nigeria has discovered in the improvements of the quality and yield of agricultural products in Western Nigeria.

*Answer—*

**The Minister of Agriculture and Natural Resources:** The Ministry of Agriculture and Natural Resources has not discovered any method of improving the quality of yield of Agricultural products in the Western Region which is different from that which is normally used in all agricultural countries and which consists of the conduct of research, using various scientific techniques.

The techniques employed vary according to the biological characteristics of the crop to be improved. In some cases, mere selection of individual plants of known high yielding characteristics and the multiplication of the seeds of such plants might produce the improvement required. In other cases, actual breeding involving the crossing of various parents whose characteristics are required to be mixed may be necessary. In some other cases both selection and breeding have to be combined to effect an improvement.

To go into the detailed techniques of plant improvement for all crops will be taking the hon. Members into the realms of plant breeding which will take very many days to cover, and the best place for which will be a School of Agriculture.



# INDEX

(to Omnibus Issue No. 27)

## ABBREVIATIONS

1R, 2R, 3R = read First, Second, Third time.

Am = Amendment

M = Motion

Com. = Committee

Q = Question

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